

## Planning Board Meeting Minutes 3/28/2023

1. **ROLL CALL:** Darren Finnegan, Tim DeRoche, David Trask, Amanda Guerette, Paul Jacques, Stacey LeBlanc, Evan Cyr, Toni Ferraro, and Riley Bergeron.
2. **MINUTES:** Motion to approve February 14, and February 28, 2023, meeting minutes made by Evan Cyr and seconded by David Trask and Toni Ferraro. **VOTE:** 7-0-0 Motion passes minutes accepted. All meetings are available on YouTube <https://www.youtube.com/c/CityofAuburnMaine>
3. **NEW BUSINESS: CITY MANAGER PRESENTS CIP**  
Presented by Assistant City Manager Brian Wood
4. **POSTPONED FROM MARCH 14, 2023 DUE TO INCLEMENT WEATHER/CONTINUED DELIBERATIONS AND ACTION/ SITE PLAN REVIEW:** American Development Group, LLC (ADG) is proposing Phase 2 of the Stable Ridge Apartments project at Parcel I.D. 229-007, 555 Court Street. This proposal includes five 12-unit apartment buildings with a total of 60 units and four garage structures. This hearing is rescheduled to March 28 from March 14 due to bad weather. This proposal is pursuant to Chapter 60, Article XVI Division 2- Site Plan Review, Division 3 Special Exception, Division 4- Subdivision, Article IV Division 14- Form-Based Code and Maine Revised Statutes 30-A. 4402(6). The map and text showing the proposed project is available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> under the March 14, 2023, Agenda link and in-person at the City of Auburn Planning & Permitting Office, 60 Court Street, Auburn, Maine during normal business hours. All interested persons are invited to attend the public meeting. A public hearing was held on this application on February 14, 2023. At the conclusion of the public hearing, the Planning Board voted on a motion to approve the project subject to the findings and conditions in the Staff Report, and the motion failed, by vote of 3 in favor / 4 opposed. That vote failed to approve the application, but the vote did not serve as a motion to deny the application. The Planning Board is being asked, upon advice of legal counsel, to deliberate further, act to either approve or deny the application by formal motion and vote, and to adopt written findings for its decision that meet the requirements of the Zoning Ordinance.

Evan Cyr makes a motion to approve the Site Plan for the construction of the 60-unit multifamily housing project consisting of building 5-16,000 square feet, 3 story buildings with 90 parking spaces that exceeds the parking requirement of 75 spaces. The project meets the requirements of Sec. 60-1277, and further that the application meets the requirements of Site Plan Ordinance, Sec. 60-45, Sec.60.549, Sec. 60-554 of Multi-Family-

Permitted Uses Under Division 14, T-4.2 of the Formed Based Code with the following conditions:

- A. No development activity until any bonding or inspection fees is determined by the Auburn Engineering Department.
- B. The applicant complies with AWSD letter dated January 19, 2023
- C. In-lieu fee for off-site improvements related to transportation of \$37,809.30 to be paid upon the Certificate of Occupancy for the first constructed building in Phase II
- D. Sheet #6, Level Lip Spreader on perimeter drain outlets & adjusting CB#4 to uphill side of tip-down.

Motion seconded by Darren Finnegan **VOTE:** 5-2-0 Motion passes.

- 5. **PUBLIC HEARING/ TEXT AMENDMENT: The City Council directs the Planning Board after consultation with the Sustainability and Natural Resource Management Board to conduct a public hearing pursuant to Chapter Article XVII, Division 3 of the Zoning Ordinance and report in writing the results of the hearing and recommendations of the Planning Board pursuant to Chapter 60 Article XVII Division 4 of the Zoning Ordinance to the City Council no later than March 20, 2023, on whether to eliminate the income standard in all areas outside of the Lake Auburn Watershed overlay as an ordinance text amendment as shown on the proposed text changes available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the planning department in city hall. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.**

Evan Cyr makes a motion that the Planning Board places draft language emailed to the board by city staff onto the public record for discussion later in the hearing. Motion is seconded by David Trask **VOTE:** 7-0-0 Motion passes.

Staff Report presented by Katherine Cook.

Stacey LeBlanc seeks a motion to limit public comment for each agenda item to one hour; Evan Cyr makes the motion but adds that one hour should be applicable to each of the three public hearings. Motion is seconded by Paul Jacques **VOTE:** 7-0-0 Motion passes.

Motion to open public comment made by Evan Cyr; motion is seconded by David Trask **VOTE:** 7-0-0 Motion passes.

