

**To:** Auburn Planning Board  
**From:** Megan Norwood, City Planner II  
**Re:** 204 Broad Street (PID 290-011), Two Proposed Apartment Buildings for a total of 18-units, amending Previously Approved 24-Unit Condominium Project from 1988 in the Multifamily Urban Zoning District.  
**Date:** December 10, 2019

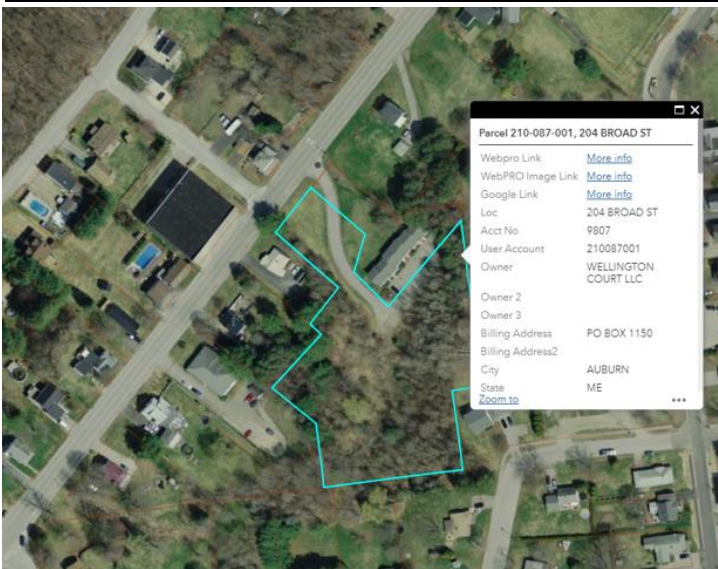
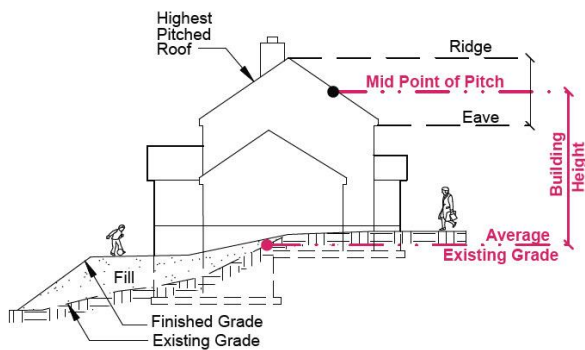


Figure 1: 204 Broad Street Aerial Photography

**I. PROPOSAL:** Stoneybrook Consultants, Inc. on behalf of Gerry Morin is seeking a Subdivision Amendment pursuant to Chapter 60, Article XVI Division 4, Subdivision, Sec. 60-1359 of the Auburn Code of Ordinances. The Planning Board saw this proposal for the first time in August of this year. The lot received approval for 24 single-family units back in 1989, however, only six of the units were constructed. The proposal before the board this month is to create 18 additional units to reach the total 24 units originally approved in 1989. The 18 additional units will each be two bedroom and are proposed to be located in two buildings, one 12-unit building and one 6-unit building.

As discussed in the Staff Report from August, there were two revisions to the plan in 2009 and 2010 to identify “Withdrawn Land” from the current condominium. The stormwater improvements constructed in the early 90s to support the existing six units were designed to accommodate the 24 single-family units originally approved. As brought forward in August, this proposal also includes using the existing stormwater management system. However, per the discussion and recommendation by the Engineering Department, the Applicant is proposing to repair the current stormwater pond which is no longer functioning.

Below is a discussion of applicable ordinance requirements pertaining to the project:



**Measuring Building Height**  
(figure 1)

**Sec. 60-335(e) Dimensional Requirements:** This section requires 5,000 square feet minimum lot area for the first dwelling unit and 1,500 square feet minimum lot area for each additional dwelling unit for multifamily buildings. For the 18 units proposed, the minimum lot area required is 30,500 square feet. The site has 95,832 square feet.

