



City of Auburn, Maine

Planning & Permitting Department

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Minutes

November 14, 2023

1. ROLL CALL:

Stacey LeBlanc is absent; Paul Jacques will act as meeting Chair. Amanda Guerrette is elevated from associate member for this meeting.

2. **MINUTES:** Review October 10, 2023, meeting minutes. All meetings are available on YouTube <https://www.youtube.com/c/CityofAuburnMaine>

MOTION: Evan Cyr makes a motion to approve the October meeting minutes with the addition that Toni Ferrao is added in attendance; **SECOND:** Dave Trask seconds. **VOTE:** 7-0-0 motion passes.

3. **PUBLIC HEARING/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.

Eric Cousens presents the staff report and offers a presentation.

MOTION: Evan Cyr makes a motion to open the public comment section of the hearing; **SECOND:** David Trask seconds. **VOTE:** 7-0-0 motion passes.

Ben Lounsbury of 505 West Auburn Road states that Chamber mound systems as laid out in Motion I of the staff report, are not the solution and states that there should be no more development in the Lake Auburn watershed.

John Cleveland of 183 Davis Ave is opposed to this agenda item being presented as one item because there are four topics covered. Questions whether new septic design is better and does not believe there will be a net benefit.

Kathy Shaw of Sopers Mill Road, Supervisor for the Water District of Sagadahoc County states her biggest concern is Motion D: elimination of all agricultural uses in the Lake Auburn watershed.

Stephen Beale of 575 Johnson Road believes that this is a massive revision to the AGRP zone to have in one hearing. He first opposed motion D, stating it would ban things like mushroom cultivation and other low-impact agricultural uses in the watershed. Asks why the board does not only change the lot size from 1 unit per acre to 1 unit per three acres.

Bruce Rioux of 157 Fifth Street recalls AWD trustees voting against a septic system design change in 2008. Also speaks in opposition to the possibility of rate payers paying for monitoring. Concerned that citizens with private water supplies will be paying for monitoring efforts for those who use the public water supply.

Bonnie Lounsbury of West Auburn Road speaks in opposition to changing zoning which does not limit the potential for development in the watershed.

Dennis Bergeron of 23 Dexter Ave believes that there is an equity issue if the water customers are paying for the areas that do not receive water in the city. He also opposed motion D because some agricultural uses have big impacts and others do not.

Sharon Bergeron of 23 Dexter Ave believes this is too large of an item to take on in one meeting and we should allow the next council to have an input and take our time.

00:39:45

MOTION: Evan Cyr makes a motion to close public comment; **SECOND:** Toni Ferraro seconds. **VOTE:** 7-0-0 motion passes.

Question: Do all systems get inspected by the city?

Answer: They get inspected during the permitting process by the Code Enforcement Officer planning is working with LAWPC to build an inspection program based on several criteria.

Evan Cyr brings up that people ask about comparative effectiveness of traditional systems. He clarifies that a mounded system allows for the use of soils that provide better effluent treatment.

Discussion around “non-hobby” versus “hobby” agricultural uses. Discussion of directive to restrict expanded clearing, animal waste, and exposed soil that commercial agricultural uses can cause.

LAWPC suspended tree cutting or logging. Only selective timber harvesting can occur in the Lake Auburn watershed.

Toni Ferraro brings up the vote to change septic system that did not pass in 2008 and discusses water quality issues.

Riley Bergeron asks what the reason is to ban non-hobby agricultural uses rather than require review by LAWPC.

Eric Cousens answers that phasing out farms in the watershed will be better for water quality. For repeat offenders who are not following environmental guidelines is to send citations.

Evan Cyr states that LAWPC received recommendation from AWD. LAWPC recommended no new agricultural uses in the watershed

Tim DeRoche asks public to refrain from using comments that hint at any bias on the part of the planning board members.

Discussion about who is responsible for drinking water monitoring and who is and is not a ratepayer. Riley Bergeron states that Lewiston cannot vote in this, and it could make rates go up.

Evan Cyr states that he is in favor of these text changes because they represent a positive step toward better water quality.

Amanda Guerrette inquires whether the Board can make a motion to reevaluate the decision in the future.

David Trask asks if the city can reevaluate if the changes are effective. Eric Cousens affirms.

