Auburn Planning Board Meeting Minutes January 12, 2010

Roll Call - Present:

City Council Liaison Robert Hayes, Dan Moreno, Rob Farrington, Chairman Clifton Greim, Richard Whiting, Preston Chapman, William Skelton, and Eric Cousens represented City staff.

Minutes:

A motion was made by Rob Farrington and seconded by Preston Chapman to approve the July 14, 2009 meeting minutes. The motion passed (4-0-2).

A motion was made by Richard Whiting and seconded by Preston Chapman to approve the August 11, 2009 meeting minutes. The motion passed (4-0-2).

A motion was made by Rob Farrington and seconded by Dan Moreno to approve the September 9, 2009 meeting minutes. The motion passed (5-0-1).

Public Hearings:

930 South Main St (PID#135-026) – Proposal was heard & tabled 12.8.09 -Subdivision Request of Raymond and Judith Labrie - to amend the Joatman Estates Subdivision Plan by adding land and creating lot 34 pursuant to Section 7.3 of Chapter 29. Request item be removed from table to be acted on.

A motion was made by Richard Whiting, seconded by Preston Chapman and all voted unanimously to remove from table to be acted on. (6-0-0)

Eric went over the staff report.

Keith Morse of JKL Landscaping spoke on behalf of the applicants. He mentioned that the neighborhood meeting had gone very well.

Open Public Hearing

A motion was made by Rob Farrington, seconded by Preston Chapman and all voted unanimously to close the public hearing. (6-0-0)

A motion was made by Rob Farrington and seconded by Richard Whiting to approve the subdivision request. The motion passed (5-0-1)

City initiated zoning text amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 9.2, to remove the fee schedule from the ordinance and add zoning fees to a single fee schedule for all ordinances of the City, pursuant to Section 8.1 of Chapter 29. 2

Eric went over the staff report.

Open Public Hearing

A motion was made by Rob Farrington, seconded by Preston Chapman and all voted unanimously to close the public hearing. (6-0-0)

A motion was made by Rob Farrington, seconded by Preston Chapman and all voted unanimously to approve. (6-0-0)

City initiated zoning text amendment – Proposal was heard & tabled 11.10.09 - Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 3.69.C.3 to reduce the setback requirements in the Central Business District, pursuant to Section 8.1 of Chapter 29.

A motion was made by Richard Whiting, seconded by Dan Moreno and all voted unanimously to remove from table to be acted on. (6-0-0)

Dan Moreno asked for the meaning of the word esplanade as it is being used in this case.

Chairman Greim asked for examples of where the cost of a sidewalk would make a project financially impossible to develop.

Several of the Board Members discussed different scenarios regarding sidewalks and how it would be best to word the text amendment.

Eric mentioned that under the Special Exception and Site Plan Review guidelines, the Board is always looking at the overall picture and making a finding that they have accommodated pedestrian and vehicular safe movements through and around the site in conjunction with adjacent areas. He said a project could phase some of the improvements if the Board found that improvements A, B, and C were completed but D could only be completed in 2 years. He added that it would not be easy to manage but some major developments have been completed this way in the past.

A motion was made by Richard Whiting, seconded by Preston Chapman and voted 5-0-1 to forward a favorable recommendation to the City Council.

OLD BUSINESS:

NEW BUSINESS / MISCELLANEOUS:

The Board Members welcomed Robert Hayes back as the City Council Liaison.

ADJOURNMENT

Auburn Planning Board Meeting Minutes February 9, 2010

Roll Call - Present:

City Council Liaison Robert Hayes, Joseph Maloney, Dan Moreno, Rob Farrington, Chairman Clifton Greim, Richard Whiting, Preston Chapman, William Skelton, and Eric Cousens represented City staff.

Minutes:

A motion was made by Rob Farrington and seconded by Dan Moreno to approve the October 13, 2009 meeting minutes. The motion passed (6-0-0). Chairman Greim did not vote.

A motion was made by Rob Farrington and seconded by Dan Moreno to approve the November 10, 2009 meeting minutes. The motion passed (6-0-0).

Public Hearings:

Central Maine Community College (CMCC) - Special Exception & Site Plan Approval Request of Central Maine Community College (CMCC) to amend the existing plan to include a new a 94 space parking lot at the Auburn Campus pursuant to Section 3.42.B.2.a. and 3.41.B.2.m. of Chapter 29.

Due to a conflict of interest, Dan Moreno and Chairman Greim said they would abstain from this Public Hearing.

Eric went over the staff report.

