

Auburn Planning Board Meeting Minutes

July 8, 2014

Roll Call

Full Members present: Evan Cyr, Emily Mottram, Robert Bowyer Presiding, Dan Philbrick and Marc Tardif.

Associate Members present: Kenneth Bellefleur

Associate Members absent: Mia Poliquin Pross

Also present representing City staff: Eric Cousens, Deputy Director of Planning & Development and Douglas Greene, City Planner.

(02:10 on DVD)

Chairperson Bowyer called the meeting to order at 6:00 pm. He said there were 2 vacancies on the Board; therefore, Ken Bellefleur's member status would be elevated to full member status for tonight's meeting. He then explained the procedure that is followed for public hearings.

Public Hearings:

Public hearing on a proposal by Snowden Consulting Engineers, Inc., an agent for Pine Tree Holdings, aka. Hammond Tractor for a special exception and site plan review for property located at 1525 Minot Avenue, in order to construct a new 21,600 sf. retail building and 24,000 sf. of self storage units, pursuant to Chapter 60, Sections 60-525 (b) (14); 60-1301 and 60-1336 of the City of Auburn Ordinances.

(06:50 on DVD)

Douglas Greene went over the staff report and presented slides via PowerPoint.

(15:45 on DVD)

Chairperson Bowyer asked what was the City's general policy about accepting streets in new commercial/industrial developments. He also asked if the City were to accept the street and if it were to be built to City standards, what is the prescribed right-of-way width and does the cross section of the proposed construction conform to City standards.

(19:45 on DVD)

Gary Hammond, owner of Hammond Tractor and Boyd Snowden acting agent from Snowden Consulting Engineers spoke about the project. Mr. Snowden stated the plan was to construct the road to City standards but not necessarily request acceptance from the City at this time.

Open Public Input

A motion was made by Emily Mottram and seconded by Dan Philbrick to close the public input part of the meeting. After a vote of 6-0-0, the motion carried.

(22:53 on DVD)

A motion was made by Dan Philbrick and seconded by Ken Bellefleur to approve the special exception and site plan review for property located at 1525 Minot Avenue, in order to construct a new 21,600 sf. retail building and 24,000 sf. of self storage units, pursuant to Chapter 60, Sections 60-525 (b) (14); 60-1301 and 60-1336 of the City of Auburn Ordinances.

After a vote of 6-0-0, the motion carried.

Public hearing on a proposal to amend the City Of Auburn Zoning Map in the area Pond View Road and Taylor Pond from Low Density Country Residential District (LDCR) to Urban Residential District (UR). The proposed change includes the following properties: 493, 545, & 585 Garfield Rd., 0 Garfield Rd (PID- 225-009), 0 Garfield Rd. (PID-226-004), 95, 115, 116, 120, 128, 134, 138, 139, 144, 150, & 156 Ledgeview Cv., 8, 14, 15, & 17 Pond Crest Ln., 15, 21, & 21 Pond View Ct., 130, 134, 135, 147, 150, 151, 157, 160, 161, & 167 Pond View Dr., 124, 126, and 130 Valview Dr. pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.

Eric Cousens went over the staff report and explained the various maps that he presented via PowerPoint.

(35:30 on DVD)

Emily Mottram stated she had a client that currently owned one of the properties affected by the zone change but said the zone change did not affect what they were doing on the property. Chairperson Bowyer asked if the Board members felt there was any potential conflict of interest with Emily participating and all replied they did not feel there was any conflict so Emily could participate.

Chairperson Bowyer asked beyond zoning, what other City ordinances or codes might come into play when seasonal buildings are being converted to year round homes. Eric replied there are several environmental protections in place that staff believes would prevent any negative environmental impact from allowing reduced setbacks with the zone change and mentioned the following:

- Taylor Pond Overlay District requires that for a conversion from seasonal to a year round residence that they connect to City sewer.
- Phosphorus standards requires that if they expand the footprint of the building by more than 575 sq ft or the driveway by more than 1,500 sq ft that they hire a design professional to do the calculations to figure out if the run-off will exceed their allowance for phosphorus.
- Shoreland zoning requires that any building within 100 ft of the water is not expanded by more than 30% by floor area or volume.
- At the State level we have rules/standards for impacting any wetland and soil disturbance prohibitions within 75 feet of the pond unless special circumstances requires soil disturbance where they can get a permit for up to 25 feet of the water.

(41:22 on DVD)

Evan Cyr added that there are also technical standards for construction spelled out in the building, electrical and plumbing codes.

Open Public Input

(44:35 on DVD)

Dana Little, resident of 585 Garfield Road and President of Taylor Pond Association said he was concerned about the quality of the water, especially phosphorus run-off. He said he was not here to oppose this but wanted to make certain environmental impacts were minimized as this pond is very vulnerable. He mentioned Sabattus Pond as an example of what can happen if regulations are lax. He said he's seen a lot of illegal development around Taylor Pond such as someone building a road where it wasn't supposed to be built, people cutting down trees and establishing lawns where there weren't any lawns before. He spoke about the various programs that the Taylor Pond Association offered to area homeowners. He asked City staff if this change would affect taxes in the area. Eric replied no it wouldn't and explained how the Assessors use neighborhood codes.

Ken Bellefleur asked if he had any suggestions. Mr. Little suggested that we enforce current regulations and add to the regulations that people establish buffer zones of 10 to 20 feet between the house and the pond.

A discussion ensued regarding buffer zones, phosphorus run-off, expansion and development around the pond.

(52:45 on DVD)

Donald Mailhot, co-owner of 147 Pondview Drive, gave a brief family history and explained the reasons behind the petition. He said he favors the petition but with careful planning.