01:10:45

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-950 adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name as shown in section 6a of the staff report dated November 14th, 2023.” **VOTE:** 7-0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (a)- Boundaries, adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name, and changing “city water district” to “Auburn Water District” as shown in section 6 b of the staff report dated November 14th, 2023”. **VOTE:** 7-0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (b)- Definitions, adding the definition of curtain drain, hobby agricultural use, Lake Auburn Watershed Protection Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile to this section as shown in Section C of the staff report dated November 14th, 2023.” **VOTE:** 7-0-0 motion passes. Page 2 of 3

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC’s Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown in section 6d of the staff report dated November 14th, 2023.” **VOTE:** 7-0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulations (b) residential dwellings in the agriculture and resource protection zoning district by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown in section 6e on page 9 of 12 in the staff report dated November 14, 2023.” **VOTE:** 7- 0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown in section 6f beginning on page 9 of 12 and ending on page 10 of 12 in the staff report dated November 14th, 2023.” **VOTE:** 7-0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown in section 6g on page 10 of 12 in the staff report dated November 14th, 2023.” **VOTE:** 7-0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (e) to change “water district” to “Auburn Water District” as shown in section 6h on page 10 of 12 in the staff report dated November 14th, 2023.” **VOTE:** 7-0-0 motion passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds. Page 3 of 3 “I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (f)- private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set of design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of

the overseeing agencies; and deleting original section 60-952 (f) (5) as shown in section 6i beginning on page 10 of 12 and ending on page 11 of 12 of the staff report dated November 14th 2023.” MOTION: Evan Cyr offers an amendment to the motion; SECOND: David Trask seconds. “I would like to make a motion to amend the motion to state that the favorable recommendation be contingent upon council’s adoption of a density standard within the residential portion of the watershed not to exceed 1 unit per 3 acres.” VOTE: 7-0-0 amendment to the motion passes. VOTE: 6-1-0 the motion as amended passes.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask seconds. “I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1065 to clarify the text as shown in section 6j beginning on page 11 of 12 and ending on page 12 of 12 of the staff report dated November 14th, 2023.” VOTE: 7-0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1237 to clarify the text as shown: in section 6k on page 12 of 12 of the staff report dated November 14, 2023.” **VOTE:** 7-0-0 motion passes.

01:23:40

4. **PUBLIC HEARING/ 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 was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

Katherine Cook presents the staff report.

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

No members of the public approach the podium.

MOTION: David Trask makes a motion to close public comment; **SECOND:** Toni Farraro seconds

No Planning Board Discussion.

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 changing all areas in the Low-Density Rural Residence or Rural Residence zoning district within the Lake Auburn Watershed to the Low-Density Country Residence zoning district.” **VOTE:** 7-0-0 motion passes.

01:31:10

5. **PUBLIC HEARING/ MAP AMENDMENT:** Consider amending the Lake Auburn Watershed Overlay District in the “City of Auburn Zoning Map dated May 16, 2016,” revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

Katherine Cook presents the staff report.

MOTION: Evan Cyr makes a motion to open public comment; **SECOND:** Toni Farraro seconds

Stephen Beale of 575 Johnson Rd expressed concern over the process of opening this topic for public discussion since the language in the ordinance states that the Council must adopt the amendment in light of newly discovered information which shows that the current map is not an accurate depiction.

Deb Desjardins of 2768 Turner Road asks for the next council to consider the boundary change and is not in favor of changing the boundary.

Keri Myrick of 1010 Summer Street, who submitted the petition to repeal the Gracelawn zoning in 2022 states that the so-called Gracelawn group does not oppose this boundary change because it is based on scientific findings.

Peggy Volock of 395 North Auburn Road asks if the topography of the Gracelawn area will change, and asks why the city did not evaluate the boundary of the whole watershed, and only this area.

Stephen Beale of 575 Johnson Road states he and the citizen groups concerned about the issue are satisfied with the change.

MOTION: Evan Cyr makes a motion to close public comment; **SECOND:** Toni Farraro seconds

Discussion around how USGS maps do not consider groundwater flow in watershed determination as well as ever changing topography within the pit which will require continued testing and evaluation.

MOTION: Evan Cyr makes a motion; **SECOND:** David Trask and Amanda Guerrette second simultaneously.

“I make a motion to forward a favorable recommendation to City Council to amend the Lake Auburn Watershed Overlay District in the “City of Auburn Zoning Map dated May 16, 2016,” revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee, as shown on the attached maps included in the staff report dated November 14th 2023 with subject heading being ‘Staff Report on proposed map amendment revising the Lake Auburn Watershed Overlay District.’” **VOTE:** 7-0-0 motion passes.

02:01:30

6. **PUBLIC HEARING/ 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 by rezoning approximately 60 acres in parts of City Assessor’s Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district. The proposal was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

Katherine Cook presents the staff report.

