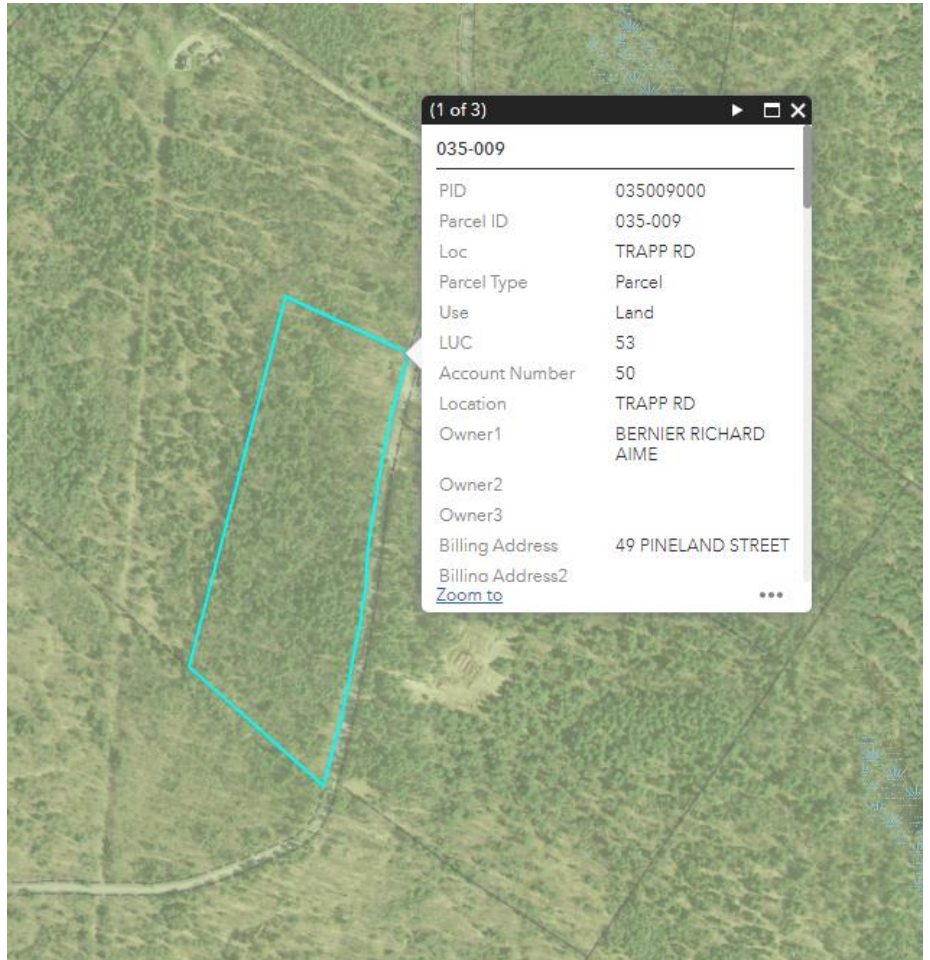


To: Auburn Planning Board
From: Katherine Cook, Planning Coordinator
Re: Staff Report on Proposed Woodland Conservation Cemetery at Parcel I.D. 035-009

Date: September 12, 2023

I. **Public Hearing/ Site Plan Review/ Special Exception:** Life Forest Management Company in Partnership with Whistle Ridge Farm are proposing a conservation cemetery for the burial of cremains on Trapp Road shown on Auburn’s GIS system as Parcel I.D. 035-009. No buildings are a part of this proposal, and all practices will be in line with accepted conservation standards. This item is pursuant to Chapter 60, Article IV, Division 2- Agriculture and Resource Protection District, Chapter 60, Article XVI, Division 2-Site Plan Review, and Chapter 60, Article XVI, Division 3- Special Exception.

II. **Background:** Life Forest is proposing a conservation cemetery offering woodland burial of cremains. Woodland burials are located several feet off the small trail shown in the site plan and are meant to keep the land in an unaltered state. The proposal is to use existing trails from past logging, and not construct new trails except to improve the existing path with bog bridges, etc. The proposed conservation cemetery will also meet the state requirements listed in Maine Cemetery Law 13 § 1306.



Veterans Burials Responsibilities: MRS Title 13, Chapter 83 Cemetery Corporations, §1101 Maintenance and repairs; municipality, requires that a municipality, cemetery corporation or cemetery association operating a public burial ground, in collaboration with other interested parties “keep the grave, headstone, monument or marker designating the burial place of any veteran of the

Armed Forces of the United States in that public burying ground in good condition and repair from May 1st to September 30th of each year.” The statute allows municipalities to adopt their own standards detailing how to maintain the graves, grass and headstones. Life Forest at Whistle Ridge will be a public cemetery, and open to veterans. As such, they provide a Veteran Burial Release Form asks the veteran or their representative to acknowledge that these maintenance responsibilities were designed for cemeteries with full body burials, mowed grass and monuments, and that the requirement to remove fallen tree limbs, clear underbrush, and other maintenance responsibilities does not apply to a Conservation Cemetery, which is designed perpetually remain in its natural state. The Veterans Burial Release Form states that “the expectation is that legal access to a burial plot will always be maintained, however, maintenance of the site differs vastly from non-conservation cemeteries expectations.” Sec. 60-2 of Auburn’s Code of Ordinances defines a Conservation Cemetery as “a type of natural cemetery that includes a conservation management plan that upholds best practices and provides perpetual protection of the land according to a conservation easement or deed restriction...”. As such, the Waiver lifts any possible future maintenance responsibility falling onto the City or the State.

