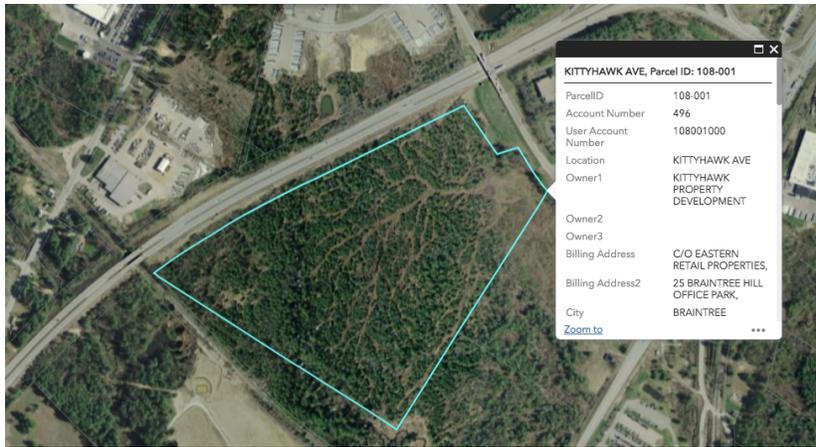


To: Auburn Planning Board  
 From: Megan Norwood, City Planner  
 Re: Proposed Commercial Subdivision (Auburn Commerce Center) consisting of 3 Lots  
 Totaling Approximately 30 Acres and a 750-Foot Street from Harriman Drive into the  
 Parcel Located on Kittyhawk Avenue (PID: 108-001) in the General Business Zoning  
 District.  
 Date: April 13, 2021



I. PROPOSAL –  
 Stoneybrook Land Use, Inc., on behalf of Kittyhawk Property Development, LLC is applying for a Commercial Subdivision in accordance with Sec. 60-1359 of the Auburn Code of Ordinances. The proposal is for the creation of three lots with remaining land (35.9 acres) to be retained by the Developer and a new public street to access the lots.

- Lot 1 is proposed to be 4.84 acres.
- Lot 2 is proposed to be 14.91 acres (as shown on this plan). However, a future road and access easement is reserved for this area to provide flexibility to create 2-3 additional lots once the uses have been identified. Another scenario would add the Developers remaining 35.9-acre parcel to Lot 2 to create a larger lot that could support a much larger development project.
- Lot 3 is proposed to be 9.31 acres and includes a 1.6-acre proposed land swap to add area to lot 3 and provide access to the proposed public street.

The lot is currently vacant and the proposed uses of the three lots have not yet been identified. The lots will be served by overhead power, gas, public water mains and sewer. However, gravity sewer service can only be extended along the proposed street about 200 feet so sewer manholes are proposed to be installed on the both sides of the street, allowing for connection for individual sewer pumps for each lot or connection with one public sewer pump station.

**Stormwater/Wetland Impacts:**

As of right now, street construction is proposed to disturb 2 acres and create 0.99 acres of impervious area. Since the impervious area is under 1 acre, the proposed road does not require stormwater treatment or controls under the Stormwater Law. It will require a stormwater Permit by Rule as it results in more than one acre of disturbed area and less than one acre of impervious area. If the road is extended in the future to serve additional lots, stormwater treatment and controls may be necessary.

A Natural Resources Protection Act permit will be required for a proposed 13,873 square foot alteration of wetland areas associated with construction of the public street, new stream crossing and an anticipated 6,971 square foot driveway for Lot 3 and building/parking lot improvements on Lot 1.

### **Street Design/Traffic:**

A request has been submitted to the Public Works Director to modify several Street Design requirements. One of the requests has been to support a modification of the maximum street length. The Planning Board is typically focused on Chapter 60 but there are additional provisions in other chapters that allow waivers to be granted by the Planning Board. Under Section 46-180(a)(3): *Culs-de-sac shall be a maximum of 600 feet in length measured from the centerline of the feeder street to the center of the turnaround radius unless the planning board finds that a greater length will not create a hazard as based on the availability of hydrants, accessibility to firefighting equipment and anticipated use of abutting properties.*

The Planning Board should make a formal finding to allow the maximum length of the dead end street to exceed 600 feet based on the availability of hydrants and accessibility to firefighting equipment. The City has done this for similar projects, for example, an 1,100 foot road at the Kittyhawk Business Park and a 3,300 foot road at the ABDC (Auburn Commerce Center).

As discussed in the cover letter, access from the lot to Kittyhawk Avenue is currently restricted to one Control of Access Break by the DOT. Over the years, the Control of Access Breaks have been moved along Kittyhawk Avenue to meet development proposals between the Turnpike and Washington Street intersection. The Applicant has secured approval from the DOT to move the Control of Access serving this parcel from its current location to align with the existing location of Harriman Drive. Documentation of the change is still pending at DOT.

