

## **CITY OF AUBURN PLANNING BOARD FINDINGS OF FACT**

### **MAJOR SUBDIVISION APPROVAL: 185 Summer Street, 13 Total Units**

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#### **Project Description:**

Pursuant to Chapter 60, Article XVI Division 4, Subdivision, Sec. 60-1359 of the Auburn Code of Ordinances: Conversion of a 12,000 square foot nursing home into 10 residential units, creating a total of 13 units on the parcel (One-Family, Two-Family, Multifamily with 10 Units) at 185 Summer Street in the Multifamily Urban Zoning District. Owners are Christy and Al LaValley of LaValley Properties.

#### **Planning Board Review:**

WHEREAS the Planning Board began reviewing the Plan, conducted a Public Hearing and tabled the Proposal waiting on further information from the Applicant on 8/13/19.

WHEREAS the Planning Board reviewed, conducted a second public hearing and granted Major Subdivision approval with seven conditions on 9/10/19.

**Referenced Plans and Documents:** The plans and other documents considered to be part of the record by the Planning Board ruling consist of:

**Exhibit A:** Quitclaim Deed without Covenant and Exhibit A, Dated 1/3/19.

**Exhibit B:** Building Permit Application for 185 Summer Street, Dated 7/3/19.

**Exhibit C:** Proposed Site Plan – Auburn Residential Care Apartments, Prepared by Station Class Constructors, Sheet 1 of 1, Dated 7/28/19.

**Exhibit D:** Development Review Application prepared by Christy LaValley, Dated 7/29/19.

**Exhibit E:** Proposed Site Plan – Auburn Residential Care Apartments, Prepared by Station Class Constructors, Sheet 1 of 1, Dated 8/7/19.

**Exhibit F:** Staff Report for 185 Summer Street from Megan McLaughlin, City Planner II and Audrey Knight, City Planner/Urban Development Specialist to the Auburn Planning Board, Pages 1-6, Dated 8/13/19.

**Exhibit G:** Development Review Application prepared by Christy LaValley, Dated 8/13/19.

**Exhibit H:** Revised Information for 185 Summer Street for Auburn Planning Board, Dated 8/13/19.

**Exhibit I:** Planning Board Meeting Summary, August 13, 2019 from Megan McLaughlin, City Planner II to Christy and Al LaValley, Dated 8/15/19.

**Exhibit J:** Letter from LaValley Properties to Abutters re: 185 Summer Street, Auburn, ME, the Previous Auburn Residential Care Building Conversion to Market Rate Apartments, Dated 8/19/19.

**Exhibit K:** Preliminary Sketch Plan, Proposed – Site Plan 185 Summer Street prepared by Davis Land Surveying, LLC, Sheet 2 of 2, Dated 8/21/19.

**Exhibit L:** Memo Prepared by LaValley Properties to Audrey Knight, City Planner/Urban Development Coordinator re: Development Review and Special Exception Application Auburn Residential Care Buildings Conversion to Residential Apartment Units 185 Summer Street, Parcel ID 260-217, Pages 1-7, Dated 8/23/19.

**Exhibit M:** Development Review Application prepared by Albert LaValley and Subsequent Exhibits/Property Photos, Dated 8/23/19.

**Exhibit N:** Supplemental Staff Report for 185 Summer Street from Audrey Knight, City Planner/Urban Development Coordinator to Auburn Planning Board, Pages 1-6, Dated 9/10/19.

**Exhibit O:** Letter from Abutters re: Supplemental Staff Report for 185 Summer Street to the Auburn Planning Board, Dated 9/10/19.

