



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

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PLANNING BOARD Meeting December 12, 2023 – 6:00 p.m. City Council Chambers, 60 Court Street

1. ROLL CALL:

Present: Riley Bergeron, Amanda Guerrette, Dave Trask, Paul Jacques, Evan Cyr, Tim DeRoche, Toni Ferraro.

Stacey LeBlanc and Darren Finnegan are absent so Tim DeRoche and Amanda Guerrette will be elevated to full members for the duration of the meeting.

2. MINUTES: Review November 14, 2023 Minutes. All meetings are available on YouTube <https://www.youtube.com/c/CityofAuburnMaine>

Motion to approve the Minutes from November 14, 2023: Evan Cyr; **second:** Tim DeRoche. **VOTE** 7-0-0 motion passes.

3. 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, located on Riverside Drive, from the Agriculture and Resource Protection (AGRP) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district. 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.

John Blais presents staff report. Addresses the concerns of spot zoning from the previous meeting and shares that this zoning change generally aligns with the Comprehensive Plan. Evan Cyr has a question about spot zoning and wondering if legal counsel has weighed in on this item. Eric Cousins clarifies that the current use is different from the surrounding area and this change will bring it in line with the surrounding area, so the change is not creating spot zoning. Board and staff discuss the legal requirements of the petition which states that this proposed zone change be discussed in a public hearing.

Motion to open public comment: Paul Jacques; **second:** Dave Trask. **VOTE** 7-0-0 motion passes.

Kathy Shaw – 1200 Sopers Mill Rd – speaks in opposition. Supports protecting open space and protecting natural resources.

Pam Rousseau - 745 West Auburn Rd – speaks in opposition.

Motion to close public comment: Paul Jacques; **second:** Dave Trask. **VOTE** 7-0-0 motion passes.

Board Discussion: Evan Cyr agrees with staff that the Comprehensive Plan recommends residential development along Riverside Dr but feels that the Board needs to consider this proposed change further as it does not seem to align with the intention of the Comprehensive Plan. Dave Trask inquires about when a discussion of the Comprehensive Plan will take place. Tim DeRoche states that one could argue that these parcels have already been subject to spot zoning by keeping them as AGRP and converting them to LDRR (RR) would right a wrong.

Motion: Evan Cyr makes a motion to table item and initiate a review of Comprehensive Plan’s future land map to ensure this change does align with the intentions of the Comprehensive Plan; **Second:** Tim DeRoche; **VOTE:** 6-1-0 Motion Passes.

00:19:40

4. **PUBLIC HEARING/ CONTINUANCE:** Consider granting a variance to continue a former lawfully nonconforming home with a new apiary at 170 Penley Corner Road, City Assessor's Parcel I.D. 137-030. This proposal is pursuant to Chapter 60, Article IV, Division 2- Agriculture and Resource Protection District, and Sec. 60-79 (5).

John Blais provides staff report.

Board and staff members discuss the intended use and whether it meets the defined use of the agricultural zone. Staff says that they didn't feel "a few beehives" met the agricultural zoning standards and would require Planning Board consideration to build a non-confirming residential home on this parcel. Evan Cyr and staff provide clarify that this topic relates to a continuance of non-conformance, not approving a variance as the wording in the agenda suggests.

Motion: Dave Trask makes motion to open public comment; **second:** Amanda Guerrette; **VOTE:** 7-0-0

Stephen Beal – 575 Johnson Rd – Speaks opposed and says that rather than seeking a continuance, this applicant is seeking a new, non-confirming use.

Kathy Shaw – 1200 Sopers Mill Rd – Speaks opposed and says that this application is just a request to build a residence and there may be some concerns about soil contamination in that area.

Roger Gauthier – 336 S. Witham Rd – Speaks in favor of some non-confirming use. He owns many acres in the area which he farmed for years but feels that requiring agricultural uses hurts his ability to be able to sell the land.

Chris Carson – Jacques Rd – speaks in favor of gaining more clarity on standards for what qualifies as an apiary.

John Cleveland – 183 Davis Ave – speaks opposed and says that non-confirming use has been discontinued for too long. States that new use application has not followed the proper protocol for notifying the board or the public and asks for the board to table this topic for the time.

Chelsea Eaton – 576 Trapp Rd – speaks opposed and argues that agricultural use standards require further clarification.

Motion: Dave Trasks makes a motion to close public comments; **second:** Amanda Guerette; **VOTE:** 7-0-0

Board Discussion: Evan Cyr asks for clarifying information about period of non-use and "abandonment". Katherine Cook and Eric Cousins provide clarity that non-confirming use is considered to expire after 12 months of non-use and because it has been more than 12 months since the property has been used in a non-confirming manner, that now Board review is the proper process for granting or denying the non-confirming extension.

