



PLANNING BOARD STAFF REPORT

To: Auburn Planning Board
From: Zach Mosher, City Planner
Re: Major Preliminary Subdivision Review for Woodbury Heights – Phase IV
Date: December 12 2017

I. PROPOSAL – George Bouchles, Surveyor and agent for Mr. Reggie Bouffard and Mr. Gary McFarland, is seeking approval for a major preliminary subdivision of seven additional residential lots (lots 23-29) at Woodbury Heights (PID: 110-009) and the construction of a cul de sac road, located off of Mountain View Dr. and Danville Corner Road in the city of Auburn pursuant to Chapter 60, Division 4 Subdivision; Sections 1359, Guidelines; 1361, Preliminary Subdivision; and Section 1365, General Requirements of the Auburn Code of Ordinances. These proposed seven lots are subsequent to the approval 5 lots, lots (lots 1-5) by the Planning Board at their March 10, 2015 meeting, 5 lots approved by the Board at their September 15, 2015 meeting and 1 lot (lot 11) approved by the Board at their January 10, 2017 meeting. In addition, 13 lots (lots 10-22) were approved by the Planning Board at their July 11 2017 meeting. Lot 20 and a portion of lot 2 are being reconfigured in the proposed Phase IV plan.

These seven new lots are proposed to be subdivided from a portion of a 57 acre parcel (PID: 110-009) at the corner of Danville Corner Rd and Woodbury Rd and a 9.7 acre parcel (PID: 110-011) of land immediately adjacent to the 57 acre parcel of land. Both parcels of land are entirely zoned Low Density Rural Residential (RR). The RR district specifies lots be at least 1 acre in size and all seven lots being proposed are between 1 acre and 5.01 acres. The proposed seven lots will be served by on-site wells and subsurface wastewater system.

A. Transportation - The subdivision proposes the construction of a new public street to serve the 7 new interior lots of the subdivision. The proposed road, Ridge View, is being proposed as a public street and cul de sac and will be approx. 668 ft. in length. Ridge View will be accessed off of the newly constructed Mountain View Rd which was part of Phase III approval. Chapter 46, Sec. 46-180 (3) Design and Construction Standards of the Code of Ordinances requires that any cul-de-sac be no longer than 600 ft. in length. Staff opines that the total length of the waiver request start from Danville Corner Rd, include Mountain View Rd, and the total length of Ridge View. Therefore the developer has included a waiver

request of approx. 1,631 ft. in length which is the length from Danville Corner Road to the end of Ridge View. The Planning Board approved a waiver request for the existing street to extend 1,450 feet from Danville Corner Road at their July 11, 2017 Meeting. The applicant has estimated that Phase III would generate 39 new peak hour trips and estimates Phase IV will generate 18 peak hour trips for a total of 57 peak trips. Therefore the total trip generation for Phases III and IV would still not be triggering 100 peak trips, necessitating a traffic movement permit.

B. Environmental – The 9.7 acre parcel was heavily wooded and recently logged. There is a steep slope on the back third of this parcel down to Old Danville Corner Rd. Staff met with both the Maine Forestry Service and the MDEP in the last few weeks to understand some of the cutting and runoff concerns brought forward by adjacent property owners. The developer attained the necessary cutting permit (called a FONS permit) from the Forestry Service and is in compliance with those regulations. A representative from MEDEP was also met at the property and MDEP did not identify any issues with water runoff and found the site to be in compliance with applicable standards.

C. Open Space - As part of Phase III, the applicant, to meet the open space provisions for residential subdivisions as per Chapter 60, Sec. 60-1367 provided a trail and open space land (in parts of lots 11, 18, and 19) to satisfy the requirement. Sec. 60-1367 specifies that a subdivision must provide “an area of not less than 43,560 contiguous square feet or one acre of land for the first ten lots or units. The amount of land required is increased at a rate of 5,000 square feet per unit for each unit over ten units.” The applicant, as part of Phase IV, has increased that open space and trail space in the same portion of the subdivision to accommodate the open space requirements for the proposed additional seven lots. As the subdivision now totals 29 lots in total, the open space requirement is approx. 3.1 acres. and the applicant is proposing 3.3 acres of open space, including trails.

