

**Planning Board Meeting Minutes
7/11/2023**

1. **ROLL CALL:** Amanda Guerrette*, Evan Cyr, Paul Jacques, David Trask, Riley Bergeron+, Stacey LeBlanc, Toni Ferraro.

*=elevated to full member until Riley Bergeron arrives

+ =arrived after roll call

Absent: Timothy DeRoche

2. **MINUTES: MOTION** to approve June 6, 2023, meeting minutes: Paul Jacques; second: Darren Finnegan. Evan Cyr abstains. **VOTE:** 6-0-1 Motion passes minutes accepted. All meetings are available on YouTube <https://www.youtube.com/c/CityofAuburnMaine>

3. **PUBLIC HEARING/ SPECIAL EXCEPTION: 431 Turner Street: Toni Ferraro, owner of Ferraro Realty, is requesting a change of use from retail to professional office at 431 Turner Street (Parcel I.D. 260-108). This proposal is pursuant to Chapter 60, Article XVI, Division 3- Special Exception, and Chapter 60, Article IV, Division 14- Form-Based Code.**

Toni Ferraro recuses herself and exits Chambers.

Staff presentation by Katherine Cook, John Blais

Discussion amongst Planning Board and City Staff regarding parking spaces on corner of Turner St and French's Ln, parking sign on side of the building, and addressing access management issue in site plan.

MOTION to open public comment: Evan Cyr; **SECOND:** David Trask. **VOTE:** 6-0-0. Motion passes.

No participants for public comment.

MOTION to close public comment: David Trask; **SECOND** Evan Cyr. **VOTE: 6-0-0.** Motion passes.

MOTION to approve change of use from retail to professional office at 431 Turner Street (Parcel I.D. 260-108) proposal pursuant to Chapter 60, Article XVI, Division 3- Special Exception, and Chapter 60, Article IV, Division 14- Form-Based Code with the following conditions: Remove the parking sign from the side of the building: David Trask; **SECOND:** Darren Finnegan.

MOTION to amend to include a condition to remove two parking spaces at the corner of Turner St. and French's Ln: Evan Cyr; **SECOND:** Darren Finnegan.

Discussion: Two parking spaces exist on site plan therefore should be included as condition; suggestion of no parking sign on side of building.

MOTION to approve amendment: Evan Cyr: **VOTE:** 4-2-0.

MOTION to amend the site plan to include a no parking sign on the French's side of the building in proximity to the parking spots to be removed: Evan Cyr; **SECOND:** David Trask. **VOTE:** 6-0-0. Motion passes.

MOTION to approve the original motion with two amendments passes. **VOTE:** 6-0-0.

Stacey LeBlanc recognizes Riley Bergeron as full member, Amanda Guerette as associate member. Toni Ferraro returns to Chambers as full member.

4. **PUBLIC HEARING/ ZONING TEXT AMENDMENT/ PETITION: Consider a proposed text change to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the zoning ordinance or zoning map.**

Staff Report: Katherine Cook, John Blais

Staff recommends tabling vote until August 8th, 2023, to allow staff to see legal advice and prepare additional text amendments for consideration. Evan Cyr expresses concern regarding tabling due to 45-day time frame to hold a public hearing after submittal of petition.

MOTION to open public comment made by Evan Cyr and seconded by Paul Jacques. **VOTE:** 7-0-0. Motion passes.

Jeffrey Harmon of 34 Vista Dr speaks opposed to text change; states proposed change is not a clarification but a change. Mr. Harmon states it would create inconsistency with form-based code and cites legality issues.

Stephen Beale of 575 Johnson Rd speaks opposed to text change; urges PB to wait to make changes until outcome of current litigation is known.

John Cleveland of 183 Davis Ave speaks opposed to text change; states it's premature to act on it due to pending legal matters.

Jessica Klimek of Briarcliff Knoll speaks in favor of text change; states petition asks for clarification for setbacks.

MOTION to close public comment: David Trask; **SECOND:** by Evan Cyr. **VOTE:** 7-0-0. Motion passes.

Discussion amongst Planning Board and City Staff regarding tabling petition to seek legal counsel for text clarification.

MOTION to table the vote on amending Sec. 60-548B-*Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023, until August 8, 2023, or such time that staff has been able to seek legal counsel on the text amendment as presented in the petition: Evan Cyr; **SECOND:** by Riley Bergeron. **VOTE:** 7-0-0. Motion passes.