III. Site Plan Review: Sec. 60-1277. – Objective requires that in considering a site plan, the planning board shall make findings that the development has made provisions for the following considerations. We have addressed each consideration in bold text.

(1) Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air; **Life Forest at Whistle Ridge proposes a low-impact use with a small parking area consisting of four spaces constructed from crushed gravel, and a four foot by six-foot sign, contingent on receiving a sign permit, and no illumination.**

(2) Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas: **Trapp Road experiences little traffic and provides adequate site distance from the parking area. Next to the parking lot will be an accessible burial grove which will be in line with the USDA National Forest Service Guidelines for accessible parking and common areas.**

(3) Adequacy of the methods of disposal for wastes: **There will not be waste production or disposal on site.**

(4) Protection of environment features on the site and in adjacent areas. **The Woodland Conservation cemetery will consist of a series of level, dirt paths that will be 6 feet wide and will utilize existing paths from past forestry and will install bog bridges where the path crosses a wetland, to mitigate pedestrian impact and preserve the integrity of the trail and the surrounding natural area. The applicants have reviewed their plan and all materials used in the burials and have received affirmation from Maine CDC.**

IV. Staff Review: The applicant has addressed all staff concerns.

- **Planning and permitting** sought a Legal opinion from attorney on city’s responsibility in the case of a veteran burial and produce waiver for city’s responsibility to maintain that individuals can sign re: their own or loved one's internment. The state and the applicant have together provided the requested opinions and waivers. Staff also noted that cemetery approval requires state approval, including nonprofit status and approval from the Maine CDC. The applicant has

been in contact with the Subsurface Wastewater Unit at the Drinking Water Program of Maine CDC, and Maine Vital records. They have secured or are securing all necessary approvals. Staff also asked for soil and wetland delineation. The plan indicates wet areas, which staff considers to be wetlands. These areas are indicated on the plan, and where the existing path crosses any of these areas, the applicant will install a bog bridge. There is no proposed fill. Total path intersection of the wet areas will not exceed 4,000 square feet, or 8% of the proposed total conservation trail with no

- wetland impacts anticipated. The applicant provided a supplemental indicator of soil types. The applicant responded to the comment to narrow the entry way proposing the width be 20 feet, and show a paved apron, crushed gravel, and an accessible burial area next to the parking area.
- **Police:** No comment.
- **Fire:** No comment.
- **Auburn Water and Sewer District:** No comment.
- **Engineering:** No comment.

V. **Suggested Findings and Staff Recommendation:** Staff recommends that the Planning Board hold a public hearing and review this project pursuant to Article IV, Division 2-Agriculture and Resource Protection District, Chapter 60, Article XVI, Division 2-Site Plan Review, and Chapter 60, Article XVI, Division 3- Special Exception. Staff recommends that the Board approve this conservation cemetery. A determination from the Planning Board that the project meets the conditions laid out in Sec. 60-1336 could constitute possible findings of fact.

Life Forest at Whistle Ridge has met the following conditions in Sec. 60-1336:

- (1) That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception.
- (2) That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard.
- (3) That the special exception sought will not block or hamper the master development plan pattern of highway circulation or of planned major public or semipublic land acquisition.
- (4) That the exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of property adjoining and neighboring the property under application.
- (5) That reasonable provisions have been made for adequate land space, lot width, lot area, stormwater management in accordance with section 60-1301(14), green space, driveway layout, road access, off-street parking, landscaping, building separation, sewage disposal, water supply, fire safety, and where applicable, a plan or contract for perpetual maintenance of all the common green space and clustered off-street parking areas to ensure all such areas will be maintained in a satisfactory manner.
- (6) That the standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the city building code and by the provisions of this chapter.
- (7) That essential city services which will be required for the project are presently available or can be made available without disrupting the city's master development plan.

- VI. **Suggested Motion:** I make a motion to approve the proposed conservation cemetery at Parcel I.D. 035-009, as described in the materials provided for this hearing, with the following **conditions:**
1. The Conservation Cemetery shall only bury cremains, and no full-body burials will occur at the site.
 2. Construction of Bog Bridges for all wetland crossing.
 3. All required State approvals include CDC and Vitol Records.
 4. City Engineering to inspect paved apron.