Razel Ward of 1372 N River Rd speaks in favor of preserving agricultural zone.

Brayden Nadeau of 470 Hatch Rd, owner/operator of Brayden's Vegetable Stand speaks of concerns about losing agricultural zone. Mr. Nadeau speaks of concerns for future farmers and use of land for recreational purposes.

Jane Costlow of 104 Fourth St, chair of Auburn Sustainability and Natural Resources Board, states the proposed text amendment should be rejected. Ms. Costlow references an SNRB report submitted on 12/13/22 regarding findings on income requirements.

Scott Berry of 179 Davis Ave speaks in favor of eliminating income standard.

David Griswold of 199 Gamage Ave, licensed Maine forester and member of ad hoc group that made the SNRB recommendation, speaks of economic externalities. Mr. Griswold cites state strategy goals to increase state food producers and land conservation.

Thatcher Carter of Maine Farmland Trusts speaks in support SNRB; in support of local farmers and protecting farmland, cites fiscal benefits to proactive farmland protection initiatives.

Bruce Bickford of 64 Cameron Ln speaks in favor of removing income standard; he states anyone should be able to build a house on the land they own in ag zone without stipulation of farming for income.

Blaine Flanders of Good Food Council of L/A speaks in favor of option D. Ms. Flanders speaks of concerns that raising taxes will threaten viability of existing farms in Auburn; in favor of future land use that allows food access and production to local economy.

Michelle Melaragno of 576 Trapp Rd speaks in favor or protecting Ag zone. Ms. Melaragno states composting provides an agricultural service which is environmentally responsible; speaks of concerns for protection of open space for hunting, fishing and farming.

Chris Carson of 110 Jacques Rd states AGRP created in 1964 to limit urban sprawl, minimize cost of city services.

Chloe Myers of 304 Sopers Mill Rd, first year farmer, reads statement from Francis Eanes of 86 Skillings Corner Rd.

Susan Goodwin of 1044 Old Danville Rd speaks in favor of protecting Ag zone. Ms. Goodwin owns 100 acres open to the public for recreational activities, concerned about loss of open space and habitat if changes are made.

Peter Moore of Pownal Rd/Jordan School Rd speaks in favor of removing income standard without replacements.

Pam Rousseau of 745 West Auburn Rd speaks opposed to eliminating the income standard; concerns of taxes being raised.

Stephen Beal of 575 Johnson Rd voices concerns for public workshops and posting information early for the public. Mr. Beal speaks opposed to an income standard but asks to keep it in place until a new verbal standard is fully adopted.

Tammy Nielsen of 1045 Old Danville Rd speaks in favor of protecting Ag zone in order to prevent erosion and flooding, protecting species habitat.

Sam Boss of 7 Morse St speaks opposed to proposed text amendment that would eliminate income requirement; cites need to provide housing while still preserving open spaces to allow for local farming and food.

Evan Cyr makes a motion to close public section of hearing, motion is seconded by David Trask. **VOTE:** 7-0-0 Motion passes.

Questions amongst the Planning Board.

Riley Bergeron makes a motion to not recommend the elimination of the income standard without the replacement standard that maintains a connection of housing an agricultural uses and require one more public hearing to develop a new standard, motion is seconded by Toni Ferraro and Stacey LeBlanc. **VOTE:** 7-0-0 Motion passes.

Discussion amongst the Planning Board; Evan Cyr adds clarification to previous motion. Riley Bergeron accepts this clarification.

6. **PUBLIC HEARING/ MAP AMENDMENT: The City Council directs the Planning Board after consultation from the Sustainability and Natural Resource Management Board to provide an opinion and deliver recommendations to the City Council no later than April 18, 2023, on whether or not to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay as an ordinance text amendment considering the attached**

**proposed text changes. Eliminate the current strip zoning limitations means where there is a residential strip over a portion of a parcel, the entirety of the parcel would become residentially zoned in the same way as the strip (zoning map amendment). The proposed map amendment is available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the planning department in city hall. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.**

Staff report presented by Katherine Cook and John Blais.

Evan Cyr makes a motion to open public comment, motion is seconded by Toni Ferraro.  
**VOTE:** 7-0-0 Motion passes.

Ryan Smith of 14 Weaver St comments about Planning Board policy that states no new agenda item can start after 9pm; asks the Planning Board to take a vote before more deliberations so it cannot be legally challenged.

Motion to pause public hearing made by David Trask and seconded by Evan Cyr. **VOTE:** 7-0-0, Motion passes. Planning Board checks with city staff on time; city staff advises a vote for clarity.

