



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

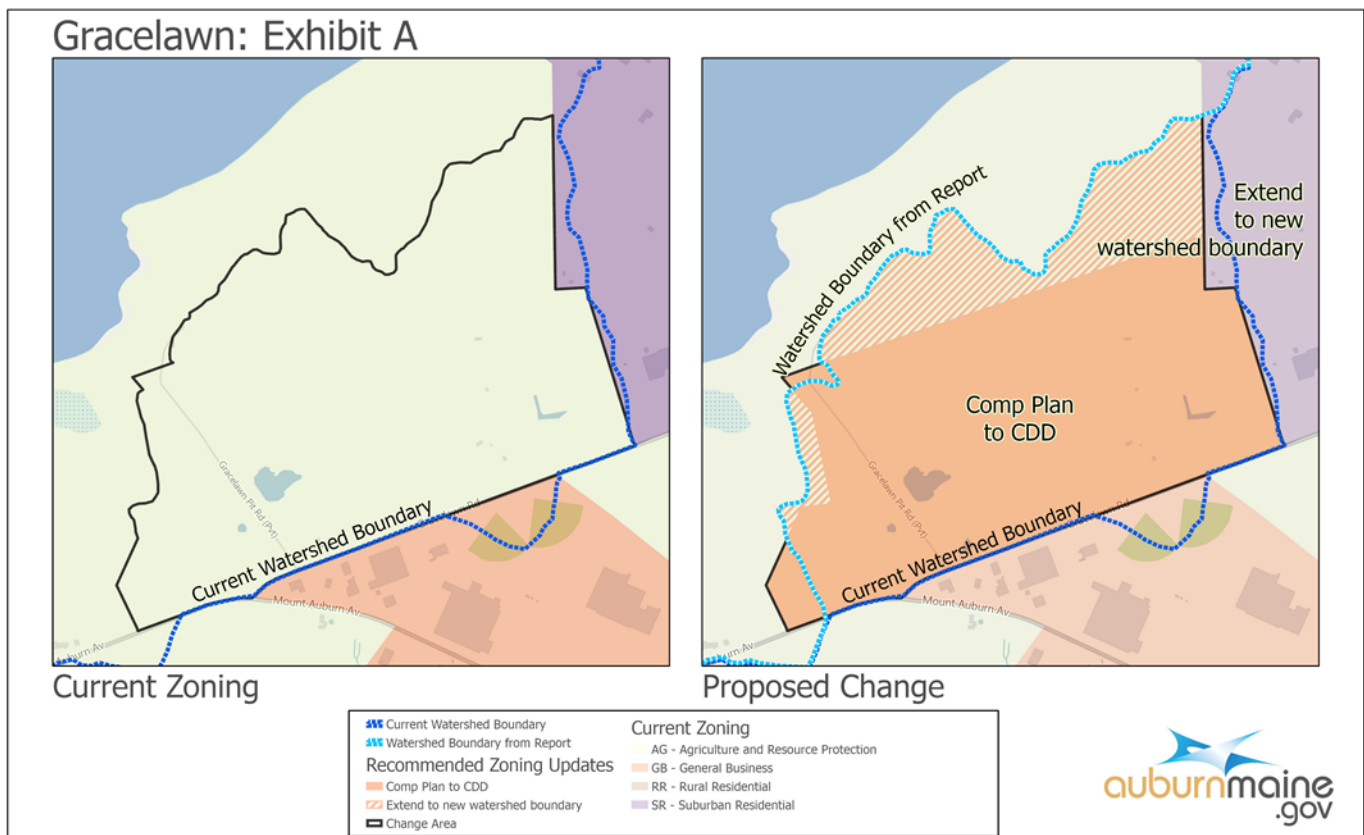
60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

