

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Office of Planning & Permitting

### PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene, AICP, RLA  
City Planner

Re: Fairway Landing Subdivision, Lots 1-3

Date: June 10, 2014

- I. PROPOSAL- George Bouchles, an agent for B & M Builders, is seeking approval of minor subdivision plan and development review for a proposed three (3) lot subdivision, located at 325 Fairway Drive (PID # 170-004) pursuant to Chapter 60, Section 1360 of the City of Auburn Ordinances.

This 3 lot subdivision proposal is located in the Fairway Landing Subdivision. The majority of this subdivision was approved by the Planning Board on September 13, 1988, under the name Ridgewood Subdivision. In that plan was some difficult to develop land, which is now being proposed to create 3 lots out of. A house on the proposed lot 2 is currently under construction.

One of the major features of this 3 lot subdivision proposal is the disposition of the rear area of the property. The northern portion of the lots are bounded by the Little Androscoggin River with 1,150' of river frontage, has a 150' wide Central Maine Power utility parcel that separates another parcel of non-buildable area from lots 1-3 and an old abandoned railroad line, which is currently used by local residents as a walking trail. Two drainage easements are being relocated to better reflect existing drainage patterns and a 25 foot wide River Access Easement is being moved to another location and is being reduced to be 15 wide.

- II. DEPARTMENT REVIEW-
- a. Police- No Comments.
  - b. Auburn Water and Sewer- A letter from John Storer, Superintendent of the Auburn Water and Sewer District was received and indicated there were no concerns for water hookup. Sanitary sewer is not available and the lots will have septic systems.
  - c. Fire Department- No comments.

- d. Engineering- The Engineering Department reviewed the relocated drainage easements and did not have any problems.
- e. Planning Department- The Planning Department has been discussing this proposal for a number of months, which has been helpful in identifying and working through the following concerns:
  - Meeting lot width standards on a cul-de-sac for lot 3. (*See definition of Lot Line (Sec. 60-2, Lot Line (2) in Part III)*)
  - How to meet the condition of the September 1988 Planning Board approval of the Ridgewood Subdivision Pan to protect and create open space and pedestrian access to the abandoned rail line trail and Little Androscoggin River? (*The developer has agreed to dedicate the open space at the rear of lots 1-3 and the remnant lot, to the City of Auburn. The City will place deed restrictions regarding these areas to be non-buildable and for public use*)
  - Resolving the relocation of the drainage easements as depicted on the 1988 subdivision plan. (*The Department of Engineering is agreeable to relocating the drainage easement based on the on-the ground conditions.*)
  - Resolving the relocation, construction and timing of the pedestrian walkway to the rear of the property. (*After meeting with the developer, conditions have been agreed to. See conditions of approval*)

III. PLANNING BOARD ACTION- The guidelines for approving a subdivision proposal are found in the Zoning Ordinance in Section 60-1359 (Guidelines) and are as follows: (Staff comments on the guidelines are *italicized*)

“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: (*Staff Comment: Developer meets this guideline*)
  - a. The elevation of land above sea level and its relation to the floodplains, the nature of soils and sub-soils 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; (*Staff Comment: Developer meets this guideline*)
- (3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized; (*Staff Comment: Developer meets this guideline*)

- (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; *(Staff Comment: Developer meets this guideline)*
- (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; *(Staff Comment: Developer meets this guideline)*
- (6) Will provide for adequate sewage waste disposal; *(Staff Comment: Developer meets this guideline)*
- (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; *(Staff Comment: Developer meets this guideline)*
- (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; *(Staff Comment: Developer meets this guideline)*
- (9) Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; ***(Staff Comment: Developer meets this guideline\*<sup>1</sup>)***
- (10) Is funded by a sub-divider has adequate financial and technical capacity to meet the standards of this section; *(Staff Comment: Developer meets this guideline)*
- (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; *(Staff Comment: Developer meets this guideline)*
- (12) Has provisions for onsite landscaping that are adequate to screen neighboring properties from unsightly features of the development; *(Staff Comment: Developer meets this guideline)*
- (13) Will not create a fire hazard and has provided adequate access to the site for emergency vehicles; *(Staff Comment: Developer meets this guideline)*
- (14) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater; *(Staff Comment: Developer meets this guideline)*
- (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. *(Staff Comment: Developer meets this guideline)*”

The only guideline in question pertained to lot 3, which has a reduced frontage by being located on a cul-de-sac. Based on the definition of Lot Line (Sec. 60-2, Lot Line (2)

- (2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they

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\*<sup>1</sup> Based on Article 60-2 Definitions- Lot Line (2)

intersect the street line) shall not be less than 80 percent of the required lot width **except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.**

IV. STAFF FINDINGS AND RECOMMENDATION-

FINDINGS- Staff recommends **APPROVAL** with these findings-

1. The applicant has submitted a complete application.
2. The subdivision plan for Fairway Landing (lots 1-3) meets the guidelines of Section 60-1359, (1-15) including guideline #9, "Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any" based on *Section 60-2, Definitions, #2. The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width **except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.***
3. The applicant has met the intention of the Auburn Planning Board its approval in September 13, 1988 of the Ridgeway Subdivision to create a public use area for the enjoyment of the area residents by its commitment to dedicate that area to the City of Auburn.

RECOMMENDATION- Staff recommends **APPROVAL** subject to the following conditions:

1. Auburn City Council approval of the dedication of areas previously designated as a conservation easement as per the Auburn Planning Board approval at its September 13, 1988 meeting, prior to the issuance of any Certificate of Occupancy for lots 1-3.
2. Developer shall construct a new trail in the proposed 15foot wide Pedestrian Walkway. Developer shall meet with the Planning Department prior to the construction of the trail.
3. A note placed on the plan, "No certificate of occupancy for Lot 3 until the new trail on the relocated 15 foot wide Pedestrian Walkway has been completed to the approval of Engineering and Planning".
4. A pedestrian easement shall be placed on the former rail bed area of lots 1-3.

  
Douglas M. Greene, A.I.C.P., R.L.A.  
City Planner