



City of Auburn, Maine

Planning & Permitting Department

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PLANNING BOARD Draft Minutes January 9, 2024 – 6:00 p.m. City Council Chambers, 60 Court Street

1. **ROLL CALL:** Present: Riley Bergeron, Darren Finnegan, Dave Trask, Stacey LeBlanc, Evan Cyr, Tim DeRoche (elevated to full member). Absent: Paul Jacques and Amanda Guerette.

Stacey LeBlanc mentioned that although the City Council rescinded previous appointments of Evan Cyr and Tim Deroche, they still have voting rights and the ability to discuss items in this Planning Board meeting.

2. **MINUTES:** Review December 12th, 2023, meeting minutes. All meetings are available on YouTube <https://www.youtube.com/c/CityofAuburnMaine>.

Motion: To Approve minutes from December 12, 2023: Evan Cyr; **Second:** Dave Trask; **Vote:** 6-0-0 **Motion Carries**

3. **PUBLIC HEARING/ SITE PLAN REVIEW:** The City of Auburn is applying to replace the existing Police Activities League (PAL) Center located at 24 Chestnut Street, City Assessor's Parcel I.D. 250-334. The proposal includes the demolition of the existing PAL Center (approximately 4,896 sq. ft.) to replace it with a 14,651 sq. ft. single-story facility with a basketball court, teen room, multipurpose, meeting, and storage rooms, bathrooms and showers, and a commercial kitchen. Site work will also include utility improvements, transportation, and pedestrian improvements along Chestnut St. to Winter St. and Walnut St., a playground, parking lot, and community gardens. This proposal is pursuant to Chapter 60, Article XVI, Division 2 – Site Plan Review and Division 14 – Form-Based Code.

Staff Report: Presented by Katherine Cook. The City is reviewing this site plan under the more rigid zoning standards of T-4.2 form-based zoning because the current zoning of Conservation/Open Space does not provide much for building standards. Under these more rigid zoning standards there are three waivers requested as the design does not completely comply with T-4.2 zoning requirements. John Blais adds further information about the traffic studies conducted related to the closing of Chestnut Street and reiterates that the City is adding more rigid site review standards than is required. Evan Cyr questions why this project is being considered for T-4.2 zoning because only the entranceway is in the T-4.2 zoning area. The entire structure of this project is located in the Conservation-Open Space zone. John Blais indicates that they are trying to maintain conformity with the surrounding neighborhood which is T-4.2. Evan Cyr is concerned that using the more stringent standards would provide a precedent for future projects.

Applicant - Civil Engineer, Caitlyn Glass, addresses the board and public and thanks them for the consideration.

Motion: To Open Public Comment: Tim DeRoche; **Second:** Dave Trask. **Vote:** 6-0-0 **Motion Carries**

Maureen O'Brian – 42 Winter Street. Speaks Opposed. Supports youth center closer to other buildings at Pettingill Park. Requested more time for public to discuss and provide input and requests more transparency from the City.

Joe Mailey – 82 Webster St. Speaks Opposed. Expressed concerns over validity of traffic studies for closing Chestnut Street.

Steven Beal – 575 Johnson Rd: Expresses concern over closing Chestnut Street related to emergency response times to neighborhoods in the area.

Brian Gallager – 42 Winter Street. Speaks Opposed. Mentions that when the neighborhood was canvassed regarding the closure of Chestnut Street 1 out of 50 neighbors supported that action. Concerns over the amount of light produced from this center.

Judy Rousseau-Gagon – 9 Walnut Street. Speaks Opposed. Concerns over safety of Walnut Street for children with increase of traffic from proposed PAL Center.

Phil Crowall – 610 Park Avenue. Speaks in support. Stresses that there is a need for this facility in this specific neighborhood.