II. DEPARTMENT REVIEW

Police Department - No comment.

Fire Department – Fire mentioned that the proposed cul-de-sac road should be built to the same specifications of Mountain View Rd.

Water and Sewer District – AWSO provides no water or sewer in this area.

Engineering Department – Engineering and Planning wanted to make sure the applicant listed the total impervious area for of all phases the Woodbury Heights subdivision and they have provided that number. Engineering noted that Chapter 500 Basic Standards must be followed which allows for vegetated buffers to be used to treat the stormwater runoff. The engineer noted that these buffers need to be deeded easements shown on the recorded plan and gravel shoulders should be considered impervious for stormwater calculations.



Economic & Community Development Department – The department wanted to make sure that the length of the waiver request for the new cul de sac turnaround is started at Danville Corner Rd and not Mountain View Rd. Staff opines that as soon as one turns off of Danville Corner Rd one is on a dead-end road and therefore the waiver must include the length from Danville Corner Rd to the end of the proposed cul de sac, Ridge View Rd, as it would have if the plan was reviewed in its entirety as currently proposed. There is no public water or hydrants available in the area of the subdivision and staff recommends approval of the waiver.

III. PLANNING BOARD ACTION- The Planning Board is being asked to review this **Subdivision Plan** application using Division 4 Subdivision, Chapter 60 - Sections 1359 Subdivision Guidelines, 1361 Preliminary Subdivision Plan and 1365 General Requirements, of the Auburn Code of Ordinances.

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); **(The proposal meets Chapter 500 stormwater standards.)**
- (2) Has sufficient water available for the reasonably foreseeable needs of the subdivision; **(Private wells serve existing homes and Affordable Well Drilling opines that there is adequate water for the additional lots.)**
- (3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized; **(Private wells serve existing homes and Affordable Well Drilling opines that there is adequate ground water for the additional lots.)**
- (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. **(The proposal meets Chapter 500 stormwater standards and Erosion and Sediment Control BMPs will be followed during construction.)**

- (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; **(The applicant has provided a waiver request and reasons for the cul-de-sac road).**
- (6) Will provide for adequate sewage waste disposal; **(Test pits results are shown in the application and each proposed lot is shown to have suitable soils.)**
- (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; **(Municipal services are adequate.)**
- (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; **(The project takes advantage of mountain views and does not impact 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; **(Applicant submitted a waiver request for length of cul-de-sac road and otherwise meets the requirements.)**
- (10) Is funded by a subdivider that has adequate financial and technical capacity to meet the standards of this section; **(The applicant has demonstrated the ability and capacity to deliver high end homes in the earlier phases of the development and has submitted a letter from Norway Savings Bank confirming adequate borrowing capacity.)**
- (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; **(The development has added substantial taxable value and associated tax revenue.)**
- (12) Has provisions for on-site landscaping that are adequate to screen neighboring properties from unsightly features of the development; **(The lots are rural lots and will be landscaped adequately as existing lots have been.)**
- (13) Will not create a fire hazard and has provided adequate access to the site for emergency vehicles; **(The proposed road provides adequate access and the homes will meet code requirements.)**
- (14) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater; **(The proposal meets Chapter 500 stormwater standards and Erosion and Sediment Control BMPs will be followed during construction. Wastewater disposal will comply with State Requirements.)**
- (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 project is not located in a great pond watershed.)**



City of Auburn, Maine

Office Economic and Community Development
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B. Sec. 60-1361. Major preliminary subdivision.