**Sec. 60-335(4) Height:** The building height in the MFU Zone is restricted to two and a half stories or 35 feet, the exceptions being a church, temple or windmill. The proposed building height is 35 feet, the

application materials will be updated to reflect this height. Staff has used the “mean of the gable” for building height measurements in the past. It is a common architectural standard that is not spelled out in the ordinance which allows some latitude with the need for steeper pitches for Maine winters and for matching local character.

*Sec. 60-335(2) Density:* Requires not less than 50 percent of the net acreage to be devoted to green area. This project is proposing 22,266 square feet (0.51 acres) of new impervious area. The site has 15,478 square feet (0.36 acres) of impervious area currently. The acreage of the highlighted portion of the site (as shown above) is 2.2 acres. With 0.87 total acres of impervious proposed as part of this project, the Developer is still providing 1.33 acres of open space which meets the 50% green space requirement of the District.

*Sec. 60-335(3)(d) Principal Buildings:* More than one principal building may be erected on a lot, provided that the building meets all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater. It appears, through scaling, that the buildings are separated by over 30 feet at the narrowest point, so they meet this requirement.

*Sec. 60-607(2)* requires each individual parking space to be 9 feet by 18 feet in dimension. They meet this requirement.

*Sec. 60-607(4)* requires interior driveways and ingress/egress points serving parking areas to be at least 20 feet in width to allow safe and expeditious movement of vehicles. They meet this requirement (*see attached 11x17 plan*).

*Sec. 60-607(11) Exterior Lighting:* Requires that exterior lighting provided in any parking or loading area be arranged and shielded so that it is deflected away from adjacent properties used for residential purposes and from any public highway. Lighting is not shown on the plan, this should be a Planning Board condition.

*60-607(12)* – All uses containing over 5 parking/loading spaces shall either contain spaces within structures or be subject to the following requirements:

- a. All access drives, parking, loading and service spaces shall be graded and surfaced with a solid paving material that is impermeable to water and so as to be dust free and properly drained.
- b. Parking and loading spaces shall be suitably marked by painted lines or other appropriate marking.
- c. A substantial bumper of concrete, masonry, steel or heavy timber or a curb of similar material or an earthen berm shall be placed at the head of each parking or loading stall that abuts a structure, rear or side setback or property line, sidewalk, street ROW, or landscaped area to prevent vehicles from rolling into such areas.

A bituminous curb is proposed between the proposed parking spaces and the buildings. The parking areas will be paved.

*60-607(15)* – On lot where one entrance and exit driveway or curb-cut is constructed, the curb-cut shall not exceed 32 feet in width. The curb cut already exists for the 6 existing units and is 35 feet. This curb-cut was already approved for the full 24-units in 1989, however, it did not appear that a formal waiver was granted. To clean this up, Planning Staff recommends the Planning Board grant a waiver for the existing curb-cut.

*60-608* – Parking Requirements for multifamily is 1 ½ per dwelling unit. 36 parking spaces are proposed, 27 are required.

Article X – Access management standards.

*60-799 – Safe Site Distance.* Driveway already exists for the 6 units and was proposed for all 24 originally proposed units. As discussed above, Planning Staff recommends the Planning Board grant a waiver to clean this up from the 1989 approval since they are already using an existing curb-cut that was approved for full buildout.

*60-800 – Curb cut and driveway spacing standards.* As discussed above, Planning Staff recommends the Planning Board waive this requirement to clean up the 1989 approval as they are already using an existing curb-cut that was approved for full buildout.

The Recreation Area/Open Space standards would require 83,560 square feet of open space for the 18 proposed units or 1.92 acres. The Developer is proposing 1.33 acres of open space. Where this project was already approved in 1989 for the same number of units as proposed today, Planning Staff feels that this requirement does not apply.

