

To: Auburn Planning Board
From: Megan Norwood, City Planner II
Re: Stevens Mill Road (PID 218-013, Portion of 218-013-001), Special Exception: Construction of Single-Family Home in the Resource Protection Shoreland Zone (Suburban Residential Zoning District).
Date: November 12, 2019

- I. **PROPOSAL** – John and Anne White are applying for a Special Exception in accordance with Sec. 60-991(b)(2) and 60-1336 to construct a single-family home and driveway in the Resource Protection Shoreland Zone. The parcel on Stevens Mill Road is located within the Resource Protection Shoreland Zoning District because it is within 250 feet of Taylor Brook. Sec. 60-991(b)(2) allows for principal structures and uses including driveways in the Resource Protection Shoreland Zone as long as the Planning Board approves them in accordance with Article XVI, Division 3 of Chapter 60 (Special Exception). The light green area in *Figure 1* is the Resource Protection Shoreland Zoning (250-foot setback) and the blue area is the Stream Protection Shoreland Zoning (75-foot setback).



Figure 1: Subject Parcel on Stevens Mill Road

The ordinance does not have specific standards for the construction of single-family homes in the Resource Protection district. It does, however, revert to the Special Exception standards. There are requirements for structures/driveways in the Resource Protection Shoreland Zoning District. The most applicable requirements are bulleted here:

- **Sec. 60-991(c)(1-3) (Lot Requirements):** Minimum lot area, width and depth, density and yard requirements all revert back to the underlying Zoning District which is Suburban Residential.

The Minimum Lot Area required in the Suburban Residential District is 21,780 Square Feet. The lot is 2 acres (87,120 Square Feet) and meets this requirement.

The Minimum Width is 150 Feet. Between the two street frontages on Kendall Road and Stevens Mill Road, the lot has 165 Feet of street frontage. It also exceeds the width requirements in the center of the awkwardly shaped lot.

The Minimum Depth is 125 Feet. The lot exceeds this requirement.

- **Sec. 60-991(c)(4) (Height):** Height of all principal and accessory structures is limited to 35 feet in height.

The structure will be less than 35 feet in height.

- **Sec. 60-992(d) (Lot Coverage):** “The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the [Shoreland Zone] district shall not exceed 20 percent of the lot or a portion thereof, located within the [Shoreland Zone] district...”

The lot area is 2 acres (87,120 Square Feet). The Home is proposed to be 2,156 Square Feet and the gravel driveway is proposed to be 720 Square Feet. The 20% lot coverage would allow for up to 17,424 Square Feet of coverage, the proposed structure and driveway are both well under this threshold.

- **Sec. 60-998(1) (Roads and Driveways):** Roads and driveways are required to be set back at least 100 feet from the water *unless* no reasonable alternative exists as determined by the Planning Board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than 50 feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body. The driveway meets the 100-foot setback from Taylor Brook. It is also located out of the 75-foot setback from the tributary stream.

The area proposed for the driveway is located out of the setback.

- **Sec. 60-998(3) (Roads and Driveways):** New roads and driveways are prohibited in the Resource Protection *except* that the Planning Board can grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the Planning Board in a resource protection district, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a resource protection district the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body.

The area proposed for the driveway is located out of the setback.

- **Sec. 60-999(a)(b) (Stormwater Runoff):** All new construction and development is required to be designed to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, need to be retained in order to reduce runoff and encourage infiltration of stormwaters. Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

No changes are proposed to stormwater on the lot and the impervious area is minimal.

- **Sec. 60-1001(a)(b)(c) (Essential Services):** Requires the installation of essential services to be limited to existing public ways and existing service corridors. The installation is not allowed in the Resource Protection District, except to provide services to a permitted use within the district, or except where the applicant demonstrates that “no reasonable alternative” exists. If allowed, they must be located to minimize any adverse impacts on surrounding uses and resources, including visual impacts.

The Applicant has already talked with the water district, they recommend bringing water in from Stevens Mill Road rather than from Kendall Road due to the age and capacity of the lines and that it likely would interfere with the water flow to the farm house across the bridge. Staff feels this demonstrates that no reasonable alternative exists for water service. A sewer line already runs across the property that the Applicant will use.

- **Sec. 60-1004(a) (Clearing or Removal of Vegetation for Activities other than Timber Harvesting):** In Resource Protection, no cutting of vegetation allowed within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards. There are a few other standards (b) (c) that apply to clearing in the Shoreland/Resource Protection areas.

The Applicant has stated that they will only be removing one or two trees in the Resource Protection District that are necessary for construction of the home. These trees are not located in the 75-foot strip of land extending inland from the normal high-water line.

- **Sec. 60-1005 (Erosion and Sedimentation Control):** These standards pertain to filling, grading, excavation, topography considerations, final stabilization and natural/manmade drainageways. *The Applicant will address these standards during construction by meeting Maine Erosion and Sediment Control Best Management Practices.*

Only a small portion of the lot is in the AE Floodplain and the floodplain does not impact the area proposed for the structure/driveway (See Figure 2).