Evan Cyr makes a request to the Chair to make an additional motion.

MOTION to direct Planning Staff to identify additional changes within the form-based code that are appropriate and needed, and that those changes be presented at the August 8, 2023, meeting or a meeting at which the Staff feels they are prepared to present: Evan Cyr; **SECOND:** Riley Bergeron. **VOTE:** 7-0-0. Motion passes.

5. PUBLIC HEARING/ ZONING MAP AMENDMENTS PART II; T-4.2B AREA A: Consider changing the zoning within 936 acres within the New Auburn Residential areas and near Broad Street from Urban Residential, Multi-Family Suburban, Rural Residential and Low-Density Country Residential Districts to the Traditional Neighborhood Development District, T-4.2B as defined in the Comprehensive Plan. This item is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Staff presentation by Katherine Cook, John Blais.

Chair points out map updates, changes in staff suggestions within zones. Staff suggests tabling decision for all four areas in order to work out details, solidify maps for August 8, 2023, meeting. Discussion included water & sewer, city services in New Auburn, future mobility corridor.

MOTION to open public comment made: Evan Cyr; **SECOND:** David Trask. **VOTE:** 7-0-0. Motion passes.

Ryan Smith of 14 Weaver St speaks in favor of tabling. Mr. Smith states zoning does not fit neighborhoods; encourages a public process like what occurred for agricultural zone.

Stephen Beal of 575 Johnson Rd reiterates that PB wait to make changes until outcome of current litigation is known.

Kelly Henry of 97 Loring Ave states area is not ready for multi-family units, is not equipped with city services to support the change.

Dee Chapman of 40 Vivian St speaks in favor of removing 15-acre lot in proposed zoning, taking a step back on New Auburn area.

Mike Adler of 82 Loring Ave speaks in favor of keeping zoning that is currently in place.

John Cleveland of 183 Davis Ave supports staff recommendation; states it's premature to act on changes with current pending litigation.

Jeff Harmon of 34 Vista Dr states it's premature to have items on agenda; encourages planning activities for public engagement.

Gary Simard of 157 Cook St speaks about safety issues that arise from congestion.

Gerard Drouin of Lane Rd speaks about safety concerns regarding allowance of group home on Lane Rd.

Walter Crites of 69 and 108 Loring Ave speaks about concerns regarding zoning process; states "blanket" T-4.2B is not appropriate.

Bruce Rioux of 85 Mary Carroll St speaks opposed to zoning changes; states concern about new owners not living in the community.

Louise DeCoteau of Lucille St speaks opposed to zoning changes.

MOTION to close public comment: David Trask; **SECOND:** Toni Ferraro. **VOTE:** 7-0-0. Motion passes.

Discussion regarding allowance of group homes; suggestions from the public of more community engagement and workshopping opportunities.

MOTION to table the decision on this item to a date certain of August 8th, 2023, for Area A as described in the staff report and presented in the public hearing and shown on the attached map from Urban Residential, Multifamily Suburban and Rural Residential to T-4.2 B with the five modifications identified in the staff report and the direction that staff hold neighborhood conversation in this neighborhood and that part of that conversation consists of residents being able to provide feedback as deemed appropriate by staff. And that those be noticed on social media and in the paper: Evan Cyr; **SECOND:** Davis Trask. **VOTE:** 7-0-0. Motion passes.

6. PUBLIC HEARING/ ZONING MAP AMENDMENTS PART II; T-4.2B AREA B: Consider changing the zoning for 19 acres in the Vickery Road area from Urban Residential District to the Traditional Neighborhood Development District, T-4.2B as defined in the Comprehensive Plan This item is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Staff presentation by John Blais

Discussion around why Area B does not connect to Area A. Staff explains that this is about Sewer and water availability, and transportation. Evan Cyr specified that his preference is that Area A extend down South Main Street rather than to Broad Street. Staff reiterates that this option may not work because of sewer and water availability and future transportation feasibility plans.

MOTION to open public comment: Evan Cyr; **SECOND**: David Trask. **VOTE**: 7-0-0.

MOTION to close public comment: Evan Cyr; **SECOND**: Toni Ferraro. **VOTE**: 7-0-0.

Discussion that Stacey LeBlanc agrees with Evan Cyr's proposal that Area B should be connected to Area A.