**Comprehensive Plan Considerations:** The subject property is in the Moderate Density Neighborhood Conservation (MoDNC) Future Land Use Designation. This district allows multifamily housing at a density of up to 6-8 units per acre in the areas that are served or can be served by public sewerage and public water. It requires new development to be designed to minimize the number of vehicular access points to existing collector or other through roads. The Applicant is proposing to use the existing access point used by the existing 6 units, no new access points are proposed on Broad Street. The property is 2.2 acres which would allow for a total of 17.6 units based on the MoDNC Future Land Use Designation, they are proposing 18.

**II. BACKGROUND INFORMATION (August 2019):** After deliberation and consideration of public testimony, the Planning Board tabled the proposal in August. The Board requested the following information to be able to review and make a ruling on the proposal:

- A formal agreement between the Homeowners Association and the new development shall be submitted pertaining to the shared facilities and access.
- An updated plan shall be provided for the stormwater detention basin.
- Screening shall be provided for the abutting properties including the Dillingham property depicting geographic constraints at the site.

Public testimony at the August 2019 meeting included:

- 5 Sherwood: Noise, trespassing, fence/tree border, sealed trash disposal, devaluation of property, changing the shape of the lot.
- 29 Marian: Drainage, water concerns, functionality of the detention pond – does not appear to exist, connection of catch basins to the pond and the street. Question about whether or not a storm drain will be designed for the new road/parking lot and whether the pond will be fixed, dredged and/or tested every five years to ensure it is functioning.

Included in the submission for December are agreements with abutters to construct a fence in between the proposed units and the abutting properties.

In addition, a Maintenance Agreement is also included between the 18 proposed units and the 6 existing condos to clarify ownership and shared facilities between the two. Typically, private covenants and association docs. are not reviewed by Staff. However, in this case where the 24 units were approved in 1989 but only 6 were constructed, it is important that ownership and responsibilities be clearly identified between the two. It is Planning Staffs opinion that the Association Docs. do a good job of clarifying these and they have been signed by the Association President as well.

### III. DEPARTMENT REVIEW:

- a. *Police* – No comments received.
- b. *Auburn Water and Sewer* – The watermain will have to be relocated for the 6 units and metered appropriately between the apartment units and the existing condos.
- c. *Fire Department* – The issue with the ability for trucks to turn around at the end of the complex has been addressed in the new submission.
- d. *Code Enforcement* – The ADA parking should be moved between the two buildings, so it is not all in front of one building. Planning Staff discussed this with the Applicant and they have indicated that it is physically impossible to move the handicapped parking from the location where they are shown because the grades would not allow access by handicapped persons from the center of the buildings. The drive at that location is at a 6% grade to minimize cuts for the site improvements. Handicapped parking must be on grades of 2% or less.
- e. *Engineering* – The Applicant is proposing to use the existing stormwater detention basin on site to serve the new apartment units, since it is over 30 years old, it will need to be dredged (they are proposing to do this in the new submission). Since the project is over one acre, a General Permit and performance guarantee/inspection fee are required.
- f. *Public Services* – No comments received.
- g. *Economic and Community Development* – The City is currently underserved for reasonable market rate residential units as evidenced by long wait lists at recent apartment projects. Additional apartment units will support growing the labor pool to help alleviate the current regional labor shortage. The Department supports growing residential units in appropriately zoned areas of the City.
- h. *Addressing* – Add condition to the final plan that an addressing plan be coordinated with the Addressing Officer before a building permit is issued.

### IV. PLANNING BOARD ACTION – 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
  - (d) The applicable state and local health and water resources regulations, including stormwater management requirements in accordance with section 60-1301(14) (**No Issue.**);
- (2) Has sufficient water available for the reasonably foreseeable needs of the subdivision (**No Issue**);
- (3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized; (**No issue**)
- (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; (**No issue**).
- (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; (**No issue**).
- (6) Will provide for adequate sewage waste disposal; (**No issue**).
- (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; (**A dumpster is shown on the plan**).
- (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; (**No issue**).