Motion: Tim DeRoche makes a motion to decline (amended working to "not approved") a residential home at 170 Penley Corner Rd because of non-use for more than a 12-month period; **Second:** Riley Bergeron; **VOTE:** 1-6-0. Motion does not carry.

Board discussion continues and members seek clarification regarding the application and other revisit other concerns over use and protection of natural resources.

Motion: Riley Bergeron makes a motion to not approve a residential home at 170 Penley Corner Rd. due to non-conformance to zoning; **Retracted:** Riley Bergeron

Eric Cousins provides clarity on a suggested action based on findings of Site Plan review in the Objective paragraph of section 60-1277.

Motion: Riley Bergeron makes a motion to not approve a residential home at 170 Penley Corner rd due to site plan standards in section 60-1277 subsection 4: “Protection of environmental features of the site”; **Second:** Tim DeRoche; **VOTE: 2-5-0** Motion does not carry.

Evan Cyr posits that it is not necessary to provide a continuance of the variance for non-confirming use because this lot is able to be a conforming residential lot with a site plan that can meet zoning standards.

Motion: Dave Trask makes a motion to approve a residential home at 170 Penley Corner Rd; **Second:** Toni Ferraro; **VOTE: 5-2-0.** Motion Passes.

01:25:30

5. **PUBLIC HEARING/ SITE PLAN REVIEW/ SPECIAL EXCEPTION:** Trillium Engineering Group is proposing a 16,950 square foot warehouse addition to their existing warehouse and office building at 353 Riverside Drive, City Assessor’s Parcel I.D. at 202-005. This proposal is pursuant to Chapter 60, Article IV, Division 12- General Business District, Article XVI, Division 2- Site Plan Review; and Division 3- Special Exception; and Article XIII, Division 2-Floodplain Overlay District.

Katherine Cook provides staff report. Staff recommends that the Planning Board approves the site plan with conditions.

Eric Dube from Trilliam Engineering Group is present to answer questions.

Evan Cyr inquires about an easement for a future sidewalk versus building and extending a sidewalk as part of the development. Eric Dube indicates that based on the location of the business, they do not anticipate pedestrian foot traffic and the cost to the developer to build a sidewalk will make the cost prohibitive to the expansion. John Blais explains that this project is something that both planning and community development departments have supported this plan with the right of way for any future growth and expansion of the sidewalk.

Dave Trask inquires how many jobs this expansion will create within the city. Joe Tardif, the business owner, shares that they began with 7 employees, they currently have 10 staff members and have enough orders to add another 8 staff positions with this expansion.

Motion: Paul Jacques makes a motion to open public comment; **Second:** Toni Ferraro; **VOTE: 7-0-0** Motion passes.

Joe Tardif- 353 Riverside Dr – Speaks in support of the expansion and explains that the company’s resources need to be allocated toward their working capital rather than expansion of the public sidewalks.

Motion: Paul Jacques makes a motion to close public comment; **Second:** Amanda Guerette; **VOTE: 7-0-0** Motion passes.

Board Discussion: Evan Cyr supports the projects and feels that the applicants have demonstrated sufficient evidence against constructing a sidewalk as part of this plan.

Motion: Tim DeRoche makes a motion to approve a 16,950 square foot warehouse addition to their existing warehouse and office building at 353 Riverside Drive, City Assessor's Parcel I.D. at 202-005 and waives the requirements of Sec. 46-182 (6) of Auburn's Code of Ordinances with the following conditions:

- a. No development activity shall occur until any bonding or inspection fees are determined by the Auburn Engineering Department.
- b. All appropriate permits are received prior to the start of construction.
- c. Provide an updated site plan showing a sidewalk-right of way and sidewalk detail prior to the issuance of the Certificate of Occupancy.

Second: Amanda Guerette **VOTE:** 7-0-0 Motion passes.

01:46:00

6. **PUBLIC HEARING/ SITE PLAN REVIEW/ SPECIAL EXCEPTION:** American Development Group, LLC is seeking approval to a Site Plan Revision to Phase 2 of their Stable Ridge project located at 555 Court Street, City Assessor's Parcel I.D. 229-007. The proposed revision consists of converting the single-story barn to a two-story multi-use barn with garage/ storage space, leasing office, and four apartments. This item is pursuant to Chapter 60, Article IV Division 14- Form Based Code; Division 2- Site Plan Review; and Division 3- Special Exception.

Katherine Cook provides staff report. Staff recommend approval of site plan update.

Board asks how many people are employed by Stable Ridge apartments.

