

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

Date: March 6, 2015

I. PROPOSAL-

George Bouchles, Surveyor, and agent for Bouffard and McFarland Builders, is seeking approval for a 5 lot, minor subdivision at property located at 113 Woodbury Road (PID # 110-009), pursuant to Chapter 60, Sections 1359 and 1360, Division 4 Subdivision of the Auburn Code of Ordinances.

This property recently 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.

Of the 5 proposed lots, 4 are located along Danville Corner Road and one on Woodbury Road. A 60 foot space has been reserved for a possible future road, which could serve the interior part of the site.

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. The property is vacant.

II. DEPARTMENT REVIEW-

A Plan Review Committee meeting was held on February 19th.

a. Police- No comments were received from Police.

- b. Auburn Water and Sewer District- John Storer, Director of the Auburn Water and Sewer District had no concern with the proposed subdivision and added that City water and sewer were within 2,000 feet of the property.
- c. Fire Department- David O'Connell, Fire Safety Inspector had no specific concern but added that that the development is not served by public water and therefore did not have a fire hydrant available. This condition might affect new home owner cost of insurance.
- d. Engineering-
- Proposed Lot 5 may not meet all of the requirements for a lot as defined in Sec. 60-2 of the Code of Ordinances; particularly the depth of lot and width of lot. This should be checked and confirmed. (Note: This item has been addressed and lot 5 now meets the definition of lot depth)
 - The plan shows what appears to be a 50 foot setback from the petroleum pipe line were it crosses some of the proposed lots. It is labled 50' on Lots 2 and 5, but not on Lot 3. This is apparently a self imposed seback since there appears to be no defined width to the petroleum pipe line easement. (Note: This item has been addressed in a revised plan and by note 8)
 - There is a recently installed Unitil natural gas line on the northeasterly side of the Danville Corner Rd that runs the entire length of this project. This should be shown on the plans. (This has been addressed on the revised plan)
 - There has been discussion regarding the condition of the Woodbury Road and the impact this development may have on the City's future maintenance obligation. At this time there are no plans to make any capital improvements to the road.
 - The areas designated buffer areas for the stormwater management plan need to be protected by deed restrictions and covenants. It is recommended that they be delineated in the field to ensure they are not disturbed during lot development. (This should be clarified on a plan note)
 - With the vertical grade changes on Woodbury Rd, driveway location on lots 5 could possibly have limited sight distance. Difficult to make an accurate assessment with the current site condition. (Developer will address this at the meeting)
- e. Lewiston Auburn Airport- A portion of the property is included in an "Area of Influence", that is a property within 10,000 feet of the airport. Rick Lanman, LA Airport Manager requested that no structures be constructed over 50 feet in height. The Rural Residential zoning on the property only allows a maximum height of 35 feet so the staff is comfortable with the proposed subdivision.
- f. Planning and Development-
- The applicant originally submitted a 9 lot subdivision, which would qualify as a major subdivision which would require a 2 month Planning Board review

process. Subsequently, the applicant reduced the number of lots to 5, which now makes it a minor subdivision, which is a month long review.

- The Staff worked with the application bring lot 5 into conformance to meet the definition of lot measurement. From the Definition Section: Article I (page 8)

Lot measurements means the following measurements: (1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear unless a lot meets the exception provided for by section 60-39. See attachment:

III. PLANNING BOARD ACTION- The Planning Board is being asked to review this application using Chapter 60- Sections 1359 and 1360, Division 4 Subdivision of the Auburn Code of Ordinances.

A. Sec. 60-1359. - 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, Minor Subdivision meets the criteria set forth in Section 60-1359.

B. Sec. 60-1360. - Procedure—For Minor Subdivision.

- (a) *Generally.* The planning board may require where it deems it necessary for the protection of public health, safety and welfare, that a minor subdivision comply with all or any of the requirements specified for major subdivision.
- (b) *Procedure.*
 - (1) The subdivider shall submit an application for approval of a minor subdivision plan at least 30 days prior to a scheduled meeting of the planning board.
 - (2) 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.
 - (3) All applications for plan approval for minor subdivision shall be accompanied by a fee in the amount per lot provided in the city fee schedule, payable by check to the city.
 - (4) The subdivider or his duly authorized representative, shall attend the meeting of the planning board to discuss the plan.
 - (5) Upon receiving an application, the municipal reviewing authority 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. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.
 - (6) The planning board shall, within 30 days of receiving the complete application, hold a public hearing on such plan. Notification shall comply with division 3 of article XVII of this chapter.
 - (7) Upon receipt of a complete application, the planning board shall take final action within 30 days or within such other time limits which may be mutually agreed to by the developer. Such final action shall consist of approval, approval with conditions or disapproval of the final plan. The planning board shall specify its reasons for any such conditions or approval by its approved minutes. The planning board shall convey in writing to the developer their final action.

The Staff's finds that the Application submitted for Woodbury Heights, Minor Subdivision meets the criteria set forth in Section 60-1360.

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.
- (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 Application submitted for Woodbury Heights, Minor Subdivision meets the criteria set forth in Section 60-1365.

IV. STAFF RECOMMENDATION-

The Staff recommends **APPROVAL** of the 5 lot Woodbury Heights minor subdivision with the finding that it meets the requirements of Chapter 60, Sections 1359, 1360 and 1365 of the Auburn Zoning Ordinance.

This recommendation of **APPROVAL** is subject to the following conditions:

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. Add note to plan clarifying the requirements and conditions of the buffer areas.



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