- (9) Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; **(This subdivision conforms to both the Comprehensive Plan and zoning designations).**
- (10) Is funded by a subdivider which has adequate financial and technical capacity to meet the standards of this section; **(No issue).**
- (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; **(No issue).**
- (12) Has provisions for on-site landscaping that are adequate to screen neighboring properties from unsightly features of the development; **(An agreement has been provided between the abutting property owners to address this standard).**
- (13) Will not create a fire hazard and has provided adequate access to the site for emergency vehicles; **(No issues).**
- (14) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater; **(No issues).**
- (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. **(No issue).**

**C. Sec. 60-1365. General Requirements.**

In reviewing applications for the subdivision of land, the board shall consider the following general requirements. In all instances the burden of proof shall be upon the persons proposing the subdivision.

- (1) *Subdivision plan shall conform to the comprehensive plan.* Any proposed subdivision shall be in conformity with the comprehensive plan of the city and with the provisions of all pertinent state and local codes and ordinances. **(In conformance as previously noted)**
- (2) *Preservation of natural and historic features.* The board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.
- (3) *Lots.* a. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. **(No issues)** b. Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated. **(No issues)**

V. **STAFF RECOMMENDATIONS** – Planning Staff recommends the Planning Board find that the application meets the requirements of Article VI, District Regulations and that the application meets the requirements of Sec. 60-1359 (*Subdivision Guidelines*) with the following conditions:

- The building height shall be limited to 35 feet as measured to the mean of the gable (as discussed above).
- A lighting plan shall be provided before the issuance of a building permit;
- An addressing plan shall be provided to the Addressing Officer before the issuance of a building permit;
- Bonding and inspection fees must be approved and paid and a notice to proceed obtained from the City Engineer;
- The ADA parking spaces shall be adjusted to include spaces in front of the 6-unit apartment building as well;

- The Applicant shall coordinate with Auburn Water and Sewer on metering and water line relocation before a Final Certificate of Occupancy is issued for the units.

**Recommended Waivers to Clean up 1989 Approval:**

*Sec. 60-607(15)* – On lot where one entrance and exit driveway or curb-cut is constructed, the curb-cut shall not exceed 32 feet in width. The curb cut already exists for the 6 existing units and is 35 feet. *Waiver to allow this proposed development to use the existing curb-cut that was approved in 1989.*

*60-799 – Safe Site Distance.* Driveway already exists for the 6 units and was proposed for all 24 originally proposed units. *Waiver to allow this proposed development to use the existing curb-cut that was approved in 1989.*

*60-800 – Curb cut and driveway spacing standards.* *Waiver to allow this proposed development to use the existing curb-cut that was approved in 1989.*

**Suggested Motion:** I make a motion to grant three waivers based on the finding that the curb-cut for the originally approved 1989 development is already in existence and was approved without a waiver. By granting these waivers today, the Planning Board is helping to clean up the 1989 approval for the existing curb-cut:

- Sec. 60-607(15) General Provisions and Design Standards.
- Sec. 60-799 Safe Site Distance.
- Sec. 60-800 Curb-Cut and Driveway Spacing Standards.

**Suggested Motion:** I make a motion to approve the construction of one 12-unit apartment building and one 6-unit apartment building, amending previously approved 24 unit condominium project from 1988 at 204 Broad Street (PID 290-011) in the Multifamily Urban Zoning District with the following conditions:

- The building height shall be limited to 35 feet as measured from the mean of the gable;
- A lighting plan shall be provided before the issuance of a building permit;
- An addressing plan shall be provided to the Addressing Officer before the issuance of a building permit;
- Bonding and inspection fees must be approved and paid and a notice to proceed obtained from the City Engineer;
- The location of the proposed ADA parking spaces shall be adjusted to include spaces in front of the 6-unit apartment building as well;
- The Applicant shall coordinate with Auburn Water and Sewer on metering and water line relocation before a Final Certificate of Occupancy is issued for the units.

*Megan Norwood*

---

Megan Norwood  
City Planner II