Frank Crabtree of Harriman Associates briefly added to Eric's presentation.

Open Public Hearing

A motion was made by Rob Farrington, seconded by Richard Whiting and all voted unanimously to close the public hearing. (6-0-0)

A motion was made by Rob Farrington and seconded by Preston Chapman to approve the subdivision request. The motion passed (5-0-2)

OLD BUSINESS:

City initiated zoning map and text amendment – Proposal was heard & tabled 12.8.09 Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 5.4 Shoreland Overlay District and the Shoreland Zoning Map, including new Resource Protection Districts to meet State 2

Mandatory Shoreland Zoning Act requirements, pursuant to Section 8.1 of Chapter 29. Requested it remain tabled.

NEW BUSINESS / MISCELLANEOUS:

1. A report on windmills was presented by Eric. Roland Miller briefed the Board members on a business venture possible coming to the City. The Board members agreed to workshop the details of the ordinance language at a later meeting.

2. A report on temporary signs per City Council request was presented by Eric Cousens. The Board members agreed that 90 days was a good number for temporary signs. A discussion ensued about the value of sandwich signs and whether or not language should be added to the ordinance regarding those types of signs.

ADJOURNMENT

Auburn Planning Board Meeting Minutes March 9, 2010

Roll Call - Present:

City Council Liaison Robert Hayes, Rob Farrington, Chairman Clifton Greim, Preston Chapman, Richard Whiting, Dan Moreno, William Skelton, Joe Maloney, and Eric Cousens represented City staff.

Minutes:

A motion was made by Rob Farrington, seconded by Preston Chapman and voted unanimously to approve the January 12, 2010 and February 9, 2010 Planning Board meeting minutes. (6-0-0)

Public Hearings:

City initiated zoning map and text amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 5.4 Shoreland Overlay District and the Shoreland Zoning Map, including new Resource Protection Districts to meet State Mandatory Shoreland Zoning Act requirements, pursuant to Section 8.1 of Chapter 29.

Eric went over the staff report.

William Skelton said he wanted to abstain from voting on this proposal due to having a large parcel of land that would be affected by this proposal.

Open Public Hearing

Mike Gotto of Stoney Brook, LLC said he was supportive of the language and the tabling of the hearing.

Jim Pittman of 1097 Center Street said his properties would be impacted by this and said he was in full support.

A motion was made by Rob Farrington, seconded by Richard Whiting and all voted unanimously to close the public hearing. (6-0-1) William Skelton abstained.

A motion was made by Richard Whiting, seconded by Dan Moreno and all voted unanimously to table the hearing. (6-0-1) William Skelton abstained.

City initiated zoning text amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 3.62 to establish setbacks and height allowances for accessory structures including windmills, pursuant to Section 8.1 of Chapter 29. 2

A motion was made by Richard Whiting, seconded by Joseph Maloney and all voted unanimously to waive the reading of the staff report. (6-0-0)

A discussion ensued amongst City staff and the Planning Board members regarding this proposal.

A motion was made by Rob Farrington, seconded by Preston Chapman and all voted unanimously to forward a favorable recommendation to the City Council. (6-0-0)

OLD BUSINESS

ADJOURNMENT

Auburn Planning Board Meeting Minutes April 15, 2010

Roll Call - Present:

City Council Liaison Robert Hayes, Joe Maloney, Dan Moreno, Chairman Clifton Greim, Preston Chapman, Richard Whiting, and Eric Cousens represented City staff.

Minutes:

A motion was made by Dan Moreno, seconded by Preston Chapman and voted unanimously to approve the December 8, 2009 and March 9, 2010 Planning Board meeting minutes. (4-0-0) Chairman Greim did not vote.

Public Hearings:

Town Fair Tire - Special Exception & Site Plan Approval Request of Town Fair Tire to construct a new 7,144sf structure and a 67 space parking lot at 707 and 723 Turner Street (PID 280-11 and 280-12) pursuant to Section 3.42.B.1.x. and 3.62.B.2.b. of Chapter 29.

Eric read the staff report.

Curtis Neufeld of Sitelines PA and agent for Town Fair Tire added to the presentation. He submitted for Public Record plans for the storm drain to the detention pond.

Open Public Hearing

A motion was made by Preston Chapman, seconded by Richard Whiting and all voted unanimously to close the public hearing. (4-0-0) Chairman Greim did not vote.

A motion was made by Richard Whiting, seconded by Preston Chapman and all voted unanimously to approve. (4-0-0) Chairman Greim did not vote.