Marc Tardif asked Mr. Mailhot how he felt about a vegetative buffer being an added condition. He replied he didn't believe there was any place in that area that would allow for any expansion and suspects that the majority of people are aware of potential issues with run-off.

Jacqueline Dowling of 161 Pondview Drive said it took over 3 years to turn her camp into a year-round home because of all of the rules and regulations and inspections that were done during the process. For that reason, she said she didn't think the little setback issue that is on the table is going to make that much difference because the land is already built up with no more room left to build more. She said it's only to let people make improvements so is in favor of the proposal.

(01:01:48 on DVD)

Marion Rausch of 86 Valview Drive mentioned an email that she had written for the Board members. She spoke about when rules were broken, the fines were paid but people weren't made to undo what they did wrong so many people in the area are worried that this will continue. She went to the map and pointed out where the zone change should end to avoid new development.

Raymond Bedette of 130 Valview Drive said he agrees with previous comments to make a very narrow strip to allow people to do what they want with their camps. But as a past President of the Auburn Water District and past member of the Lewiston Auburn Watershed, he said he has seen many undevelopable properties get in through loopholes and added that we should do everything

we can to protect those areas. He said he was opposed to this as proposed but said there was a compromised position of a narrow Urban Residential band that accomplishes what people want to accomplish but does not open up the back land for future development.

Barbara Mitchell of 179 West Shore Road said it makes sense as a protection to ask for a buffer for any expansion and said she agreed with Mr. Bedette and Ms. Rausch about keeping this to a narrow band and keeping the back land zoned as LDCR. She asked why the illegal road was never rectified. Eric replied that stabilization measures did rectify the situation and fines were paid to Maine DEP. He said it was permissible but they should have obtained permits before they did the work, then they would have known what they could and couldn't do at that time instead of having to undo some things.

(01:09:42 on DVD)

Marc Tardif asked if more lots could be added on that road/driveway if this was approved. Eric replied there was a potential for 2 lots on that driveway right now as it existed and said he didn't think this proposal would change that. He added that one lot has frontage on Valview and the other on Ledgeview.

James Dowling of 161 Pondview Drive stated the size of your lot will dictate what you can build on that lot. He said he was in favor of the proposal and said the wetlands controlled most of the area so it was very limited.

Eric was asked how he felt about the suggested rezoning of just a narrow band instead of including the back land. Eric replied where you actually draw that line is a bit arbitrary. As long as you include the areas that are densely developed and are served by City sewer, then it accomplishes most of the goals of the Comp Plan. He said he doesn't think it would be bad to take that approach but just a little bit different than what was petitioned for and a little bit different than what the Comprehensive Plan recommended.

(01:16:50 on DVD)

Dana Little explained what a buffer zone entailed. He stated the cheapest is just not mowing the lawn all the way and allowing some trees and shrubs to grow up. He mentioned various techniques people could use to reduce run-off.

James Beaulieu of 98 Valview Drive stated he was not in favor of the original petition as it was written but was in favor of just the narrow strip being rezoned as suggested.

A motion was made by Ken Bellefleur and seconded by Evan Cyr to close the public input part of the meeting. After a vote of 6-0-0, the motion carried.

(01:21:39 on DVD)

Chairperson Bowyer explained to members of the audience that it is only the City Council who can amend the zoning map and the Planning Board's role is to make a recommendation to them which is not binding.

A motion was made by Evan Cyr and seconded by Ken Bellefleur to approve a reduced area for zone change from LDCR to UR to extend 250 feet from the high water mark of Taylor Pond

from 130 Valview Drive to extend to 167 Pondview Drive to include an extension to the rear of those parcels that are affected by the zone change.

After a vote of 6-0-0, the motion carried.

Evan Cyr reiterated that the Planning Board does not have the power to actually create this zone change; we simply forward a positive or negative opinion to the City Council. He recommended to members of the audience who asked for buffer zones to contact the City Council since they would be making the final decision.

Chairperson Bowyer explained how notifications to the public were made for City Council meetings.

(01:26:08 on DVD)

Chairperson Bowyer declared a brief recess at 7:29 pm and called the meeting back to order at 7:36 pm.

Minutes

A request to approve the June 10, 2014 meeting minutes was made by staff.

Chairperson Bowyer stated the following errors in the June 10, 2014 meeting minutes:

- on the last page, should have read: “Robert Gagnon was not seeking re-appointment” (not Chairperson Bowyer),
- references to Minot Road should read: Minot Avenue,
- on the first page, it should read: “that it could be easier to acquire land” (not that it would be easier), and
- when referencing a City Councilor, the title City Councilor should be used before their name.

A motion was made by Evan Cyr and seconded by Ken Bellefleur to approve the June 10, 2014 meeting minutes with corrections. After a vote of 6-0-0, the motion carried.

MISC. BUSINESS:

Chairperson Bowyer stated that last night, the City Council acted to elevate the status of the 2 Associate members of the Planning Board, Ken Bellefleur and Mia Poliquin Pross to Full member status with their term expiring on January 1, 2017. He also mentioned that 2 new Associate members, Nathan Hamlyn and Elaine Wickman were appointed by the City Council.

(01:32:45 on DVD)

OLD BUSINESS:

Douglas said he would send everyone Evan’s comments on the PB By-Laws in time for the next meeting.

There was a discussion regarding the Community Little Theater’s future plans and low income tax credits.

ADJOURNMENT

A motion was made by Marc Tardif and seconded by Evan Cyr to adjourn. After a vote of 6-0-0, the motion carried. Meeting was adjourned at 7:49 pm.