MOTION: Evan Cyr makes a motion to open public comment; **SECOND:** Amanda Guerrette seconds

John Bono of 85 West Auburn Road speaks against the zone change. Implores that the planning board consider what is allowed in the General Business District. Concerned about protecting quality of water in the lake.

Stephen Beale of 575 Johnson Road does not believe that the Board can make the decision to rezone because the watershed boundary has not yet changed and cites the city's public notice requirements. He asks to table this discussion to next month.

Pam Rousseau of 745 West Auburn Road says that on March 21, 2022, council voted to exclude a 100-foot buffer around the parcel. Asks why the city is taking land out of Agriculture and Resource Protection and suggests the city buy the gravel pit from Mr. Gendron to return the land to its natural state.

Dennis Bergeron of 23 Dexter Ave asks if after the zone change, mining would still be happening inside the Lake Auburn watershed.

Bruce Rioux of 85 Mary Carroll Street disagrees with the staff report which indicated that this zoning change is in line with the Comprehensive Plan because this proposed zone change extends well beyond the 500-foot area along Gracelawn Rd.

John Cleveland of 183 Davis Ave references the 100-foot buffer around the landfill and states that the city needs access to maintain it. Asks to table this decision.

Bob Hayes of 172 Auburn Ave asks to consider a zone that is less intensive than T-4.2B

Mike Gotto states that his client, JIG Aggregates LLC has 108 acres, 100 of which are being mined. Implies that pit can continue to be mined but owner wants to use it for a higher and better use.

02:33:45

MOTION: David Trask makes a motion to close public comment; **SECOND:** Amanda Guerrette seconds

Discussion: Staff answers that after the zone change, there could still be some mining in the watershed. Eric Cousins clarified that this proposed zone change is in-line with the Comprehensive Plan. Staff clarifies that two discussions, one of the watersheds change and the other of the zone change following a proposed watershed boundary can happen simultaneously and independent of each other.

Amanda Guerrette asked if continuing to mine the site is more environmentally detrimental than potential General Business zoning-approved uses. Staff shared that the thought of continuing to blast into bedrock below the water table does have more risk than a vegetative developed site with built-in engineered stormwater controls.

Riley Bergeron cannot make assumptions that the stated plan of the owner will come to fruition. Instead, he must assume that any allowed use in General Business may be able to occur. Suggests changing the zone to Suburban Residence zoning district instead.

Evan Cyr replies that the gravel pit can operate forever unless the owner has a great enough incentive to change.

MOTION: David Trask makes a motion; **SECOND:** Amanda Guerrette second.

“I’m going to make a motion that we recommend to the council that we support the proposed changes to include that the General Business Boundary be adjusted to include the 60 acres shown on the map based on the following findings: The 2010 and now the 2020 Comprehensive Plan recommend expanding the Commercial zoning in this area. This can be accomplished without creating a new district by using the existing General Business Zone. The proposed new lake auburn watershed overlay district boundary is supported by the watershed boundary has been reviewed and agreed upon through studies by FB Environmental Associates, Comprehensive Environmental Inc., CDM Smith, The Maine Drinking Water Program and the Lake Auburn Water Quality Ad-Hoc Committee. This zone change carefully follows this new proposed adjusted boundary but excludes the 20 acres that make up the abutting property known as the City of Auburn landfill and that the proposal can be implemented without detriment to Lake Auburn and is recommended by the Comprehensive Plan.” **VOTE:** 6-1-0 motion passes.

02:57:03

7. **PUBLIC HEARING/ 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 by amending City Assessor’s Parcel ID 174-004-001 from the Agriculture and Resource Protection (AGRP) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district. This parcel is located on Riverside Drive. This zoning amendment has been initiated via petition and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map.

Eric Cousens presents the staff report.

The Board discusses and wants to see another map and questions whether the petition- initiated map amendment constitutes a spot zone. The Board asks to workshop three lots and hear from legal about whether the proposal constitutes a spot zone.

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

Stephanie of 703 South Witham Rd. Asks about the topography and asks to not remove more land from the AGRP district.

MOTION: Evan Cyr makes a motion to close public comment; **SECOND:** Riley Bergeron seconds

MOTION: Riley Bergeron makes a motion; **SECOND:** Evan Cyr seconds

I make a motion to table this item to a date certain after staff receives legal review and offers another map option to consider.

8. MISCELLANEOUS:

Staff reviews upcoming agenda items with the Planning Board.

9. ADJOURNMENT