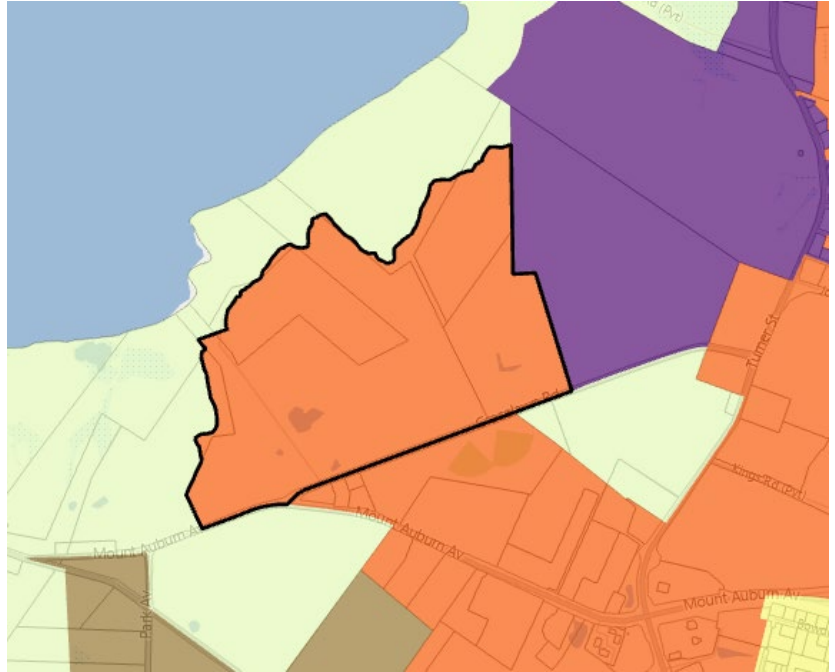
To: Auburn Planning Board
From: Eric J. Cousens, Director
Re: Gracelawn Area Zoning change AGRP to GB and Watershed District Zoning Boundary amendment from the 2021 Updated Comprehensive Plan

Date: February 8, 2022

PROPOSAL: Gracelawn area; The Comprehensive Plan recommends adjusting the zoning boundary to allow for reuse of the Gracelawn Gravel Pits for development where they no longer drain to Lake Auburn and shows about 111 acres proposed for the change. The Lake Auburn Study analyzed this further and recommends removing 148 acres from the Watershed based on topography and ground water data. Approximately 37 acres are not shown as Commercial Development District (CDD) in approved FLU mapping because the approximate boundaries for the conceptual change were conservative and were developed before the Lake Auburn Study was completed. We knew a majority of the land was not draining to the lake but the study identified a larger area draining away from the lake and the council approved utilizing the Auburn Lake Watershed Study as part of the Comprehensive Plan Updates. In that study they suggested moving the watershed boundary to match the actual drainage area boundary. From that, we are suggesting moving the proposed CDD boundary out to match the new watershed boundary for a total of 148 +/- acres. (See Below Exhibit A.)



Our Comprehensive plan uses some different nomenclature than our existing ordinance for different district names. One goal of the plan updates is to reduce the number of zoning districts by combining similar districts over time. Staff contemplated creating a new district titled CDD as part of this change but instead we recommend moving the existing boundary of the General Business District to include the referenced 148 acres shown on the map. The excerpt below from the Comprehensive Plan provides a description of the CDD. This will make the boundary adjustment to the localized area and leave the combining of the GB and GBII districts for a future discussion without creating and additional zoning District in the interim. As you can see the CDD text recommendations will eventually combine the two districts and will require notification to the entirety of the GB and GBII zoning districts and a public hearing to discuss that as a future separate item.



COMMERCIAL DEVELOPMENT DISTRICT (CDD)(Excerpt from Comprehensive Plan)

Objective – Allow for the development of a wide range of uses including those that involve the sales of motor vehicles and/or that generate significant truck traffic. The district will allow for both existing and new residential use at a density of up to 16 units per acre.