City Initiated Zoning Text Amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 4.2.B.3 to allow sandwich board/temporary day signs, pursuant to Section 8.1 of Chapter 29.

Eric read the staff report.

A motion was made by Preston Chapman, seconded by Dan Moreno and all voted unanimously to close the public hearing. (4-0-0) Chairman Greim did not vote.

A motion was made by Dan Moreno, seconded by Richard Whiting and all voted unanimously to forward a favorable recommendation to the City Council with the added condition to limit the signs to two (2) sides or panels. (4-0-0) Joseph Maloney did not vote.

OLD BUSINESS

City initiated zoning map and text amendment – Proposal was heard & tabled 12.8.09 Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, Section 5.4 Shoreland Overlay District and the Shoreland Zoning Map, including new Resource Protection Districts to meet State Mandatory Shoreland Zoning Act requirements, pursuant to Section 8.1 of Chapter 29.

Eric read the staff report.

Open Public Hearing

Dan Bilodeau of 207 North Auburn Road said he was pleased that the land that is in possession of the Lake Auburn Watershed Protection Commission will be in a resource protection district.

Michael Gotto stated that he represents many clients who have been working on this behind the scenes and asked that the Planning Board pass this ordinance as it is now written.

A motion was made by Preston Chapman, seconded by Dan Moreno and all voted unanimously to close the public hearing. (4-0-0) Joseph Maloney did not vote.

A motion was made by Richard Whiting, seconded by Preston Chapman and all voted unanimously to forward a favorable recommendation to the City Council subject to Inland Fish and Wildlife determining if the field along Broad Street discussed in the staff report is mapped correctly as part of the resource protection area. (4-0-0) Joseph Maloney did not vote.

ADJOURNMENT

Auburn Planning Board Meeting Minutes May 11, 2010

Roll Call - Present:

City Council Liaison Robert Hayes, Emily Mottram, Robert Bowyer, Dan Moreno, Chairman Clifton Greim, Richard Whiting, Preston Chapman, and Eric Cousens represented City staff.

Chairman Greim welcomed Emily Mottram and Robert Bowyer as new members of the Planning Board. Ms. Mottram will be an Associate member and Mr. Bowyer will be a Full member.

Minutes:

No minutes to approve at this time.

Public Hearings:

1) Auburn Industrial Subdivision - Auburn Business Development Corporation is seeking Preliminary Major Subdivision Review and a Site Location of Development Permit for the proposed Auburn Industrial Subdivision, an eight (8) Lot Subdivision of 98.85+/- acres, to be located off Lewiston Junction Road, (Parcel ID #'s 118-002, 118-004 and a portion of 130-001), Pursuant to Section 7.3 of Chapter 29.

Eric read the staff report.

Questions were asked of the presentation from Board members.

Chris Branch, Project Manager with Sebago Technics added to the presentation.

Mr. Branch answered several questions from the Board members.

Open Public Hearing

Kathy Robinson of 395 Foster Road commented about the condition of the road and said she was upset about having the Industrial Zone all around her property. Eric explained the Comprehensive Plan and how she could voice her concerns and opinions at future meetings.

Matthew Lapierre of 561 Foster Road asked Mr. Branch about the wetlands.

A motion was made by Daniel Moreno, seconded by Richard Whiting and all voted unanimously to close the public hearing. (4-0-0) Emily Mottram and Chairman Greim did not vote.

A motion was made by Richard Whiting and seconded by Dan Moreno to grant the preliminary approval of the Auburn Industrial Subdivision, subject to the conditions in the staff report and satisfactory resolution of issues pertaining to the Engineering and Fire Departments and also subject to final approval at a later date.

Robert Bowyer commented that the wetlands report was not included, that he had reservations about waiving the requirement for underground utilities and questioned the type of curbing that was being proposed.

Richard Whiting and Dan Moreno both agreed to the additional condition of the wetland mitigation report.

A vote was taken and all voted unanimously to approve. (4-0-0) Emily Mottram and Chairman Greim did not vote.

2) Hertz Auto Rental - Special Exception and Site Plan approval request to locate an automobile rental facility at 1120 Center Street (PID# 325-001), pursuant to Section 3.62.B.2.c of Chapter 29 of the Ordinances of the City of Auburn.

Eric read the staff report.

Chairman Greim commented that the plans which had been submitted were not stamped and he was concerned that the Board may be out of bounds in allowing this to occur.

Mike Malok and Jonathan Leahy, applicants, said they did not make any changes on the plans. They continued by answering questions asked by the Board members.