Motion: To close public comment: Dave Trask; **Second:** Tim DeRoche; **Vote:** 6-0-0 **Motion Carries**

Board Discussion: Evan Cyr inquires about the traffic study since several members of the public voiced concerns. John Blais had reached out to public safety and fire officials to inquire about the response times being affected by closing Chestnut Street and officials indicated that there is no impact on response times by closing Chestnut Street. The Board and staff discuss further zoning requirements related to Conservation/Open Space versus T-4.2 and under which zoning standard this project should be reviewed. Darren Finnegan reiterates that this is expanding the footprint rather than changing the use. Dave Trask appreciates that additional scrutiny of the T-4.2 zoning standards. Tim DeRoche supports the project.

Motion: To approve the construction of the Police Activities League (PAL) Center located at 24 Chestnut Street, City Assessor's Parcel I.D. 250-334, which includes the demolition of the existing PAL Center (approximately 4,896 sq. ft.) to replace it with a 14,651 sq. ft. single-story facility with a basketball court, teen room, multipurpose, meeting, and storage rooms, bathrooms and showers, and a commercial kitchen, utility improvements, transportation, and

pedestrian improvements along Chestnut St. to Winter St. and Walnut St., a playground, parking lot, and community gardens: Tim DeRoche; **Second:** Dave Trask; **Motion to Amend To** Include a waiver request in accordance with Sec. 60-70(5) to waive the requirements of Sec. 60-607(12)- Off-street parking and loading requiring that five or more parking spaces must be paved and based upon the findings that the Site plan has met the requirements of Site Plan Review article Sec.60-16(2) including the conditions 1 through 4: Evan Cyr; **Second:** Dave Trask; **Vote: 6-0-0; Motion Carries.**

01:32:40

4. **PUBLIC HEARING (TABLED FROM AUGUST 8, 2022):** Camp K9, LLC is requesting a Special Exception in the General Business (GB) Zone to expand their current business model, into other areas of pet-related services to complement their existing dog grooming and retail business. Camp K9 is located at 314 Center Street, Parcel I.D. 271-021. This proposal is pursuant to Chapter 60 Article IV Division 12 – General Business District, and Chapter 60 Article XVI Division 3 – Special Exception.

Staff Report: Presented by John Blais. Reviewed Site plan and highlighted additional conditions recommended to reduce the impact on the neighboring residential properties. Staff also considered a similar previous project that was approved on Washington St.

Planning Board has questions about recommended cleaning agent for sanitation purposes in the outdoor space. Concerns over environmentally friendly options, but also options that address effective mitigation of fecal waste. Applicant addresses the board and shares that he would be open to finding a cleaning agent that is both effective and meets the environmental discharge regulations.

Motion to open Public Comment by Evan Cyr; **Second:** Tim DeRoche; **Vote:** 6-0-0 **Motion carries**

Carolyn Collins - 40 Newell Ave – Expresses concern that the applicant will expand his facility to have up to 30 dogs which was his original plan when first presented rather than limiting it to 18 which is now the current proposed condition.

Steve Damien - 703 S Witham Rd – Expresses concern about cleaning up in the winter months.

Carrie Isett – 36 Newell Ave – Confusion over whether it's a dog grooming business or a doggie-daycare. Also expresses concern over parasitic illnesses that are passed along through dog waste and wanting to ensure that whatever product is used for cleaning would address those hazards.

Motion To close public comment by Tim DeRoche; **Second:** Evan Cyr. **Vote:** 6-0-0 **Motion Carries**

Board Discussion: Board and staff clarify that the plan would limit the number of dogs in a single day to 18. The applicant mentions that he will need to pass a State inspection as a kennel in order to have a business license and that includes adhering to sanitation standards. Riley Bergeron voices concerns over approving the special exception without first understanding the approved cleaning product options. Katherine Cook reiterates that the State requires inspections and approval to issue the license, so the condition in this recommended approval is somewhat redundant as there are state protections in place. John Blais specifies that it's the Agricultural Conservation and Forestry (ACF) Division that will review the sanitation plan including approved cleaning products.

