



PLANNING BOARD STAFF REPORT

To: Auburn Planning Board
From: Zach Mosher, City Planner
Re: Woodbury Heights Preliminary Subdivision- Phase 3
Date: June 13, 2017

I. PROPOSAL- George Bouchles, Surveyor and agent for Mr. Reggie Bouffard and Mr. Gary McFarland, is seeking approval for a major subdivision of thirteen additional residential lots (lots 10-22), located on Danville Corner Road in the city of Auburn pursuant to Chapter 60, Division 4 Subdivision; Sections 1359 and 1361, Preliminary Subdivision of the Auburn Code of Ordinances. These thirteen lots are subsequent to the approval of 5 lots (lots 1-5) by the Planning Board at their March 10, 2015 meeting, and to 5 lots approved by the Board at their September 15, 2015 meeting, as well as 1 lot (lot 11) approved by the Board at their January 10, 2017 meeting.

Mr. McFarland and Mr. Bouffard c/o B&M Developers propose to subdivide a portion of a 57 acre parcel of land they jointly own located on the Danville Corner Rd and the Woodbury Rd (PID: 110-009) into thirteen additional residential lots, for a total of 22 lots for the project. The entire parcel is located in the Low Density Rural Residential District.

- a. **Transportation** - The subdivision will require the construction of a new public street to serve 11 new interior lots of the subdivision and will be accessed from Danville Corner Rd. The new road is being proposed as a cul-de-sac turn-around road and will be constructed to public street standards. 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. The developer is proposing a cul-de-sac street 1,450 ft. in length, which will require a waiver from the Planning Board. Phases I & II of Woodbury Heights both reserved a 60 ft right of way along Woodbury and Danville Corner Roads that could serve the interior of the subdivision. Phase III now proposes a cul-de-sac street accessed from Danville Corner Road. In Phase I and II there was discussion by the Planning Board about the need to improve Woodbury Road. Woodbury Road (including ditches) is a public right of way

and it is the Department of Public Service's opinion that it's the City's responsibility to maintain it. The applicant has estimated that the plan will result in 39 new peak hour trips, which does not meet the threshold of 100 peak hour trips for a traffic movement permit. Limiting access to Danville Corner Road helps to allow the lots without adding additional traffic to the substandard Woodbury Hill Road.

- b. **Environmental** – A petroleum product line intersects the 57 acre parcel and includes a 100 ft. easement. There is one fairly large wetland on the parcel as well as several small drainageways associated with the wetland. The Stormwater Management Plan for Woodbury Heights is in accordance with the MDEP Chapter 500 rules. The subdivision plan will yield approx 57,000 sq. ft. of new impervious roadway surface and approx. 114,000 sq. ft. of total developed area. It is proposed that the developers will use forested and meadow buffers to meet required treatment for stormwater quality standards.

II. DEPARTMENT REVIEW- The Plan Review Committee reviewed the plan on May 17th, 2017.

- a. Police- No comments were received from Police.
- b. Auburn Water and Sewer District-
- c. Fire Department- Tim Allen, Fire Safety Inspector voiced concern over the turning radius and street width of the proposed cul-de-sac road.
- d. Public Services – Scott Holland added that improvements to Woodbury Road are not planned or funded in foreseeable future.
- e. Lewiston Auburn Airport- A portion of the property is included in an "Area of Influence", which are properties within 10,000 feet of the airport. The LA Airport Manager is requesting a note placed on the plans to that effect, and a note stating that no structures be constructed over 50 feet in height.
- f. Economic & Community Development -
 - Indicated that the proposed cul-de-sac street name of "Mountain View Drive" needs approval by the City Addressing Officer.
 - Also indicated that the new lot addresses need to be determined.
 - The cul-de-sac length waiver from 600' to 1450' will help to minimize impacts to Woodbury Hill Road.

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);
- (2) Has sufficient water available for the reasonably foreseeable needs of the subdivision; **(Private wells serve existing homes and C&R 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 C&R well drilling opines that there is adequate 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; **(Staff will discuss at meeting – The cul-de-sac length waiver helps achieve this outcome.)**
- (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; **(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 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 Androscoggin Bank confirming their 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 value and will continue to do so.)**
- (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.)**

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.



City of Auburn, Maine

Office of Economic and Community Development

60 Court Street, Auburn, Maine 04210

www.auburnmaine.gov

207.333.6601

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. **(The proposal conforms to the comprehensive plan and will meet 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. **(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.
 - 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 proposal meets this requirement.)**

The Staff's finds that the Major 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, per Chapter 46, Sec. 46-180 (3). Specifically, staff is recommending the approval of this waiver request based on the following:

- 1) Granting the waiver request will reduce new traffic to Woodbury Road, an existing substandard public road/right-of-way.
- 2) Granting the waiver request will not compromise public safety.



City of Auburn, Maine

Office of Economic and Community Development

60 Court Street, Auburn, Maine 04210

www.auburnmaine.gov

207.333.6601

IV. STAFF RECOMMENDATION-

The Staff recommends APPROVAL of the 13 residential lots Preliminary Subdivision 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. The waiver meets the purpose and objective of Staff Approvals and Waivers, Chapter 60, Sec. 60-1336 (a) (c) and (d) of the Auburn Code of Ordinances based on the finding that special circumstances of the plan and inadequacy for traffic of connecting facilities (Woodbury Hill Road) adjacent to the proposed subdivision.

Should the Planning Board approve this request, the approval will be subject to the following conditions:

- 1) No development shall occur until approval by the Planning Board of the final subdivision plan.

A handwritten signature in black ink, appearing to read "Zach Mosher".

Zach Mosher
City Planner

C: File