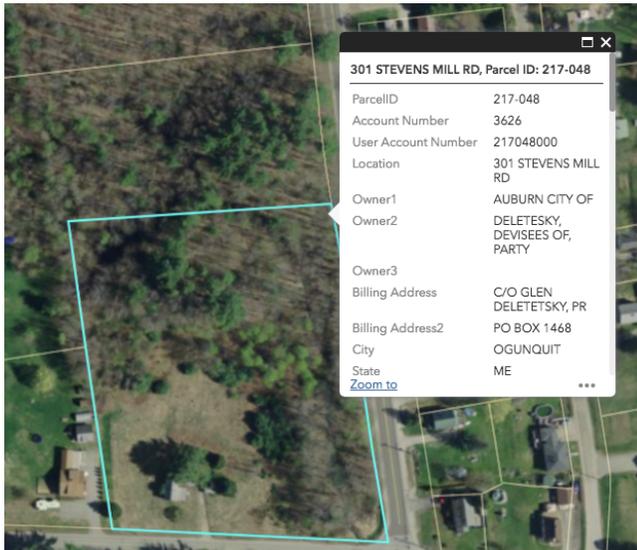


To: Auburn Planning Board
 From: Megan Norwood, City Planner II
 Re: 301 Stevens Mill Road, (PID 217-048), Delly Drive Subdivision in the Suburban Residential Zoning District.
 Date: April 14, 2020



I. PROPOSAL – SurveyWorks, Inc., on behalf of RF1 Properties, LLC, is applying for a Subdivision in accordance with Sec. 60-1359 of the Auburn Code of Ordinances. The proposal is for the division of a 4.03-acre parcel into four duplex lots for a total of 8 units. The lot currently contains a single-family home, which will be demolished. The lots will be served by public water and private on-site septic systems. We recommend the Planning Board classify this project as a Minor Subdivision as there is no public road proposed.

Shared Driveway, Lot Dimensions & Requested Bonus

The parcel is located in the Suburban Residential Zoning District. The minimum lot area required is 21,780 square feet (1/2 an acre) with 150 feet in

width and 125 feet in depth. For a two-family, the minimum lot area would be 43,260 square feet (1 acre). However, Sec. 60-804 of the Ordinance, in an effort to encourage shared driveways, allows for a bonus of lot size and road frontage up to 15 percent for each property owner. It also allows the percentage of the total lot area to be covered by buildings to be increased by up to ten percent for each development that uses a shared driveway. In this case, there could be three separate driveways on Hotel Road all within close proximity to one another; therefore, it would be beneficial to the City to consider the use of a shared driveway.

A fifteen percent bonus would allow minimum lot sizes of 37,071 square feet, a lot width of 127.5 feet and a lot depth of 106.25 feet. Lot dimensions proposed:

- Lot 1 – **37,920 Square Feet** (Minimum Lot Area Subtracting Out Shared ROW). Lot Width: $(103.08+157)/2 = 130.04$ Feet & Lot Depth: $(306.63+322.15)/2 = 314.39$ Feet.
 - **Minimum Lot Area:** Bonus of 5,630 Square Feet
 - **Lot Width:** Bonus of 19.96 Feet.
 - **Lot Depth:** No Bonus Required.
- Lot 2 – **38,623 Square Feet** (Minimum Lot Area). Average Lot Width: $(208.51+226.45)/2 = 217.50$ Feet & Average Lot Depth: $(144.25+133.02)/2 = 138.64$ Feet.
 - **Minimum Lot Area:** Bonus of 4,937 Square Feet.
 - **Lot Width:** No Bonus Required.
 - **Lot Depth:** No Bonus Required.

- Lot 3 – **37,935 Square Feet** (Minimum Lot Area). Lot Width: $(226.45+216.10)/2 = 221.28$ Feet & Lot Depth: $(160.60+183.91)/2 = 172.26$ Feet.
 - **Minimum Lot Area:** Bonus of 5,625 Square Feet.
 - **Lot Width:** No Bonus Required.
 - **Lot Depth:** No Bonus Required.
- Lot 4 – **48,540 Square Feet** (Minimum Lot Area). Lot Width: $(367.35+390.4)/2 = 378.88$ Feet & Lot Depth: $(128+132.18)/2 = 130.09$ Feet.
 - **Minimum Lot Area:** No Bonus Required.
 - **Lot Width:** No Bonus Required.
 - **Lot Depth:** No Bonus Required.

Staff recommends the Planning Board grant the density waivers for minimum lot area on lots 1, 2 and 3 and lot width on lot 1 to accommodate a shared driveway and reduce the number of driveways on Hotel and Stevens Mill Road.

Where they are proposing a shared driveway to access 8 units, the Planning Board may want to require the submission of a Maintenance Agreement to ensure the private driveway is maintained to a standard acceptable by the local Fire Prevention Officer and to clearly define those responsibilities.

Floodplain, Impervious Coverage and Wetlands

The lot is located in the floodplain, however, the building envelopes, shown in light gray on the Site Plan, are intended to avoid the floodplain (extent of floodplain shown below in blue).