1. 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.
2. The applicant shall secure approval from the tax assessor for a lot numbering sequence that is compatible with the existing system.
3. The subdivider, or his duly authorized representative shall attend the meeting of the planning board to discuss the preliminary plan.
4. 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.
5. 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.
6. When granting preliminary approval to the preliminary plan, the planning board shall state the conditions of such approval, if any, with respect to:
 - a) The specific changes which it will require in the final plan;
 - b) 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.
7. 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.

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. **(Staff opines that the proposal meets this requirement)**

(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. **(Streets are proposed on the upper plateau area of the property and avoids the steep slopes. Trees were removed on the hillsides to open up views to the west. Staff opines that the proposal meets this requirement)**

(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. **(Staff opines that the proposal meets this requirement)**

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. **(Staff opines that the proposal meets this requirement)**

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

D. Waiver Request – B&M Developers have included a waiver request for the length of the public cul-de-sac street as part of the Major Preliminary Subdivision Plan pursuant to Chapter 60, Sec. 60-1336 of the Auburn Code of Ordinances. Cul-de-sac streets over 600 ft. in length are subject to Planning Board approval, as per Chapter 46, Sec. 46-180 (3). The applicant has also provided reasons for the cul de sac turnaround. That waiver request is included at the end of this report.

IV. STAFF RECOMMENDATION – The Staff recommends APPROVAL of the 7 residential lots Preliminary Subdivision Plan with the finding that it meets the requirements of Chapter 60, Sections 1359, 1361 and 1365 of the Auburn Code of Ordinances.

Staff also recommends accepting the request for a waiver regarding the length of the cul-de-sac street as it meets the purpose and objective of Staff Approvals and Waivers, Chapter 60, Sec. 60-1336 (d) of the Auburn Code of Ordinances.



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V. CONDITIONS -

Should the Planning Board approve the application, the approval is subject to the following conditions.

1. No development shall occur until approval by the Planning Board of the final subdivision plan.
2. The developer include a note on the site plan indicating what is permissible on the open space portion of the subdivision as well as what it is for.

A handwritten signature in black ink that reads "Zach Mosher".

Zach Mosher
City Planner



CADmaster

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Land Surveying and Septic Design

November 10, 2017

Auburn Planning Board
City of Auburn
60 Court Street
Auburn, Maine 04210

RE: "Woodbury Heights - Phase 4" – 7 Lot Residential Major Subdivision
Mountain View Drive & Old Danville Road
Auburn, Maine

"Waiver Request" - Ridge View

Dear Planning Board Members:

Please consider this a waiver request for the length of the proposed public cul-de-sac street, Ridge View, as part of Woodbury Heights Phase IV - Preliminary Major Subdivision Plan. The total length of street (including Ridge View) is approx. 1,631 ft. in length from the beginning of Danville Corner Rd., along Mountain View Rd, to the end of Ridge View. This request is pursuant to Chapter 60, Sec. 60-1336 of the Auburn Code of Ordinances as any cul-de-sac streets over 600 ft. in length are subject to Planning Board approval, as per Chapter 46, Sec. 46-180 (3).

This request is being made to allow for the creation of the proposed Ridge View and the proposed cul-de-sac at the end of the road due to site conditions that would prohibit the construction of a through road to Old Danville Road due to steep slopes in excess of the City's maximum slopes allowed for any new roads as well as the inability to meet Site Distance requirements at Old Danville Road.

Additionally, we're requesting this waiver to allow for the creation of the new lots along Ridge View with a portion of the total length of this new road being partially along Mountain View Drive, which has already been granted a waiver as part of the previously approved Phase 3 subdivision process. This new section of Ridge View will be 667.91 feet in length from the centerline intersection of Mountain View Drive to the center of the cul-de-sac.

I trust the above information will be sufficient to be considered for the above referred to waiver request.

I look forward to discussing this waiver request at the next regularly scheduled Planning Board Meeting.

Respectfully submitted,
CADmaster Drafting, Land
Surveying and Septic Design



George Bouchles, PLS 2295, LSE 338