

## CITY OF AUBURN PLANNING BOARD FINDINGS OF FACT

### **MAJOR SUBDIVISION APPROVAL: 204 Broad Street, 18 Apartment Units**

**Project Description:** Pursuant to Chapter 60, Article XVI Division 4, Subdivision, Sec. 60-1359 of the Auburn Code of Ordinances: Construction of a 12- and 6-unit apartment building, amending previously approved 24-unit condominium project from 1988 at 204 Broad Street in the Multi-Family Urban Zoning District. Owner is Tuesday Properties, LLC.

**Planning Board Review:**

WHEREAS the Planning Board began reviewing the Plan, conducted a Public Hearing and tabled the Proposal waiting on further information from the Applicant on 8/13/19.

WHEREAS the Planning Board reviewed, conducted a second public hearing and granted Major Subdivision approval with seven conditions on 12/10/19.

**Referenced Plans and Documents:** The plans and other documents considered to be part of the record by the Planning Board ruling consist of:

**Exhibit A:** Signed Agreement between Brent M. Bilodeau, Alan and Katie Dillingham, Claire Robichaud, and Roger and Joline Bilodeau.

**Exhibit B:** Wellington Court Condominiums: A Residential Condominium Development, Site Plan drawn by Technical Services, Inc., Sheet 1, Dated 9/17/88.

**Exhibit C:** Wellington Court Condominiums, Topographic Site Plan, Drawn by Technical Services, Inc., Sheet 2, Dated 9/20/88.

**Exhibit D:** Wellington Court Condominiums, Site Plan Limits of Current Condominium, Prepared by Plaint Mapping, Sheet 1, Dated March 2009, and most recently revised on 3/27/09.

**Exhibit E:** Wellington Court Condominiums, Revision 2 – Site Plan Limits of Current Condominium, Prepared by Planit Mapping, Sheet 1, Dated 2/25/10.

**Exhibit F:** Purchase and Sale Agreement – Land Only between Gerard Morin and Wellington Court, LLC, dated 6/3/19.

**Exhibit G:** Schematic Site Plan – Wellington Court Apartments, Prepared by Stoneybrook Consultants, Sheet 1, Dated July 2019.

**Exhibit H:** Schematic Grading Plan – Wellington Court Apartments, Prepared by Stoneybrook Consultants, Sheet 2, Dated July 2019.

**Exhibit I:** USGS Location Map, Tax Map and Zoning Map prepared by Stoneybrook Consultants, Dated 7/24/19.

**Exhibit J:** Cover Letter re: Wellington Court Apartments Subdivision Application, prepared by Michael Gotto of Stoneybrook Consultants, Pages 1-3, Dated 7/26/19.

**Exhibit K:** Revised Information: 204 Broad Street, Provided to Planning Board Members at meeting on 8/13/19.

**Exhibit L:** Staff Report for 204 Broad Street from Megan McLaughlin, City Planner II to the Auburn Planning Board, Pages 1-5, Dated 8/13/19.

**Exhibit M:** Letter from Megan McLaughlin, City Planner II to Stoneybrook Consultants, Inc. re: August 13, 2019 Planning Board Meeting: 204 Broad Street, Dated 8/15/19.

**Exhibit N:** Schematic Grading Plan – Wellington Court Apartments, Prepared by Stoneybrook Consultants, Sheet 1, Dated September 2019.

- Exhibit O:** 2018 Aerial Graphic – Wellington Court Apartments, Prepared by Stoneybrook Consultants, Sheet 1, Dated September 2019.
- Exhibit P:** Exhibit A – Buffering Plan, Wellington Court Apartments Prepared for Gerry Morin by Stoneybrook Consultants, Dated September 2019.
- Exhibit Q:** Quitclaim Deed with Covenant and Exhibit A, Bk. 10197 Pg. 253, Dated 10/04/19.
- Exhibit R:** Development Review Application prepared by Michael Gotto, Dated 11/7/19.
- Exhibit S:** Schematic Site Plan Wellington Court Apartments prepared by Stoneybrook Consultants, Inc., Sheet 1, Dated September 2019.
- Exhibit T:** Cover Letter re: Wellington Court Apartments Subdivision Application, prepared by Michael Gotto of Stoneybrook Consultants, Pages 1-4, Dated 11/7/19.
- Exhibit U:** Subdivision Plan – Wellington Court Apartments, Prepared by Planit Mapping, Sheet 1, Dated 8/10/9 and most recently revised on 11/7/19.
- Exhibit V:** Common Facility Maintenance and Confirmatory Easement Agreement, Pages 1-5, Dated 11/18/19.
- Exhibit W:** Staff Report for 204 Broad Street from Megan Norwood, City Planner II to the Auburn Planning Board, Pages 1-6, Dated 12/10/19.

NOW THEREFORE, pursuant to the City of Auburn Zoning Ordinance, the Planning Board, in due consideration of this application, has determined the following facts, per **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
 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 which 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.

NOW THEREFORE the City of Auburn Planning Board has in its Findings of Fact determined that the proposed project and added conditions is in compliance with the policy in Comprehensive Land Use Plan and hereby resolves to conditionally grant Major Subdivision Approval to Tuesday Properties, LLC to construct a 12-unit and 6-unit apartment building, for a total of 18 new units on the site at 204 Broad Street: PID: 290-011. Vote: 6 in favor, 0 against, 1 abstained.

The Planning Board placed seven conditions on this approval:

- (1) The building height shall be limited to 35 feet as measured to the mean of the gable.
- (2) A lighting plan shall be provided before the issuance of a building permit.
- (3) An addressing plan shall be provided to the addressing officer before the issuance of a building permit.
- (4) Bonding and inspection fees must be approved and paid and a notice to proceed obtained from the City Engineer. Buffering/Screening shall be included in the performance bond.
- (5) The Applicant shall coordinate with Auburn Water and Sewer on metering and water line relocation before a final Certificate of Occupancy is issued.
- (6) A final buffering plan to be approved by staff shall include a provision for thinning of the buffer along the Perkins property, trees may be removed but a vegetative buffer shall be maintained. The buffering plan shall also include the removal of deciduous trees and/or planting of evergreen trees along the Simard property to improve buffering.
- (7) The Maintenance Agreement shall be amended to also include maintaining the fence buffer around the remainder of the property.

SO APPROVED BY THE CITY OF AUBURN PLANNING BOARD on the 10<sup>th</sup> Day of December, 2019.

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Evan Cyr, Chair

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Stephen Martelli

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Katie Boss

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Brian Carrier

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Daniel Carroll

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John Engler

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Mathieu Duvall

*C: File, Applicant*