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The lot coverage associated with the existing building is about 750 square feet (building) and 750 square feet of impervious area. The change in impervious area is expected to be approximately 14,900 square feet. The development will not require filling of any wetlands or floodplain. During the wetland analysis, it was noted that a potential vernal pool may be located in the floodplain area and will need to be confirmed in late spring amphibian breeding season. If this area is in fact a vernal pool, there may be additional setback requirements for the proposed duplexes through DEP/NRPA which may change the design of the Site Plan. Staff included a recommended condition to require compliance with all applicable DEP/NRPA permits to address this.

The Engineering Department has reviewed the stormwater and did not have any significant concerns. The amount of impervious area expected is approximately 14,900 square feet and they do not expect to disturb more than one acre during construction so DEP permits are not required. While Staff understands the project is not large enough in scope to generate stormwater requirements, the Engineering Department recommends Pre/Post stormwater flows be provided at the corner of the property to evaluate any downstream stormwater impacts due to several Abutter concerns regarding flooding in the neighborhood.

Comprehensive Plan Considerations

This parcel is located in the Low-Moderate Density Residential Development (LMoDRD) land use classification according to the Future Land Use Map. The LMoDRD encourages residential and community uses at a density of up to 2-3 units per acre in areas that are not served by public sewerage. New development should be designed to minimize the number of vehicular access points to existing collector or other through roads. The uses allowed in the district include detached...two-family homes. The Comprehensive Plan also states that Lot frontage requirements should be around 125 feet, but *should be reduced for lot that are accessed from...streets within a development*. It is Staffs opinion that this project complies with the Comprehensive Plan. A 4.03-acre lot would theoretically allow for up to 12 units (if allowed in the Zoning District), this development is for 8 units.

Recreation Area/Open Space Standards

Sec. 60-1367 of the Ordinance requires Recreation area/Open Space for all residential subdivisions which is adequate to meet the reasonably foreseeable needs of the residents of the subdivision. The ordinance requires 43,560 contiguous square feet or one acre of land for the first ten lots or units. The lot itself is 4.03 acres and the development is only proposing to occupy ~16,000 square feet. Staff recommends the Applicant highlight areas contiguous on the plan that could be used for recreation area/open space.

II. DEPARTMENT REVIEW-

- a. **Police-** No comments provided.
- b. **Auburn Water and Sewer** – A sketch plan and estimate for public water was provided to the Developer. Sewer is not available in this area.
- c. **Fire Department/Code Enforcement** – The Fire Prevention Officer was initially concerned about the dimensions of the turnaround being 70 feet with a 20 foot wide road, the largest apparatus being 100 feet long. The concern was that the apparatus may not be able to completely turn around without hitting something, or taking the wheels off the pavement.

Snow-buildup was also a worry. The Applicant added a longer turnaround (82 feet) with a larger inner-wheel turning radii of 36 feet.

- d. **Engineering** – The Developer is following the guidelines of the City, not equipped with the software to confirm or deny changes in stormwater quantities. The change from undisturbed soils to impervious area will change the rate of stormwater entering a specific system. The area looks to be soils made of 50/50: soils that infiltrate well and soils that do not infiltrate well. The impact is less if they build on soils that do not infiltrate well vs. If they cover infiltrating soils with impervious areas. It is an expense but could be an option for the Developer’s Engineer to provide a HydroCAD model where the summation point is at the corner of the property to show flooding changes.
- e. **Public Services**- No comments provided.
- f. **Economic and Community Development** – The City is currently underserved for 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.
- g. **Addressing** – Requesting an Addressing Plan be provided before the Planning Board meeting.

PLANNING BOARD ACTION- The proposed project requires review and findings for approval of the following:

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);
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 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;



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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.

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.
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. 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. c. No person shall make a subdivision within the city unless all lots of the proposed subdivision have frontage, as regulated by the zoning ordinance, upon a way granting legal access.

Sec. 60-899. – Review of Subdivisions and Development Proposals (Floodplain).

While the building envelopes themselves are proposed to be located out of the floodplain, Staff recommends the Planning Board review the following conditions as part of the process because a large portion of the lot itself is in the floodplain (see below).



The Planning Board shall, **when reviewing subdivisions and other proposed developments that require review under other federal law, state law or local ordinances or regulations** and all projects on five or more disturbed acres, or in the case of manufactured home parks divided into two or more lots, assure that:

- a. All such proposals are consistent with the need to minimize flood damage.
- b. All public utilities and facilities, such as sewer, gas, electrical and water systems are located and constructed to minimize or eliminate flood damages.
- c. Adequate drainage is provided so as to reduce exposure to flood hazards.
- d. All proposals include base flood elevations, flood boundaries, and, in riverine floodplain, floodway data. These determinations shall be based on engineering practices recognized by the Federal Emergency Management Agency.
- e. Any proposed development plan must include a condition of plan approval requiring that structures on any lot in the development having any portion of its land within a special flood hazard area, are to be constructed in accordance with section 60-897 of this division. Such requirement will be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The condition shall clearly articulate that the municipality may enforce any violation of the construction requirement and that fact shall also be included in the deed or any other document previously described. The construction requirement shall also be clearly stated on any map, plat or plan to be signed by the planning board or local reviewing authority as part of the approval process.

