City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Development

PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

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

Re: Woodbury Heights Subdivision- Phase 2- Major Subdivision

Date: May 12, 2015

I. PROPOSAL-

George Bouchles, Surveyor, and agent for Bouffard and McFarland Builders, is seeking approval of a major subdivision of 5 additional lots (lots 6-10), subsequent to 5 lots that were approved by the Planning Board at their March 10, 2015 meeting for a property located at 113 Woodbury Road, pursuant to Chapter 60, Division 4 Subdivision; Sections 1359 and 1361, Subdivision of the Auburn Code of Ordinances.

This property had a Comprehensive Plan Map Amendment approved by the Planning Board and City Council to change its Future Land Use from Agriculture/Rural to Low Density Residential. The property is entirely zoned Low Density Rural Residential (LDRR).

All the 5 proposed lots (lots 6-10) are located along Woodbury Road. A 60 foot future right of way (with tapers- 100 foot wide at Woodbury Road) space has been reserved midway along Woodbury Road for a possible future road, which could serve the interior part of the site and potentially connect to Danville Corners Road.

PROPERTY DESCRIPTION-

The 57 acre property has road frontage on Danville Corner Road and Woodbury Road. Danville Corner Road is straight, improved road while Woodbury Road is a lesser quality road with portions being gravel and parts paved. There are steeper slopes on the rear western portion of the property, a cleared former pasture in the center and the rest of the property being wooded. A petroleum pipeline transects the property as well. Currently, based on the first phase approval and recording of 5 lots, a home on lot 1 is under construction on 2 other driveways have been permitted. .

II. DEPARTMENT REVIEW-

This plan was reviewed by the Plan Review Committee on April 23, 2015.

a. Police- No comments were received from Police.

b. Auburn Water and Sewer District- John Storer, Director of the Auburn Water and Sewer District had no concerns.

c. Fire Department- David O'Connell, Fire Safety Inspector-
   - "Main Road into complex will need to be graded appropriately for fire apparatus to enter, depending on the way the road is laid out; turning radius will need to be looked at so the trucks can turn around."

d. Engineering-
   - Drive Opening Permits and Fill Permits will be required for development on each lot.
   - The land to be retained by the owners would appear to be a non-conforming lot, lacking the required frontage on an accepted street.

e. Lewiston Auburn Airport- A portion of the property is included in an "Area of Approach for Aircraft". Rick Lanman, LA Airport Manager requested that the applicant complete FAA Form 7640 to ensure compliance with FAA regulations.

f. Planning and Development- The Planning and Development Department has the following comments:
   - The 24.62 acre, internal lot labeled "Land to be Retained by Owners" does not meet the Low Density Rural Residential District street frontage requirement of 250 feet. The applicant should resolve this issue when a Final Subdivision Plan is submitted.
   - Application Comments-
     - Section 1 Cover Letter Re: lists plan as "Minor Subdivision Plan". Change to "Major".
     - Section 8- Correct "All lots will be located on Woodbury Road."

III. PLANNING BOARD ACTION- the Planning Board is being asked to review this **Preliminary Subdivision Plan** application using Chapter 60- Sections 1359, 1361 and 1365 Division 4 Subdivision, of the Auburn Code of Ordinances. A Preliminary Subdivision Plan, if recommended for approval, will then require the filing of a Final Subdivision plan.

A. 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; **(See Staff comments and condition # 3)**

(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.

The Staff's finds that the Application submitted for Woodbury Heights, Major Subdivision needs to address criteria # 9 as set forth in Section 60-1359.

B. Sec. 60-1361. -**Major Preliminary Subdivision.**

(a) The application for approval of the preliminary plan shall be accompanied by a fee in the amount per lot, up to 100 lots, provided in the city fee schedule, payable by check to the city.

(b) The applicant shall secure approval from the tax assessor for a lot numbering sequence that is compatible with the existing system.

(c) The subdivider, or his duly authorized representative shall attend the meeting of the planning board to discuss the preliminary plan.

(d) Upon receiving an application, the planning department shall issue to the applicant a dated receipt. Upon receiving an application, the planning department shall notify by mail all abutting property owners of the proposed subdivision, specifying the location of the proposed subdivision and a general description of the project.

(e) The planning board shall within 30 days of receiving the completed application, hold a public hearing on the preliminary plan. The city shall publish a public hearing notice in conformance with section 60-1474. Abutters shall also be specifically notified of this hearing by the municipality. Failure of any petitioner or property owner to receive such mailed notice of such a zoning hearing shall not necessitate another hearing and shall not constitute grounds for objections by such petitioner or property owner and shall not invalidate any recommendation by the planning board.

(f) When granting preliminary approval to the preliminary plan, the planning board shall state the conditions of such approval, if any, with respect to:

(1) The specific changes which it will require in the final plan;

(2) The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety and general welfare.

(g) Preliminary approval of a preliminary plan shall not constitute approval of the final plan, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for approval of the planning board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the final subdivision plan, the planning board may require additional changes as a result of new information obtained at the public hearing. The board by majority vote may determine if a public hearing is necessary at this time for final plan review.

The Staff's finds that the Application submitted for Woodbury Heights, Major Preliminary Subdivision meets the criteria set forth in Section 60-1361.

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. **(See Staff comments and condition # 3)**

(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. **(See Staff comments and condition # 3)**

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.

The Staff's finds that the Application submitted for Woodbury Heights, Minor Subdivision needs to address the criteria (1 and 3a) set forth in Section 60-1365.

IV. STAFF RECOMMENDATION-

The Staff recommends **APPROVAL** of the Preliminary Subdivision for Woodbury Heights, Lots 6-10 with the finding that it meets the requirements of Chapter 60, Sections 1359, 1361 and 1365 of the Auburn Zoning Ordinance.

This recommendation of **APPROVAL** is subject to the following conditions:

1. The applicant shall secure approval from the tax assessor for a lot numbering sequence to ensure compatibility with the existing tax system. The numbering system will not be construed to indicate anything more than identification of parcels for taxation purposes.
2. The applicant shall, within six months after the approval of the preliminary plan file a final plan with the Planning Board.
3. The applicant shall address the lot requirements for the 24.62 acre remaining lot at the time of the Final Subdivision Plan.

Douglas M. Greene

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