Allowed Uses – The Commercial Development District generally follows the boundaries of the General Business and General Business II (Minot Avenue) Zoning Districts, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed in the General Business Development District:

- *Low and High Residential Density Uses*
- *Retail uses including large-scale uses (>100,000 square feet)*
- *Personal and business services*
- *Business and professional offices*
- *Medical facilities and clinics*
- *Restaurants*
- *Hotel, motels, inns, and bed & breakfast establishments*
- *Low and High-Density Residential Uses*
- *Community services and government uses*
- *Research, light manufacturing, assembly, and wholesale uses*
- *Truck terminals and distribution uses*
- *Contractors and similar activities*
- *Motor vehicle and equipment sales*
- *Motor vehicle service and repair*
- *Recreational and entertainment uses and facilities*

Development Standards – The City’s development standards for the Commercial Development District should provide property owners and developers flexibility in the use and development of the property. The standards should include provisions to manage the amount and location of vehicular access to the site, minimize stormwater runoff and other potential environmental impacts, require a landscaped buffer along the boundary between the lot and the street, and provide for the buffering of adjacent residential districts.

The current proposal also includes an adjustment of the Lake Auburn Watershed District Zoning Overlay to match what science has shown us to be the actual drainage boundary to the physical Lake Auburn Watershed. The revised boundary is shown as a blue line in the map on the previous page titled Proposed Change. A copy of the Lake Auburn watershed Study Pages recommending this change is attached. The Lake Auburn Watershed Boundary is defined in our ordinance as follows:

Sec. 60-951. Boundaries and definitions.

The Lake Auburn Watershed District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the city water district on file in the office of the city water district, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed District.

The district, by definition, should match the actual drainage boundaries and we now have information that confirms that the existing Watershed District Map includes land that does not drain to the Lake.

PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff suggests a planning board discuss the proposals and hold a Public Hearing on February 8, 2022. Staff then recommends that the Board forward a positive recommendation to the Council supporting the proposed changes, 1: That the Lake Auburn Watershed Overlay Zoning Boundary be adjusted as shown in the Lake Auburn Watershed Study (and on the attached Map); and 2 that the General Business Boundary be adjusted to include the 148 acres shown on the map based on the following findings.

SUGGESTED FINDINGS AND REASONS:

1. The 2010 and now the 2020 Comprehensive Plan recommend expanding the Commercial zoning in this area to include the area proposed on the map with a minor difference to follow existing property boundaries. This can be accomplished without creating a new district by using the existing General Business Zone.
2. The two small areas inside the watershed will be required to drain internally (out of the watershed) or meet phosphorus control standards.
3. The current Boundary of the Lake Auburn Watershed District Overlay Zoning Boundary has been shown to be different than the actual drainage boundary based on the Lake Auburn Watershed Study’s analysis of topography and groundwater movement in the area and should be adjusted as proposed to match the physical drainage boundaries of the watershed.
4. The proposal can be implemented without detriment to Lake Auburn and is recommended by the Comprehensive Plan.

3 Analysis of Environmental Impacts

This section analyzes the environmental impact of various development and water quality scenarios for the Lake Auburn watershed. The analysis uses a well-documented watershed model paired with in-lake empirical formulas to predict water quality outcomes under each future scenario. This section also reviews recreational threats and opportunities, current forestry practices, and LAWPC's land conservation strategy.



Photo Credit: Sun Journal

Water Quality Modeling

Boundary Change

Based on hydrogeologic studies (E.C. Jordan Co., 1990; Woodard & Curran, 1995; Summit Environmental Consultants, Inc., 2007) of the sand and gravel operations and former City of Auburn landfill along Gracelawn Road, a portion of the existing watershed area was determined to flow away from Lake Auburn in a southerly and easterly direction (Figure 3-1). Groundwater flow studies around the sand and gravel operations showed groundwater flowing south to an unnamed brook in a ravine just south of Mt. Auburn Avenue that flows to the Androscoggin River. Previous analyses of groundwater monitoring well data around the landfill showed low and diminishing levels of leachate indicators on the lakeside compared to increasing levels on the south side away from the lake. The combined properties with sand and gravel operations owned by CLH & Sons, Inc. and Get Er Done, LLC cover 115 acres in the southern portion of the Lake Auburn watershed and are bounded to the north by Lake Auburn and a LAWPC-owned parcel, to the east by a Central Maine Community College-owned parcel, to the south by Gracelawn Road, and to the west by a LAWPC-owned parcel. Based on review of the groundwater contours and 2-ft surface contours, the proposed watershed boundary reduces the watershed area by 148 acres,

possibly reducing the original CEI, Inc. (2010) total phosphorus load to Lake Auburn by about 44 kg/yr.