Jessica Klimeck, the Developer, is present to answer questions and explains that there are 8 employees as part of American Development Group. The tenants at Stable Ridge apartments have expressed wanting on-site staff 24/7 and this change to the plan will allow for staff to be on site to support the tenants and give staff living space away from the tenant's housing. It will also provide storage for maintenance equipment.

Motion: Evan Cyr makes a motion to open public comment; **Second:** Toni Ferraro; **VOTE:** 7-0-0 Motion passes.

Elizabeth Dunn – 530 Court Street – Speaks opposed. Expresses that building a 2-story building rather than a 1-story building will have a large visual impact and mentions that many units in the Stable Ridge apartments are being rented out through Airbnb which does not align with the initial mission of relieving some of the low housing supplies for residents.

Ryan Smith – 14 Weaver St – Speaks opposed. Sites traffic hazards created by this development and concerned over even a slight increase of traffic because of this site plan change.

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

Board Discussion: With relation to Airbnb activity, there is no ordinance limiting that activity and these short-term rental options are bringing people to Auburn and providing supplemental staffing to hospitals in the area. If

residents have concerns over safety about traffic and roadways, they should bring these concerns to the mayor's office. Plans for traffic improvements on Court Street are in the works and the city is trying to maximize the funding options available for making those improvements and the city has a temporary striping solution slated for summer of 2024 until a permanent fix can be constructed. John Blais encourages the board to speak with the Transportation Director to learn more about plans for capital improvements of transportation throughout the city.

Motion: Tim DeRoche makes a motion to approve the Revision to Phase 2 of ADG's Stable Ridge project located at 555 Court Street, City Assessor's Parcel I.D. 229-007. The proposed revision consists of converting the single-story barn to a two-story multi-use barn with garage/ storage space, leasing office, and four apartments with the following conditions:

- a. All appropriate permits are received prior to the start of construction.

Second: Toni Ferraro; **VOTE:** 5-2-0 Motion passes.

02:27:00

7. **EXTENSION:** BWC Gulf Island Pond, LLC, is requesting a one-year extension of the Site Plan approval for the project referred to as the Auburn Solar Project located at 224 East Waterman Road, City Assessor's Parcel I.D. 393-010. The Planning Board will review the extension request under Sec. 60-1308 of the City of Auburn's Code of Ordinances- Expiration of Approval.

Katherine Cook provides staff report.

Motion: Evan Cyr makes a motion to approve a one-year extension, until December 13, 2024, granted to BWC Gulf Island Pond, LLC under Sec. 60-1308. All conditions of the Letter of Approval included in this packet apply; **Second:** Toni Ferraro; **VOTE:** 7-0-0 Motion passes.

8. **WORKSHOP/ UPCOMING ZONING DISCUSSIONS:** Review possible zoning text and map amendments for future consideration. These include initiating zoning map amendments near Vickery Road and in East Auburn near Andrew Drive. Also consider possible amendments to Chapter 60 of the City of Auburn's Code of Ordinances to comply with LD 2003.

Katherine Cook provides prompts for some items from the past few months that have been tabled and should be revisited in the coming months. John Blais encourages the board to prioritize LD 2003 as we will need to comply with State Law. Evan Cyr recommends an ad hoc committee to discuss LD 2003 with staff members. Dave Trask and Evan Cyr would like to revisit zoning map amendments by Andrew Drive as well.

Evan Cyr asks if staff can provide an accounting on the Comprehensive Plan implementation and what we have accomplished/addressed thus far and what is still something that needs to be considered.

Motion: Evan Cyr makes a motion to create an ad hoc committee consisting of two Planning Board members to review LD 2003 and areas where it conflicts with current zoning ordinances; **Second:** Riley Bergeron; **VOTE:** 7-0-0 Motion passes.

9. **PUBLIC COMMENT:**

No public present to comment.

10. **MISCELLANEOUS:**

Upcoming Agenda Items

Eric Cousins reports that the City has a larger transportation plan to implement changes from Minot Ave along Court Street to Union St.

Legal training will take place January 16th.

Thanks to Toni Ferraro for your service on this board.

11. **ADJOURNMENT**

Motion Evan Cyr makes a motion to adjourn; **Second:** Toni Ferraro: **VOTE: 7-0-0** Meeting adjourns.

Auburn Planning Board meetings can be viewed LIVE on the City of Auburn YouTube channel (<https://www.youtube.com/c/CityofAuburnMaine>), and on Great Falls Television (Spectrum Cable Channel 11) when they are held.

Following live broadcasts, Planning Board meetings are *rebroadcast* at 7:00AM, noon, and 7:00PM on Tuesdays on GFTV and are available anytime on our YouTube channel.