Open Public Hearing

A motion was made by Dan Moreno, seconded by Preston Chapman and all voted unanimously to close the public hearing. (4-0-0) Emily Mottram and Chairman Greim did not vote.

A motion was made by Dan Moreno, seconded by Preston Chapman and all voted unanimously to approve. (4-0-0) Emily Mottram and Chairman Greim did not vote.

3) Blackie's Farm Fresh Produce - Special Exception and Site Plan approval request to construct a 1,300 square foot addition at 966 Minot Avenue (PID# 67-110 and 108), pursuant to Section 3.62.B.2.q of Chapter 29 of the Ordinances of the City of Auburn.

Eric read the staff report.

Board members asked Eric several questions regarding the proposed project.

Mark Simpson of Simpson Builders mentioned to the Board that it was just a walk-in cooler.

Open Public Hearing

A motion was made by Preston Chapman, seconded by Robert Bowyer and all voted unanimously to close the public hearing. (4-0-0) Emily Mottram and Chairman Greim did not vote.

A motion was made by Richard Whiting, seconded by Preston Chapman and all voted unanimously to approve. (4-0-0) Emily Mottram and Chairman Greim did not vote.

OLD BUSINESS

None

MISCELLANEOUS

None

ADJOURNMENT

A motion was made by Dan Moreno, seconded by Preston Chapman and all voted unanimously to adjourn. (4-0-0) Emily Mottram and Chairman Greim did not vote.

Auburn Planning Board Meeting Minutes June 8, 2010

Roll Call - Present:

City Council Liaison Robert Hayes, Emily Mottram, Robert Bowyer, Joe Maloney, Dan Moreno, Chairman Clifton Greim, Richard Whiting, Preston Chapman, William Skelton and Eric Cousens represented City staff.

Minutes:

No minutes to approve at this time.

Public Hearings:

1) 15 Pierce Street - Herbert Cheney - Seeking Special Exception and Site Plan approval to locate an automobile and marine towing, sales and repair garage at 15 Pierce Street, pursuant to Section 3.62.B.2.b and c of Chapter 29 of the Ordinances of the City of Auburn.

Eric read the staff report.

Questions were asked of the presentation from Board members.

Herbert Cheney, applicant, added to the presentation. Mr. Cheney answered questions from Board members.

Open Public Hearing

A motion was made by Richard Whiting, unknown who seconded and all voted unanimously to close the public hearing. (7-0-0) Chairman Greim did not vote.

A motion was made by Dan Moreno, unknown who seconded and all voted unanimously to approve. (7-0-0) Chairman Greim did not vote.

2) 773 Hatch Road - Daniel Boutin - Seeking approval to demolish an existing two-family residence and replace it with a new single-family residence in the Agricultural & Resource (AG) zoning district pursuant to Section 3.2.B.5 and section 7.1 of Chapter 29 of the Ordinances of the City of Auburn.

Eric read the staff report.

Daniel W. Boutin, applicant, had nothing further to add to the presentation.

Open Public Hearing 2

A motion was made by Preston Chapman, seconded by Dan Moreno and all voted unanimously to close the public hearing. (7-0-0) Chairman Greim did not vote.

A motion was made by Richard Whiting, seconded by Dan Moreno and all voted unanimously to approve. (7-0-0) Chairman Greim did not vote.

OLD BUSINESS

MISCELLANEOUS

Eric talked about the proposed project coming to the corner of Fairview Avenue and Minot Avenue and about the lot line adjustment to lots 8 and 9 and Minor Subdivision Modification of Pinnacle Heights

ADJOURNMENT

A motion was made by Joe Maloney, seconded by Dan Moreno and all voted unanimously to adjourn. (7-0-0) Chairman Greim did not vote.

Auburn Planning Board Meeting Minutes July 13, 2010

Roll Call - Present:

City Council Liaison Robert Hayes, Robert Bowyer, Emily Mottram, Chairman Greim, Dan Moreno, Preston Chapman, Rick Whiting, and Eric Cousens represented City staff.

Minutes:

No minutes to approve at this time.

Public Hearings:

Auburn Industrial Subdivision - Auburn Business Development Corporation is seeking Final Major Subdivision Review and a Site Location of Development Permit for the proposed Auburn Industrial Subdivision, an eight (8) Lot Subdivision of 98.85+/- acres, to be located off Lewiston Junction Road, (Parcel ID #'s 118-002, 118-004 and a portion of 130-001), Pursuant to Section 7.3 of Chapter 29.

Eric read the staff report.