Baseline Model Run

The baseline or “existing conditions” model run was performed using the revised version of the ArcView Generalized Watershed Loading Function (AVGWLF): MapWindow Version 4.6.602 and MapShed Version 1.5.1, available online through the Stroud Water Research Center’s Wiki-Watershed. Following MapShed documentation, model files were prepared for input and processing to generate watershed nutrient loading estimates by sub-basin. These sub-basin nutrient loading estimates were run through a simplified version of the Lake Loading Response Model (LLRM) (AECOM, 2009) to account for sub-basin water and nutrient load attenuation, other water and/or nutrient sources such as atmospheric deposition, internal loading, and septic systems, and in-lake factors such as pan evaporation and annual withdrawal for drinking water. The net water and nutrient loads, along with calculated lake characteristics, were used in several well-known empirical formulas to estimate the in-lake total phosphorus concentration of Lake Auburn.

A summary of inputs and assumptions is provided below. Refer to supplemental model documentation for more detail (available through the City of Auburn).

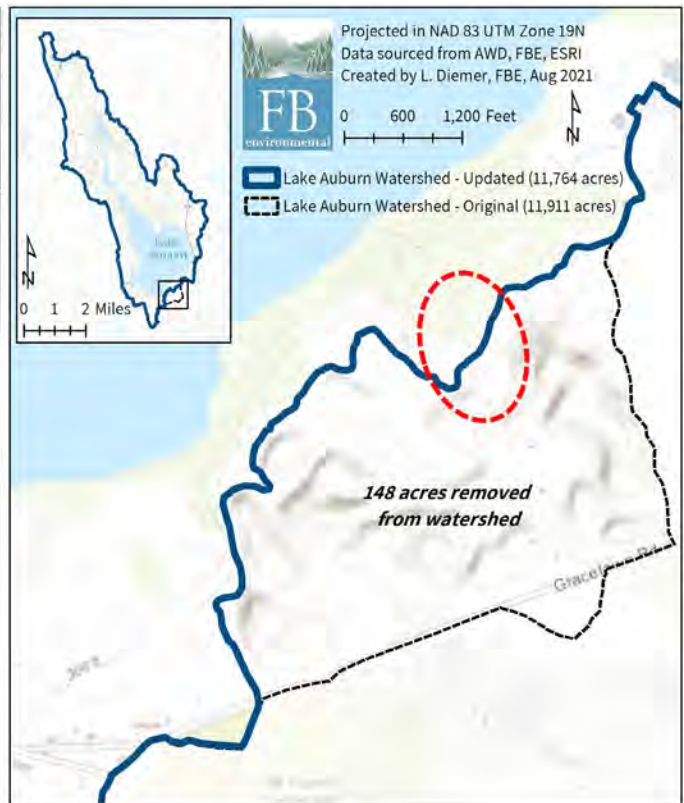
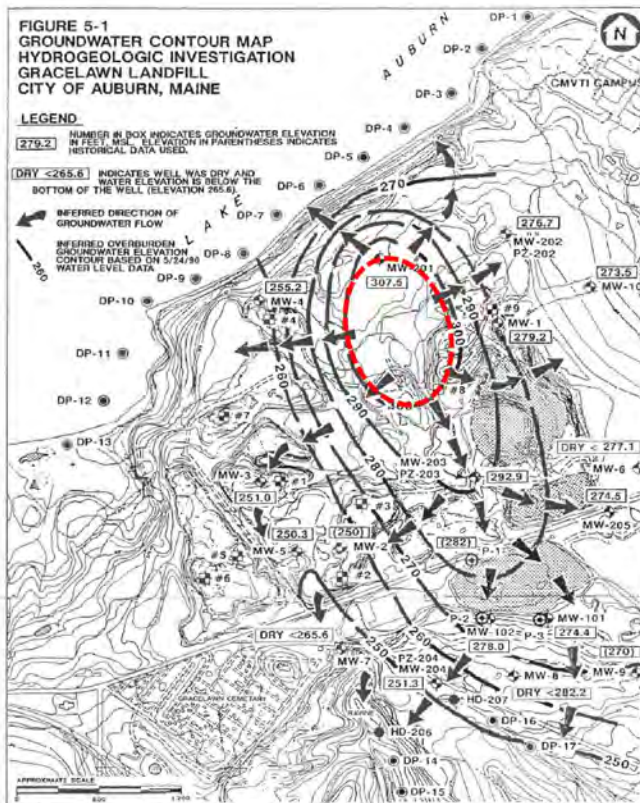