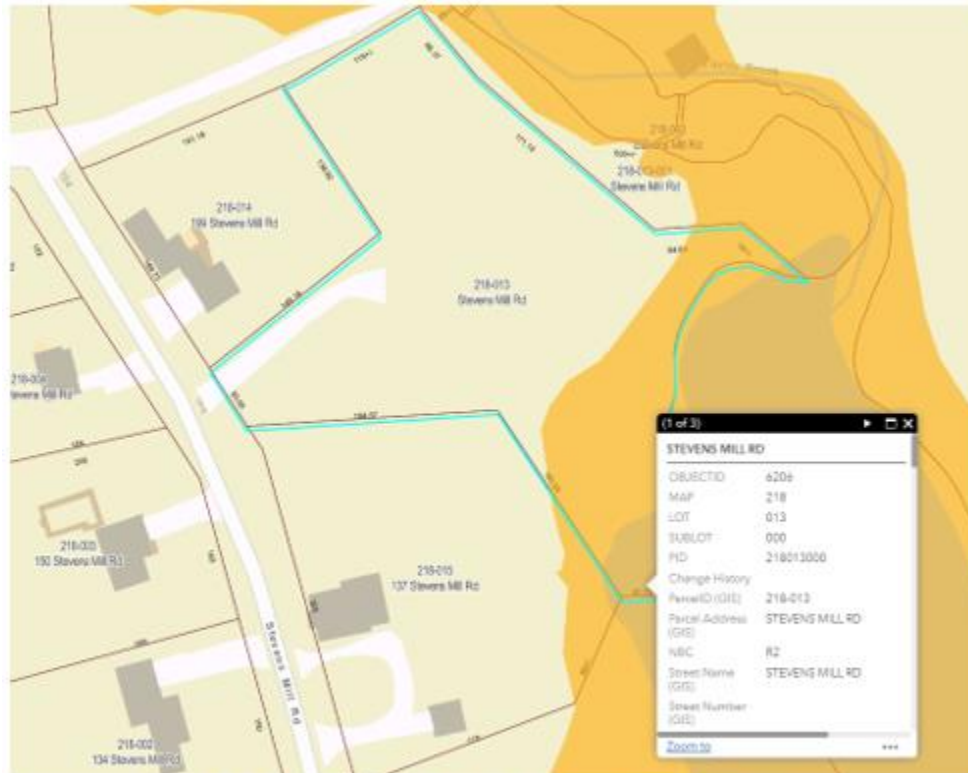


Figure 2: FEMA Floodplain Map: Area in Orange is the AE Flood Zone

II. DEPARTMENT REVIEW –

- Police** – No comments.
- Auburn Water and Sewer** – The water will have to be served from Stevens Mill Road, not Kendall Road due to the age of the line on Kendall Road. The sewer line already runs across the property.
- Fire Department** – No comments.
- Engineering** – No comments.
- Public Services** – No comments.
- Economic and Community Development** – The proposal appears to meet all requirements of the Shoreland Zone/Resource Protection Ordinance and the Special Exception Standards (*see discussion above*). Planning Staff feels this carbon neutral home located almost entirely out of the Resource Protection Shoreland Zone District is a good example of a proposal for a “*principal structure and use including driveways*” that the Planning Board can approve by Special Exception in the Resource Protection Shoreland Zoning District. In this circumstance, the building footprint on the lot is minimal and not conducive to other uses permissible in the

Suburban Residential District, which could potentially lead to a lot that could not otherwise be built on without special approvals.

III. **PLANNING BOARD ACTION** – The proposed project requires review and findings for approval of Section 60-1336:

A. Special Exception, Section 60-1336: The board shall require evidence of the following:

- 1. That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception.**

The Special Exception does fulfill the specific requirements listed in the Zoning Ordinance for projects in the Shoreland Zone/Resource Protection (See discussion above of all applicable requirements).

- 2. That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard.**

This carbon neutral, single-family home will not create or aggravate a traffic, fire or 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.**

The proposal will not block or hamper a master development plan.

- 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.**

No issues as this is a single-family home in an area zoned residential.

- 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.**

No issues. See discussion above regarding lot dimensions, etc. in the Shoreland Zone/Resource Protection.

- 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.**

No issues.

- 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.**

There is a sewer line already running across this property. A water line will be installed from Stevens Mill Road as discussed above.

IV. **STAFF RECOMMENDATIONS** – Staff recommends the Planning Board find that the Site Plan for the proposed development under Sec. 60-991(b)(2) meets the requirements of Special Exception Law, Sec. 60-1336, and APPROVE the project application.

***Suggested Motion:** I make a motion to approve the Special Exception to allow the construction of a single-family home and associated driveway in the Resource Protection Shoreland Zone at 169 Stevens Mill Road, PID 218-013 and a portion of 218-013-001 in the Suburban Residential Zoning District Per Sec. 60-991(b)(2) of the Code of Ordinances.*

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