NOW THEREFORE, pursuant to the City of Auburn Zoning Ordinance, the Planning Board, in due consideration of this application, has determined the following facts, per **Sec. 60-1359 Subdivision Guidelines**:

*When reviewing any subdivision for approval, the planning board shall consider the following criteria, and before granting either approval or denial, shall determine that the proposed subdivision:*

- (1) Will not result in undue water, air or noise pollution. In making this determination it shall at least consider:
  - (a) The elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal;
  - (b) The slope of the land and its effect on effluents;
  - (c) The availability of streams for disposal of effluents; and  
The applicable state and local health and water resources regulations, including stormwater management requirements in accordance with section 60-1301(14)
- (2) Has sufficient water available for the reasonably foreseeable needs of the subdivision
- (3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized
- (4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
- (5) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
- (6) Will provide for adequate sewage waste disposal;
- (7) Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
- (8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;
- (9) Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;
- (10) Is funded by a subdivider which has adequate financial and technical capacity to meet the standards of this section;
- (11) Will not adversely affect the character of the surrounding neighborhood and will not tend to depreciate the value of property adjoining the neighboring property under application;
- (12) Has provisions for on-site landscaping that are adequate to screen neighboring properties from unsightly features of the development;
- (13) Will not create a fire hazard and has provided adequate access to the site for emergency vehicles;
- (14) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;
- (15) Does not have long-term cumulative effects of the proposed subdivision will that unreasonably increase a great pond phosphorus concentration during the construction phase and life of the proposed subdivision.

#### VARIANCES GRANTED

- A. Sec. 60-335(2), Green Space Requirements, to allow lot coverage of 70% impervious surface.

NOW THEREFORE the City of Auburn Planning Board has in its Findings of Fact determined that the proposed project with the variance granted and added conditions is in compliance with the policy in Comprehensive Land Use Plan to encourage the redevelopment and reuse of existing structures, per Sec. 60-1365(1).

The City of Auburn Planning Board hereby resolves to conditionally grant Major Subdivision Approval to LaValley Properties to convert a 12,000 square foot nursing home into 10 units, for a total of 13 units on the site at 185 Summer Street, PID: 260-217. Vote: 7 in favor, 0 against.

The Planning Board placed eight conditions on this approval:

- (1) Due to settling associated with the recently demolished nursing home facility, the Applicant may use temporary pavement in the parking lot until Summer of 2021. A Conditional Certificate of Occupancy shall be issued contingent upon final pavement being installed in accordance with Sec. 60-607(12)(a) of the City Code of Ordinances. A permeable surface for the parking area is preferred for the permanent installation.
- (2) Two parking spaces depicted on the August 21, 2018 Site Plan shall be removed and that area be designated as green space, no parking shall occur within the front set-back of the property, and the total parking spaces on-site shall be limited to 26 spaces, including one handicapped space.
- (3) The 50-foot curb-cut on Summer Street shall be reduced to 20 feet and the remaining impervious area on either side of the curb cut shall be designated as green space.
- (4) The applicants shall increase the amount of green space by a minimum of 1,892 square feet, on the South-Side within the front-yard set-back and through the provision of a side yard to the duplex, to meet the 20% green space variance granted. A final landscape plan shall be approved by staff conforming to all conditions of approval.
- (5) A cedar or opaque wood stockade fence shall be constructed on either side of the Turner Street egress, set back from the sidewalk, at the border with the parking area, roughly 20-25 feet from the right-of-way. The landscaped yard facing Turner Street shall be landscaped with an appropriate mix of screening evergreen and deciduous trees and shrubs, such that at maturation a screening fence may no longer be needed to mitigate views of the parking lot.
- (6) A single light post centrally located with motion sensed lights shall only illuminate the south side of the parking lot.
- (7) Vehicles exiting the site shall be via a right-turn only onto Turner Street, signage shall be placed at the curb-cut.
- (8) The number of units in the proposed building conversion shall be reduced from 12 to 10 through the elimination of the two proposed basement units, or any other reconfiguration that would reduce the total number of units and work for the overall economics of the project.

SO APPROVED BY THE CITY OF AUBURN PLANNING BOARD on the 10<sup>th</sup> Day of September, 2019.

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Evan Cyr, Chair

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Stephen Martelli

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Katie Boss

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Samuel Scogin

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Daniel Carroll

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Brian Carrier

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Mathieu Duvall

*C: File*