Motion to continue dialogue/discussion on agenda items post 9pm made by David Trask and seconded by Evan Cyr **VOTE:** 7-0-0, Motion passes.

Motion to reopen public comment made by Evan Cyr and seconded by David Trask.  
**VOTE:** 7-0-0, Motion passes.

Jeff Harmon of 34 Vista Dr recommends making a recommendation to City Council not to eliminate strip zone limitations due to conflicts with prior work and proposals.

Adam Curtis of 1481 Riverside Dr opposed to removing strip zone due to unbuildable land, protected species, preserving open space to hunt.

Jessie Eden of 576 Trapp Rd speaks opposed to strip zone changes; Ms. Eden cites costs of city services if zoning changes go through.

Dana Staples of 32 Greenfield Dr comments strip zones were put in place to circumvent income standard; Mr. Staples suggests replacing with urban growth boundary instead to control urban sprawl.

Jeffrey Naum of 968 Perkins Ridge Rd speaks opposed to eliminating strip zone due an increase in taxes on land that is unbuildable.

Michael Morrissey of 825 Perkins Ridge Rd comments he was sent different map with inaccuracies; Mr. Morrissey speaks of concerns of development near Taylor Pond not in agreement with Comprehensive Plan.

Pam Rousseau of 745 West Auburn Rd speaks opposed to changes to strip zone limitations with concerns regarding urban sprawl and development.

Michelle Melaragno of 576 Trapp Rd speaks about placing value on the history of prior work regarding proposals to eliminate strip zone limitations; comments only abutters of Ag zone received mailed notices, not Ag zone owners.

Adam Platz of 876 Perkins Ridge Rd questions what strip rezoning would do for community; Mr. Platz speaks in favor of keeping development to core of city.

Stephen Beale of 575 Johnson Rd speaks opposed to changes to strip zone limitations; Mr. Beale cites proposed changes and testimony to strip zones from 2021; mentions increased taxes on back land and Tree Growth Law.

David Griswold of 199 Gamage Ave continues for Stephen Beale regarding Tree Growth program; Mr. Griswold states city will lose money from state tax programs if changes are made.

John Cleveland of 183 David Ave speaks opposed to extending strip zones; Mr. Cleveland states Ag zone will be undermined by eliminating strip zones.

Bruce Bickford of 64 Cameron Ln speaks about spot zone; Mr. Bickford is in favor of changes that will allow residents to "age in place."

Chris Carson of 110 Jacques Rd speaks of houses on large amounts of acreage which will result in increase of city services if zone changes are made.

Kathy Shaw of 1200 Sopers Mill Rd speaks opposed to changes to strip zone limitations; Ms. Shaw speaks opposed to fragmenting areas of natural wildlife habitat.

Barbara Mitchell of 179 West Shore Rd comments that extension of strip zones will increase taxes, drive residents off their land and may not be developable.

Motion made by Evan Cyr to close public comment, seconded by David Trask. **VOTE** :7-0-0 Motion passes.

Planning Board directs questions to City staff; discussion amongst Planning Board.

Evan Cyr makes a motion to recommend that no amendments be made to the depth of residential strips based on the finding that any extension of the depth of the residential strips in question will conflict with proposed changes being considered for the AGRP zone by the Planning Board, and that such changes would also have a high likelihood of dispersing high density development in areas of the city in which it may not be desired. Motion is seconded by David Trask. **VOTE:** 6-1-0 Motion passes.

Motion made by Evan Cyr to review item #7 and postpone items #8 and #9 and move to adjournment, motion seconded by Tim Deroche. **VOTE:** 7-0-0 Motion passes.

Planning Board takes a recess.

- 7. POSTPONED FROM MARCH 14, 2023 DUE TO INCLEMENT WEATHER/PUBLIC HEARING/ PETITION/ TEXT AMENDMENT: The Life Forest submitted a petition to amend Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition and as shown on the proposed text changes available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the planning department in city hall. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map.**

Staff report Katherine Cook

Evan Cyr asks about Conservation Easement.

Motion to open Public Comment

Kathy Shaw of Sopers Mill Rd speaks in favor

Chelsea of 576 Trapp Rd speaks in favor

Motion to close Public Comment made by \_\_\_\_\_ seconded by Evan Cyr

Evan Cyr makes a motion to amend Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition and included in this meeting's materials. Seconded by Toni Ferraro. **Vote** 7-0-0 Motion Passes

## **8. ADJOURNMENT**