MOTION to table the decision to a date certain of August 8th, 2023, for Area B described in the staff report and presented in the public hearing and shown in the attached map from Urban Residential to T-4.2B with the following modifications that the map be updated to match the color of the existing zoning and that staff provide an alternative option demonstrating continuity between Area A and Area B and that staff hold a neighborhood conversation regarding this area in compliance in compliance with the description of the neighborhood conversation from item A: Evan Cyr; **SECOND**: Toni Ferraro. **VOTE**: 7-0-0.

7. PUBLIC HEARING/ ZONING MAP AMENDMENTS PART II; T-4.2B AREA C: Consider changing the zoning for approximately 148 acres within the Poland, Manley, Hotel Road Residential area from Suburban Residential and Urban Residential zoning districts to the Traditional Neighborhood Development District, T-4.2B as defined in the Comprehensive Plan. This item is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Staff presentation from John Blais. Discusses the recommended changes to the Area C map.

MOTION to open public comment by Evan Cyr; **SECOND**: David Trask. **VOTE**: 7-0-0.

MOTION to close public comment made by Evan Cyr; **SECOND:** Darren Finnegan.
VOTE: 7-0-0.

MOTION to table the decision to a date certain of August 8th, 2023, for Area C described in the staff report a presented in the public hearing and shown on the attached map from Urban Residential and Suburban Residential to T-4.2B with the modifications identified in the staff report and directing staff to hold a neighborhood conversation for this area utilizing the same directives from the two previous items: Evan Cyr, **SECOND:** Toni Ferraro **VOTE:** 7-0-0.

8. PUBLIC HEARING/ ZONING MAP AMENDMENTS PART II; T-4.2B AREA D: Consider changing 288 acres within the Bates, Bradman, Stetson Road Residential area from Urban Residential, General Business and Multi-Family Suburban zoning districts to the Traditional Neighborhood Development District, T-4.2B as defined in the Comprehensive Plan. This item is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Staff presentation from John Blais included removing most of the acreage owned by YMCA because T-4.2B would not allow for their recreation facility. Staff suggested including a 100 ft. strip of T-4.2B along North River Road to add value. The planning board discusses hesitation because this appears like strip zoning to benefit a landowner. Motion to open public comment by Evan Cyr, Second by David Trask. **VOTE:** 7-0-0.

MOTION to close public comment: Evan Cyr; **SECOND:** Toni Ferraro. **VOTE:** 7-0-0.

MOTION to table the decision to a date certain of August 8th, 2023, for Area D described in the Staff Report, presented in the public hearing, and shown on the attached map from Urban Residential General Business, and Multifamily Suburban to T-4.2B with the following modifications: update map to reflect matching color of existing zoning, and direct staff to have a neighborhood conversation regarding Area D that meets the qualifications for the previously described neighborhood conversations by Evan Cyr; **SECOND:** Paul Jacques. **VOTE:** 7-0-0.

9. EXTENSION: Brickyard Commons is requesting an extension of the approvals for the Brickyard Commons project originally approved on June 28, 2022. this item is pursuant to Sec. 60-1308.- Expiration of approval.

Staff presentation by Katherine Cook.

Applicant, Mike Gotto explains that DEP approval was received in September after the appeal period, and the agreement fell apart due to the financing. They are planning to go forward with the projects as they have two years with DEP approval.

Discussion about whether the reason was adequate to warrant extension. Further discussion about DEP permit and potential chemical spill. Mike Gotto explains that these accusations are false.

MOTION to approve a one-year extension until June 28th, 2024, for an extension to be granted to Brickyard Commons Project originally approved on June 28th, 2022, under Section 60-1308 with all conditions of the letter of approval sent on September 19th, 2022" by Riley Bergeron; **SECOND:** Toni Ferraro. **VOTE:** 5-2-0.

MOTION to initiate a zone change amendment to the code of ordinances definitions in Agricultural and Resource Protection District 60 and that we hold the public meeting at the next August 8th meeting on the amendments approved by us on 6/6/2023 so we can have further conversation about those: David Trask; **SECOND:** Evan Cyr. ** Vote after discussion.

Discussion: Evan Cyr agrees with David Trask's motion because he has been dismayed at the jubilation around Proposal B because more people need to be recognized as being a part of it, and there are deficiencies in the proposal that Council adopted. David Trask clarifies that he would rather have a public hearing over the workshop.

****VOTE:** 7-0-0.