Figure 3-1. Map of groundwater contours developed by E.C. Jordan Co. (1990) (left) compared to map of updated watershed boundary (right). The dotted red circle is provided for ease of reference between the two maps.

DIVISION 12. GENERAL BUSINESS DISTRICT

Sec. 60-498. Purpose.

This district is intended to include commercial uses serving both the city and the region, together with normal accessory uses compatible with a cohesive and attractive shopping and office area.

(Ord. of 9-21-2009, § 3.62A)

Sec. 60-499. Use regulation.

(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Wholesale bakeries.
- (12) Retail laundries and dry cleaners, but not plants.
- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Warehouses, wholesale offices, salesrooms and showrooms.
- (18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.
- (19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (20) Animal hospitals and pet shops, but no kennels.
- (21) Business equipment repair and business services.

-
- (22) Radio and television studios.
 - (23) Printing shops, but not publishing plants.
 - (24) Retail, service, office and commercial uses similar to the foregoing.
 - (25) Carwashes.
 - (26) Accessory uses, building and structures.
 - (27) Shelters for abused persons.
 - (28) Greenhouses and lawn maintenance services.
 - (29) Temporary outdoor places of amusement.
 - (30) Churches and temples.
 - (31) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.
 - (32) Marijuana cultivation accessory to a licensed retail store on the same property.
- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:
- (1) Automobile filling stations.
 - (2) Automobile repair and service stations.
 - (3) Automobile and marine sales lots and sales and service agencies.
 - (4) Automobile and marine paint and body repair shops.
 - (5) Hospitals, care homes, boardinghouses and lodginghouses.
 - (6) Research or philanthropic institutions.
 - (7) Outdoor theaters.
 - (8) Drive-in or carry-out restaurants.
 - (9) Commercial parks.
 - (10) Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.
 - (11) Light industrial plants which will not create a nuisance by noise, vibration, smoke, odor or appearance.
 - (12) Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The planning board may impose conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.
 - (13) Trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
 - (14) Convenience stores.
 - (15) Research, experimental and testing laboratories.
 - (16) Landscape services.

-
- (17) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 5,000 square feet or more.
 - (18) Automotive towing and storage.
 - (19) Major retail development provided that it meets the conditions noted in section 60-45(g).
 - (20) Outpatient addiction treatment clinics.
 - (21) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.62B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 05-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 30, 31, 3-15-2021)

Sec. 60-500. Dimensional regulations.

All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- (1) *Minimum lot width and depth.* No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban District (MFS), section 60-307(1).
- (2) *Density.* Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.
 - b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.
 - d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
 - e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.
 - f. *Open and unbuilt spaces.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of

an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.

- (4) *Height.* No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the state historic preservations commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the airport approach zone, Federal Aviation Administration regulations shall apply. Accessory structures, including windmills, that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of the yard required pursuant to this section. In the airport approach zone, Federal Aviation Administration regulations shall apply.
- (5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.62C; Ord. of 3-22-2010; Ord. No. 11-03012021, §§ 32, 64, 3-15-2021)

Secs. 60-501—60-523. Reserved.