



**PLANNING BOARD STAFF REPORT**

To: Auburn Planning Board  
From: Zach Mosher, City Planner  
Re: Major Final Subdivision Review for Woodbury Heights – Phase IV  
Date: March 13, 2018

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**I. PROPOSAL** – George Bouchles, Surveyor and agent for Mr. Reggie Bouffard and Mr. Gary McFarland, is seeking approval for a major final 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; 1362, Final Subdivision; and Section 1365, General Requirements of the Auburn Code of Ordinances. These proposed seven lots are subsequent to the approval of 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 systems.

A preliminary major subdivision submission was reviewed by the Planning Board at the December 19, 2017 meeting. At that meeting, the Planning Board voted to approve (vote of 5-2) the preliminary subdivision plan and identified the issues that remain for final review. The remaining issues that were discussed at the meeting were approving the waiver request for the length of the proposed new cul de sac street and the stormwater plan. After hearing concerns from abutting landowners concerning runoff, the Planning Board requested another public hearing be held regarding the stormwater management plan prior to final approval. In the Environmental section below, a summary is presented concerning how both Planning and Engineering staff have worked with the stormwater consultant on the final plan.

Since the meeting in December, the applicant has also provided bylaws for the creation and implementation of a Homeowner's Association that would govern the open space and all of the existing and proposed lots at Woodbury Heights. A copy of those bylaws are included in Section 1 of the application binder.

**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 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 November/December 2017 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 also inspected the property and found the site to be in compliance with applicable standards.

Planning and Engineering staff met with the engineering consultant (CES, Inc) for Woodbury Heights on February 1<sup>st</sup> to address stormwater issues before the final subdivision plan was brought before the Planning Board. Some of the issues raised by staff were:

- concerned that buffers are being placed inside wetlands
- concerned that buffers being placed on slopes greater than 15%
- address runoff concerns of the abutting landowners at 760 and 784 Old Danville Corner Rd.

CES then submitted a draft stormwater plan on February 14<sup>th</sup> and a revised plan on March 1<sup>st</sup> that addressed both Site Location of Development Law standards from Maine DEP and runoff concerns raised by abutting property owners. Both of those stormwater plans were submitted to Woodard and Curran (an engineering firm based in Portland) for peer review. Some of the comments raised by the peer review were:



- the construction of bioretention cells must follow Volume III of the MEDEP BMP manual
- vegetated buffers must be protected from disturbance by deed or covenant
- concern over discharge for Summation Points 2 and 3

As part of the final stormwater plan, CES has included a memo that specifically addresses issues and comments raised by both peer reviews conducted by Woodard and Curran. The final plan with that memo is in Section 8 of the application. As part of the new plan, the applicant is requesting a waiver from Chapter 500 flooding standards for the 2 and 10 year storms at Summation Points 2 and 3. This runoff is flowing through abutting properties and Staff is concerned about future flooding issues if the waiver is granted. Engineering Staff does not see an argument for hardship to meet these flooding standards and recommends that the waiver be denied. CES will be at the meeting to address this issue but meeting the flooding standards for these two points is recommended as a condition of approval.

**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 as Mountain View Rd from Phase III of Woodbury Heights.

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

**Engineering Department** – As mentioned above, Engineering wanted to make sure some of the following issues were addressed in the stormwater plan for the final submission:

- concerned buffers being placed inside wetlands
- buffers being placed on slopes greater than 15%
- address runoff concerns of the abutting landowners at 760 and 784 Old Danville Corner Rd.

**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 new cul de sac street (which is approx.. 1,661 ft.). After discussions between Planning and Engineering, the decision was made to have the stormwater plan peer reviewed by an outside engineering company.

**III. PLANNING BOARD ACTION-** The Planning Board is being asked to review this **Major Final Subdivision Plan** application using Division 4 Subdivision Chapter 60 - Sections 1359 Subdivision Guidelines, 1362 Final 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 with recommended conditions.)**

(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 with recommended conditions 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.)**



## City of Auburn, Maine

Office Economic and Community Development  
[www.auburnmaine.gov](http://www.auburnmaine.gov) | 60 Court Street  
Auburn, Maine 04210  
207.333.6601

- (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.)**
- (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. The waiver request is included in Section 1 of the application.)**
- (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 with recommended conditions. 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. 60-1362.—Major subdivision final plan.**

2. 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.

3. 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.

**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.)**

(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 finds that the Major Final Subdivision 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 Final 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 granting the waiver request. *Those reasons are provided in Section 1 of the application.*



**IV. STAFF RECOMMENDATION** – The Staff recommends **APPROVAL** of the 7 residential lots as part of the Major Subdivision Final Plan with the finding that it meets the requirements of Chapter 60, Sections 1359, 1362 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.

**V. CONDITIONS -**

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

1. No development activity until any bonding or inspection fees as required by ordinance are determined by the Auburn Engineering Department and paid by the developer.
2. The applicant shall secure approval from the tax assessor for a lot numbering sequence to ensure compatibility with the existing tax and E911 systems. Prior to issuance of building permits, the preliminary addressing plan shall be submitted to the City Planner.
3. The developer shall fulfill the requirements of the open space provisions for residential subdivisions as per Chapter 60, Sec. 60-1367 and Section I (C) of this report.
4. Areas designated as Buffers must be protected from disturbance by deed restrictions and covenants and submitted to City of Auburn.
5. Flooding Standards for the 2 and 10 year storms at Summation Points 2 and 3 will need to be in compliance with MEDEP Chapter 500 Flooding Standards prior to construction.
6. The Engineering Department will review and approve more detailed grading and drainage plans prior to construction.

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

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**Zach Mosher**  
City Planner