

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: September 15, 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.

A preliminary submission reviewed by the Planning at their May 12th meeting. At that meeting, the Planning Board requested more information about: 1.) The proposed future road and 2.) Requested that an internal lot, labeled "future development" which did not have the required minimum lot frontage (250 feet) be addressed at the time of the final plan submission.

The Planning Board also questioned if the applicant would be responsible for making improvements to Woodbury Road. The staff does not feel the Subdivision section of the Zoning Ordinance does not give that authority to the Planning Board unless a traffic study is required (over 100 new peak hours trips) and warrants road improvements due to the new traffic. Woodbury Road (including ditches) is a public right of way and it is the City's responsibility to maintain it.

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 July 18, 2015.

- a. Police- No comments were received from Police.
- b. Auburn Water and Sewer District- Had no concerns.
- c. Fire Department- David O'Connell, Fire Safety Inspector, had the following comment.
 - Any new road into the complex will need to be graded appropriately for fire apparatus to enter and be able to turn around. This will be addressed at the time a new road is considered for construction.
- d. Engineering/Public Services- Gary Johnson and Kevin Doyle- Based on a field visit of Woodbury Road by City Staff, the following condition and note should be placed on the plan.
 - **“Each of the proposed Phase 2 lots will require drive opening permits and fill permits prior to development activity. Where driveway culverts are needed the developer will need to provide sufficient grading and stabilization of the roadside ditch.”**
- e. Public Services- Kevin Doyle- Concurred with Gary Johnson's comments.
- f. Lewiston Auburn Airport- Rick Lanman, LA Airport Manager is requesting a condition and note be added to the subdivision plan that state: **“Lots 6, 7, 8, 9 and 10 of Phase 2 are located within an Area of Approach for Aircraft to the Lewiston Auburn Airport”**.
- g. 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. A revised plan now show a cul-de-sac extending into the internal lot that, when constructed, will create the needed lot frontage. The

Staff is recommending a condition and note be placed on the plan that states, **“Before the last lot of either lots 6, 7, 8 or 9 is sold, the developer shall construct the Cul-de-Sac to public street standards.”**

- Application Comments- Staff asks the applicant to submit a copy of a corrected application with the following corrections:
 - 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 **Final Subdivision Plan** application using Chapter 60- Sections 1359, 1362 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;
- (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 meets the criteria as set forth in Section 60-1359.

B. Sec. 60-1362.—Major subdivision final plan.

- (a) The subdivider shall, within six months after the preliminary approval of the preliminary plan, file with the planning board an application for approval of the final subdivision plan in the form described herein. If the final plan is not submitted to the planning board within six months after the approval of the preliminary plan, a single six-month extension may be given upon a showing of good cause in writing by the applicant to the planning board not less than 30 days before the expiration of approval of his existing plan. The planning board shall approve or disapprove the requested extension at its next regular meeting. The planning board may refuse without prejudice to act on the final plan and require resubmission of the preliminary plan. All applications for final plan approval for major subdivisions shall be accompanied by a fee in the amount provided in the city fee schedule, payable by check to the city.
- (b) The planning board shall, within 30 days after the public hearing on a final plan, conditionally approve, approve, approve with conditions, or disapprove the final plan. Any such decision of the planning board shall include findings of fact, and any approval with conditions or disapproval shall be accompanied by the reasons therefore in writing.
- (c) In reviewing a subdivision, the planning board shall consider previous subdivision of the same applicant, subdivider or principals of such application. If the developer has failed to complete the public improvements shown on an approved plan to the satisfaction of the planning board, then this shall constitute conclusive evidence of technical capabilities of the applicant or developer to comply with the terms of this chapter or to complete work required by a plan.

The Staff's finds that the Application submitted for Woodbury Heights, Major Subdivision Final Plan meets the criteria set forth in Section 60-1362.

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.

The Staff's finds that the Major Subdivision Final Plan Application submitted for Woodbury Heights meets the criteria set forth in Section 60-1365.

IV. STAFF RECOMMENDATION-

The Staff recommends **APPROVAL** of the Final Subdivision for Woodbury Heights, Lots 6-10 with the finding that it meets the requirements of Chapter 60, Sections 1359, 1362 and 1365 of the Auburn Zoning Ordinance.

This recommendation of **APPROVAL** is subject to the following conditions being completed prior to the recording of the Subdivision Plan:

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. A note shall be added to the plan stating, **"Lots 6, 7, 8, 9 and 10 of Phase 2 are located within an Area of Approach for Aircraft to the Lewiston Auburn Airport."**
3. A note shall be added to the plan stating, **"Each of the proposed Phase 2 lots on Woodbury Road will require drive opening permits and fill permits prior to development activity. Where driveway culverts are needed the developer will need to provide sufficient grading and stabilization of the roadside ditch."**
4. A note shall be added to the plan stating, **"Before the last lot of either lots 6, 7, 8 or 9 is sold, the developer shall construct the Cul-de-Sac to public street standards."**


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