Motion: Evan Cyr makes a motion to approve and grant the special exception to Camp K9, LLC at 314 Center Street, Parcel 271-021 to allow a doggie daycare and taxi service for up to 18 dogs with the following conditions:

1. Business hours shall be limited from 7:00AM to 7:00PM.
2. The entirety of the perimeter of the outside fenced area shall be shielded with a solid fence or fencing accessory/cover.
3. There should not be, at any one time, more than the number present for grooming on any given day and limiting outdoor use to 1/3 the total of 18 or (max 6 dogs) at one time.
4. Adhere to the plan in place for alleviating any barking nuisance resulting from the doggie daycare.
5. Adhere to the waste plan to address pet waste generated on site.
6. Add or keep existing buffers and limit the outside dog area to the area identified on the Plan.
7. Garage to be used as on-site storage/residential and not for the business.
8. Site Plan and use cannot expand the dog yard without Planning Board approval.
9. A sanitation product be used as part of the sanitation plan which will be approved by City, State and Federal regulating authorities only after approval from Planning Board.

Second: Tim DeRoche; **Vote:** 6-0-0 **Motion Carries**

02:18:40

5. **PUBLIC HEARING/ COMPREHENSIVE PLAN MAP AMENDMENT:** Consider amending the Future Land Use Plan map in the Comprehensive Plan to designate City Assessor's Parcel I.D.s 174-004, 174-004-001 and 174-004-002 land use as Suburban Development District. The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development. This map amendment is supported in the text of the Comprehensive Plan and was initiated by the Planning Board.

Staff Report: Presented by Katherine Cook. The existing future land use plan map show inconsistency in the zoning area along Riverside Drive and this recommendation provides more consistency of zoning which aligns with the Comprehensive Plan.

Motion: To Open public comment: Tim DeRoche; **Second:** Evan Cyr; **Vote:**6-0-0 **Motion carries**

George Estabrook – 962 Riverside Dr – Speaks Opposed. Mr. Estabrook owns property within this recommended map amendment and expresses concerns over tax implications to change the zoning from Agricultural Zoning to Rural Residential. Also expresses confusion as to why his parcel of land is now in consideration for a zone change because of a petition brought forward by an abutting neighbor.

Steven Beal – 575 Johnson Rd – Voices concerns over the procedural process of making a zoning change on a comprehensive plan map which is not a zoning map. Also mentions that any change to the comprehensive plan should come about as an order or resolve from the City Council.

William Sylvester – 1128 Riverside Dr. – Speaks Opposed. Reiterates that tax implications of changing from Agricultural zoning to rural residential increases the tax burden on property owners.

Motion: To close public comment: Dave Trask; **Second:** Evan Cyr; **Vote:** 6-0-0 **Motion carries**

Discussion: Dave Trask is sympathetic to the plight of the property owners who do not wish to have the zoning of their land changed and wonders if there are any mechanisms to prevent that change from happening under the current ownership. John Blais explains that property owners can put their land into conservation or farmland or tree growth use which provides some tax benefit to those property owners. Evan Cyr discusses the authority of Planning Board related to making a decision of this map amendment. The Planning Board can initial this process and make a recommendation to the City Council for approval or denial. John Blais added that even once the City Council approves an item like this, it will go to the State of Maine to consider in relation to the State future land use and growth management act.

Motion: To recommend amending the Future Land Use Plan map in the Comprehensive Plan to designate parts of City Assessor's Parcel I.D.s 174-004, 174-004-001 and 174-004-002 land use from Agriculture District to Suburban Development District following the FEMA 1% chance annual floodplain boundary as shown on the attached sketch map prepared for the January 9th, 2024, Planning Board meeting: Dave Trask; **Second:** Darren Finnegan; **Amended:** to add the text "with the findings of fact that: (1) The proposed amendment aligns with the growth pattern existing across along Riverside Drive. (2) Sec. 2-475(2)- Jurisdiction and authority states that among other powers, the Planning Board has the jurisdiction and authority to prepare and recommend to the city council changes in and amendments to the Comprehensive Plan as necessary. (3) The proposed future land use plan amendment is supported by the text of the Comprehensive Plan: Evan Cyr; **Second:** Dave Trask; **Vote:** 5-1-0 **Motion carries**

6. **PUBLIC HEARING/ MAP AMENDMENT (TABLED FROM DECEMBER 12, 2023):** 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 I.D.s 174-004, 174-004-001 and 174-004-002, located on Riverside Drive, from the Agriculture and Resource Protection (AGRP or AG) 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.

