



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

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## Minutes

October 10, 2023

### 1. ROLL CALL:

Darren Finnegan, David Trask, Paul Jacques, Stacey LeBlanc, Evan Cyr, Tim DeRoche, Amanda Guerrette, Toni Farraro.

Stacey LeBlanc elevates Amenda Guerrette and Tim DeRoche from associate members to full members.

**2. MINUTES:** Review September 12, meeting minutes. All meetings are available on YouTube <https://www.youtube.com/c/CityofAuburnMaine>

**MOTION:** Evan Cyr makes a motion to approve the minutes; **SECOND:** Paul Jacques seconds the motion. **VOTE:** 7-0-0 motion passes.

**3. PUBLIC HEARING/ZONING MAP AMENDMENT T-4.2B “AREA B”:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This area is generally located near Vickery Road. This item was initiated by the City Council and is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances.

Katherine Cook presents the staff report.

David Trask asks if all areas have water and sewer and what the timeline is for the installation

Eric Cousens answers that there is a grant application underway and the increased density will help to get resources to this area.

**MOTION:** Evan Cyr makes a motion to open public comment; **SECOND:** David Trask seconds

Pam Rousseau of 745 West Auburn Road voices concern about water for this area, and the push for more density amidst LD 2003, discusses definition of multifamily dwellings, and asks to not make changes based on this new state law.

**MOTION:** Tim DeRoche makes a motion to close public comment; **SECOND:** Evan Cyr seconds.

Tim DeRoche asks if Lake Auburn has capacity to supply this area with water. Eric Cousens answers that it does.

Evan Cyr remarks that Lake Auburn is at half capacity and that LD2003 does not affect areas that do not have a density cap, like in form-based code.

**MOTION:** David Trask makes a motion; **SECOND:** Evan Cyr seconds.

“I make a motion to forward a favorable recommendation to city council to amend the official zoning map of the City of Auburn entitled *City of Auburn, Zoning Map, dated May 16, 2016*, revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the corresponding map and presented in this meeting.” **VOTE:** 7-0-0. Motion passes.

**4. PUBLIC HEARING/ZONING TEXT AMENDMENT:** Amend Sec. 60-2- (Definitions) of the Zoning Ordinance to reduce the minimum dwelling unit size from 700 square feet to 400 square feet and to reduce the minimum accessory dwelling unit size from 700 square feet to 190 square feet. This item was initiate by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances.

Katherine Cook presents the staff report

Evan Cyr will make a recommendation to make a small text change to clarify that the intent is to have the minimum size be above grade.

David Trask asks what the intent is for accessory dwelling units? If it is classified as a single-family home, it should be at least 400 feet above grade

**MOTION:** Evan Cyr makes a motion to open public comment: **SECOND:** Darren Finnegan seconds.

**MOTION:** Evan Cyr makes a motion to open public comment: **SECOND:** David Trask seconds.

**MOTION:** David Trask makes a motion; **SECOND:** Darren Finnegan seconds.

“I make a motion to recommend sending forward a positive recommendation to council supporting the proposed changes to amend the 700 SF requirement for single family home minimum dwelling size to include the dwelling unit must be at least 400 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies. For an accessory dwelling unit, an accessory dwelling unit must be at least 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies for an accessory dwelling. I would also request that section 60-2 Definitions- number two read ‘each one family detached dwelling unit must be at least 400 square feet above grade in size and an accessory detached dwelling unit must be 190 square feet above grade in size, unless the technical building code and standards board pursuant to 10 M.R.S. §9722, adopts a different minimum standard if so, that standard applies.’” **VOTE:** 7-0-0 motion passes.

Stacey LeBlanc recognizes that Toni Ferraro has arrived but keeps the voting members as is.

**5. WORKSHOP/ TEXT AMENDMENT:** Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by City Council and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Evan brings up the concern that the ordinance cannot compel LAWPC to inspect septic systems and asks for an opinion on that language. We should not have language in the ordinance that the city cannot enforce.

**MOTION:** Evan Cyr makes a motion; **SECOND:** David Trask Seconds.

Eric Cousens suggests a motion which Evan Cyr volunteers: “I make a motion to schedule this as a public hearing with the discussed legal opinion in November,” **VOTE:** 7-0-0. Motion passes.

**6. WORKSHOP/ MAP AMENDMENT:** Consider amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to

the Low-Density Country Residence (LDCR) zoning district. This map change is to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

**MOTION:** Evan Cyr makes a motion **SECOND:** David Trask Seconds.

“I make a motion that we hold a public hearing on this at the next regular meeting.” **VOTE:** 7-0-0 motion passes.

**7. WORKSHOP/ MAP AMENDMENT:** Consider Changing the Lake Auburn Watershed Boundary to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line which was peer reviewed and agreed upon by FB Environmental Inc, CEI Environmental and Maine Drinking Water Program and recommended by the Lake Auburn Ad-Hoc Group. This map change is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Evan Cyr questions why we would need to hold any public hearing to amend the Lake Auburn Watershed Overlay Boundary, because our ordinance states that our map shall match AWD’s map. Eric Cousens answers that because it is a zoning map, they still need to amend it through the planning board and city council process and that in practice the maps do not always match.

**MOTION:** Evan Cyr makes a motion; **SECOND:** David Trask seconds,

“I make a motion that we hold a public hearing on this topic at our next regular planning board meeting contingent upon AWD having made a decision or recommendation and that we be provided with legal counsels justification on the need to do this part rather than follow the strict language within the ordinance,” **VOTE** 7-0-0 motion passes.

**8. WORKSHOP/ MAP AMENDMENT:** New zone considerations for area outside the new Lake Auburn watershed boundary in the Gracelawn Road/ Mount Auburn Avenue area.

**MOTION:** Evan Cyr makes a motion; **SECOND:** Paul Jacques seconds.

I’ll make a motion to have a public hearing on this zone change, specifically to change the zone to general business as the November Planning Board meeting,” **VOTE:** 7-0-0 motion passes.

## **9. PUBLIC COMMENT:**

Stephen Beale of 575 Johnson Road comments on Agenda items #7 and #8. He states that the planning

board cannot hold the public hearing to change the zoning in the Gracelawn area from Agriculture and Resource Protection to General Business following the Lake Auburn Watershed Overlay boundary that has not yet been established through public process. He states that the Lake Auburn Watershed Overlay District must be amended before we could begin to consider a zone change.

Stephen Beale also comments on Item #7 that Maine DWP has authority over the Lake Auburn watershed which is under DHHS who has ultimate authority of the Lake Auburn Watershed delineation.

Stephen Beale comments about agenda item #5 that the text amendments must be dealt with as separate agenda items because Auburn's Charter requires that hearing be confined to one subject clearly expressed in the public hearing's title.

John Cleveland of 183 Davis Ave. states that we do not have enough time for the Gracelawn zone change hearing and that it should be moved to December and that there should be one argument and public hearing per subject and each item should be acted on independently.

## **10. MISCELLANEOUS:**

### **a. Upcoming Agenda Items**

All watershed items will come before planning board in November.

## **11. ADJOURNMENT**