Currently, the three lots are expected to support 200,000 square feet of new building space, however, actual tenant uses are not yet known so trip generations should be monitored to ensure the 100 peak hour trip threshold is not exceeded. A Traffic Assessment was provided by Traffic Solutions for the proposed subdivision and recommended that as each lot is developed, the prospective applicant shall be required to conduct a left-turn lane warrant assessment to determine if predicted traffic conditions warrant the construction of a dedicated left-turn lane on the westbound Kittyhawk Avenue approach.

Staff recommends the Planning Board consider the following conditions of approval:

- Once uses have been identified for the proposed lots, peak hour trip generation shall be monitored, if it exceeds 100 peak hour trips, a Traffic Movement Permit shall be secured.
- As each lot is developed, the prospective applicant shall be required to conduct a left-turn lane warrant assessment to determine if predicted traffic conditions warrant the construction of a dedicated left-turn lane on the westbound Kittyhawk Avenue approach.

### **Comprehensive Plan Considerations**

This parcel is located in the Limited Business Development District land use classification according to the Future Land Use Map, allowing for the development and redevelopment of small and moderate scale nonresidential uses in areas that have good vehicle access and are served or can be served by public water and sewerage. The Rural Residential zoning district is across the railroad tracks from this property with the closest residential properties over 1,500 feet away on Turkey Lane. The other residential uses are on the other side of the turnpike. The proposed Future Land Use Map shows this area in the General Business Zoning District, which Staff agrees is a better Future Land Use designation given the proximity and visibility of the property to the turnpike, access from Kittyhawk and the surrounding Industrial uses.



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In addition, the residential area abutting the Turnpike to the south of the railroad tracks is proposed to become a higher density residential neighborhood.

## II. DEPARTMENT REVIEW-

- a. **Police-** No comments provided.
- b. **Auburn Water and Sewer** – No comments provided.
- c. **Fire Department/Code Enforcement** – No comments provided.
- d. **Engineering** – No comments provided.
- e. **Public Services-** No comments provided.
- f. **Economic and Community Development** – There is a great deal of need for commercial/industrial space throughout all of southern and central Maine. The Auburn Commerce Center (ABC) is ideally located and properly zoned for commercial/manufacturing uses and addresses this need. The assessed value of the ABC properties will increase as more facilities are built, which will increase revenue for the City and State. Given the fact that the ABC is ideal for warehouse, logistics, and manufacturing and the fact that the jobs that come with these operations are generally higher-paying and stable, the ABC also meets the demand for higher-paying, stable jobs.
- g. **Addressing** – An addressing plan will have to be created.

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;
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.

- III. STAFF RECOMMENDATIONS – Staff recommends the Planning Board make a formal finding to allow the maximum length of the dead end street to exceed 600 feet based on the availability of hydrants and accessibility to firefighting equipment

Staff also recommends the Planning Board find that the proposed subdivision meets the requirements of Sec. 60-1359 and 60-1365 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;



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3. The Addressing Plan shall be approved by the Addressing Officer before the issuance of a building permit;
4. Once documentation is finalized at DOT to move the Control of Access serving the property from its current location to align with the existing location of Harriman Drive, it shall be submitted to the City to be included in the file.
5. Once uses have been identified for the proposed lots, peak hour trip generation shall be monitored, if it exceeds 100 peak hour trips, a Traffic Movement Permit shall be secured.
6. As each lot is developed, the perspective applicant shall be required to conduct a left-turn lane warrant assessment to determine if predicted traffic conditions warrant the construction of a dedicated left-turn lane on the westbound Kittyhawk Avenue approach.

*Suggested Motion:* I make a motion to approve the proposed commercial Subdivision (Auburn Commerce Center) consisting of 3 Lots Totaling Approximately 30 Acres and a 750-Foot Street from Harriman Drive into the Parcel Located on Kittyhawk Avenue (PID: 108-001) in the General Business 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. The Addressing Plan shall be approved by the Addressing Officer before the issuance of a building permit;
4. Once documentation is finalized at DOT to move the Control of Access serving the property from its current location to align with the existing location of Harriman Drive, it shall be submitted to the City to be included in the file.
5. Once uses have been identified for the proposed lots, peak hour trip generation shall be monitored, if it exceeds 100 peak hour trips, a Traffic Movement Permit shall be secured.
6. As each lot is developed, the perspective applicant shall be required to conduct a left-turn lane warrant assessment to determine if predicted traffic conditions warrant the construction of a dedicated left-turn lane on the westbound Kittyhawk Avenue approach.

*Megan Norwood*

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City Planner