Staff Report: Provided by Katherine Cook. This item was initiated by a partition to change one parcel from Agricultural Zoning to Low Density Rural Residential. The board recommended adding two parcels in addition to the one parcel in order to avoid spot zoning.

Motion: To Open Public comment: Tim DeRoche; **Second:** Evan Cyr; **Vote:** 6-0-0 **Motion carries**

Kathy Shaw – 1200 Sopers Mill Rd – Speaks Opposed to removal of agricultural land. Mentioned that there are many land-use programs available to prevent these parcels from being split up into smaller house lots.

George Estabrook – 962 Riverside Dr – Speak Opposed. There is a legal dispute regarding a deeded right of way to access the farmland and that is the only reason why it is not being actively farmed.

Stephanie Mardamien – 703 S. Witham Rd – Speaks Opposed.

Motion: To close public comment; Dave Trask; **Second:** Evan Cyr; **Vote:** 6-0-0. **Motion carries**

Discussion: Board and staff clarify procedure for voting on this agenda item.

Motion: To take from the table item #3 from the December 12, 2023 Planning Board meeting agenda, which consisted of a zoning map change initiated by a citizen petition: Evan Cyr; **Second:** Dave Trask; **Vote:** 6-0-0 **Motion carries**

Motion: To forward a recommendation to City Council to not amend the 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 I.D. 174-004-001 and located on Riverside Drive, from the Agriculture and Resource Protection (AGRP or AG) zoning district to the Low-Density Rural Residence or Rural Residence (RR) zoning district following the interior 0.2% flood hazard line with the findings that rezoning a single parcel creates a discontinuity for land use in the area and is inconsistent with the future land use plan; **Second:** Tim DeRoche; **Vote:** 6-0-0. **Motion carries**

Motion: To forward 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 by amending City Assessor's Parcel IDs 174-004-001, 174-004-002 and 174-004 from the Agriculture and

Resource Protection zoning district to the Low-Density Rural Residence or Rural Residence zoning district following the interior 0.2% annual chance flood hazard line for total zone change of 18.2+/- acres with the findings that the proposal can be implemented without detriment to city resources, that the proposal meets the general future land use development pattern in the area and is consistent with the revised comprehensive plan; **Second: Dave Trask; Vote: 3-3-0. Motion does not carry.**

Motion: To forward a recommendation to City Council to not 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 by amending City Assessor’s Parcel IDs 174-004-001, 174-004-002 and 174-004 from the Agriculture and Resource Protection zoning district to the Low-Density Rural Residence or Rural Residence zoning district following the interior 0.2% annual chance flood hazard line for total zone change of 18.2+/- . **Second: Tim Deroche; Vote: 3-2-1 Motion Carries**

Council Chair, Stacey LeBlanc, asks for a motion on the remaining agenda items as it is now beyond 9:00pm.

Motion to Adjourn: Tim DeRoche; **Second;** Dave Trask; **Vote: 6-0-0**

3:11:07

Outstanding Items:

7. **WORKSHOP:** Review plan and mechanism for reviewing Comprehensive Plan progress.
8. **VOTE:** Vote on two planning board members to join an Ad Hoc committee to review the City of Auburn’s ordinances for consistency with Maine state law, LD 2003.
9. **PUBLIC COMMENT:**
10. **MISCELLANEOUS:**
 - a. Upcoming Agenda Items
11. **ADJOURNMENT**

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.