III. STAFF RECOMMENDATIONS – Staff recommends the Planning Board grant the requested waiver for minimum lot area and lot width.

Suggested Motion: I will make a motion to grant a bonus in lot size and road frontage in accordance with Sec. 60-804 of the Auburn Code of Ordinances for the use of a shared driveway to access the 8 units. The bonus granted is to reduce the minimum lot area of lots 1, 2 and 3 by 5,630 square feet, 4,937 square feet



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and 5,625 square feet, respectively. The bonus also includes a reduction in lot width by 19.96 feet for lot 1.

As discussed, there were a number of comments received from Abutters thus far, Staff expects more will be received before the Planning Board meeting. One comment is to preserve the tree line between the Cooper property at 25 Cooper Lane and the property under application.

Staff also recommends the Planning Board find that the proposed subdivision meets the requirements of Sec. 60-1359, 60-1365 and Sec. 60-899, and APPROVE the project application. Staff recommends the following conditions:

1. The Applicant shall obtain all applicable State and Local permits before the issuance of a building permit;
2. Bonding and inspection fees must be approved and paid and a notice to proceed obtained from the City Engineer;
3. Pre and Post stormwater flows at the property line shall be provided to the Engineering Department for review before the issuance of a building permit;
4. The Addressing Plan shall be approved by the Addressing Officer before the issuance of a building permit;
5. A final determination on the presence of vernal pools at the site shall be provided to Planning Staff in the Spring of 2020. If the vernal pools are significant enough to require additional setbacks and permits by Maine DEP or NRPA the Applicant shall apply and comply with the permits. Planning Staff shall review if the setback changes are substantial enough to require additional review by the Planning Board;
6. A Conditional of Approval shall be placed on the Subdivision Plan stating: All structures on any lot in the development having any portion of its land within a special flood hazard area, are to be constructed in accordance with Sec. 60-897 (Development Standards in the Floodplain Overlay). This condition shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The City of Auburn may enforce any violation of the construction requirement;
7. The Fire Department shall be all set with turnaround dimensions before the start of construction;
8. Submission of a Maintenance Agreement ensuring the private road is maintained at a level acceptable to the local Fire Prevention Officer;
9. The Applicant shall highlight contiguous areas on the plan that could be used to satisfy the recreation area/open space standards in Sec. 60-1367;
10. Financial capacity information shall be provided demonstrating the Applicant has the capacity to complete the construction of the roads and creation of the lots;
11. An additional deed shall be provided demonstrating right, title or interest in the property.
12. The tree line between the Cooper property and subject property under application shall be preserved during construction.
13. Address any potential traffic impacts at Hotel/Stevens Mill Road intersection.

Suggested Motion: I make a motion to approve the proposed Delly Drive Subdivision: Four, one or two-unit residential lots for a total of up to 8 units with shared driveways located on the northwesterly corner of Hotel and Stevens Mill Road at 301 Stevens Mill Road (PID: 217-048) in the Suburban Residential Zoning District with the following conditions:

1. The Applicant shall obtain all applicable State and Local permits before the issuance of a building permit;
2. Bonding and inspection fees must be approved and paid and a notice to proceed obtained from the City Engineer;
3. Pre and Post stormwater flows at the property line shall be provided to the Engineering Department for review before the issuance of a building permit;
4. The Addressing Plan shall be approved by the Addressing Officer before the issuance of a building permit;
5. A final determination on the presence of vernal pools at the site shall be provided to Planning Staff in the Spring of 2020. If the vernal pools are significant enough to require additional setbacks and permits by Maine DEP or NRPA the Applicant shall apply and comply with the permits. Planning Staff shall review if the setback changes are substantial enough to require additional review by the Planning Board;
6. A Conditional of Approval shall be placed on the Subdivision Plan stating: All structures on any lot in the development having any portion of its land within a special flood hazard area, are to be constructed in accordance with Sec. 60-897 (Development Standards in the Floodplain Overlay). This condition shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an intent to transfer any interest in real estate or structure, including but not limited to a time-share interest. The City of Auburn may enforce any violation of the construction requirement;
7. The Fire Department shall be all set with turnaround dimensions before the start of construction;
8. Submission of a Maintenance Agreement ensuring the private road is maintained at a level acceptable to the local Fire Prevention Officer;
9. The Applicant shall highlight contiguous areas on the plan that could be used to satisfy the recreation area/open space standards in Sec. 60-1367;
10. Financial capacity information shall be provided demonstrating the Applicant has the capacity to complete the construction of the roads and creation of the lots;
11. An additional deed shall be provided demonstrating right, title or interest in the property.
12. The tree line between the Cooper property and subject property under application shall be preserved during construction.
13. Address any potential traffic impacts at Hotel/Stevens Mill Road intersection.

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