Chairman Greim asked if the board was going to be reviewing the requested changes as far as the curbing and the cul-de-sac tonight?

Eric said just the length of the road tonight. Amendment of chapter 32 is a Council process.

Applicant Chris Branch spoke, waiver request included in packet, fire department does not have concerns about the length of the road, provided list of other long dead-ends in L/A. Eric has addressed curbing and underground utilities well. City Engineer allowed curbing under current standards. Explained reasoning behind fire hydrant locations. 36' street width is standard.

Rick Whiting asked Chris to describe the setback and buffering between Foster Road and the park.

Chris demonstrated this on a colored map. Not requesting any changes to the current zoning. Meeting setback requirements.

Chairman Greim said in traffic impact study area the intersections of Kittyhawk and Washington and Washington and turnpike, what is the status of upgrading those? Condition is the concern, not volume.

Eric doesn't know of any immediate plans to upgrade those, but he has heard talk. Most of the traffic for this development would go to those intersections.

Chairman Greim said lot owners responsible for maintaining ponds has caused trouble in the past, doesn't want the city or water/sewer districts to take care of the pond.

Chris suggested city gets easement to the pond so they can maintain if necessary and then put a lien on the property to get paid.

Chairman Greim liked the 36' drive based on potential traffic, wants confirmation.

Chris said this road is identical design to Logistics Drive, which the city was pleased with. Many people walk in this area and wide shoulders will promote that.

Chairman Greim asked if there was any proposed street lighting.

Chris said they have not been asked to, the city does not like them as they have to pay for them.

Dan Moreno asked Chris to clarify which other dead end streets were similar to this area, not residential. Discussed Gendron Drive in Lewiston in comparison to the proposed project.

Bob Bowyer wants to talk about impact on residents on Foster Road. Asked Chris to review the natural lay of the land as to elevation, existing vegetation and natural features that already provide screening and proposals to reduce visibility of industrial development from residences.

Chris said it depends where you are on the lot. Used map to demonstrate. Review more with individual site plans. City requires minimum 30' vegetative buffer, will plan tress if necessary.

Bob bowyer asked if it is likely that the buildings will be one story.

Chris said they will probably be a minimum of 25'.

Rick Whiting asked if we can get a forested out there to help with natural buffering. Do we think this will likely be warehousing?

Chris said they have a qualified environmental scientist on their team. Yes, we have lots of warehousing and that is who we get phone calls from trying to come into the area.

Chairman Greim said water usage is pretty minimum, ensured that Chris had talked with water district.

Chris said they would be putting in a separate main for domestic water.

Eric said fire department felt it was adequate.

Open Public Hearing

Matt LaPierre, 561 Foster Road said he received an abutters notice from Jones Associates for public input but questioned date.

Chris said the public hearing was for the NRPA application, not the DEP stormwater lot or permitting.

Chairman Greim asked Matt if he were referring to this meeting. He said no. Chairman said the approval would be conditional upon other approval. Eric confirmed this.

Matt asked Chris is the wetland was just the road or the entire site. Could other developers disturb more wetlands?

Chris said the DEP was going to have him do a wetland impact study.

Chairman Greim said the showed recommendation on the map.

Rick Whiting suggested Eric describe the process, which he did.

Matt asked if there could be a sidewalk or trail, there is currently a snowmobile trail which is going to be disturbed.

Chris said the proposal did not include trail systems. Pedestrians and bikers could use range road.

Matt asked after the Berwick property was there any other phasing?

Chris is not aware of any; ABDC does not have any other interest in the area.

A motion was made by Rick Whiting to close public hearing, seconded by Preston Chapman, all approved.

A motion was made by Rick Whiting to approve the proposal as presented, subject to a road length waiver and compliance with chapter 32 standards which will be in effect at the time of development, subject to the review and approval of the City Engineer, seconded by Preston Chapman, passed unanimously.

Bedard Medical Campus – Joe Casalinova, Building Solutions, LLC is seeking Special Exception and Site Plan approval for Bedard Medical, Inc. to construct 24,000 square foot (sf) office, 21,000 sf warehouse and 15,000 sf retail pharmacy buildings at 211 Fairview/359 Minot Avenue (PID#219-165), pursuant to Section 3.62.B.1.q, Section 3.62.B.1.x and Section 3.62.B.2.q of Chapter 29 of the Ordinances of the City of Auburn.

Eric read the staff report.

No questions from the Board.

Joe Casalinova, President of Building Solutions, recapped what Eric said, passed out drawings, intent is to preserve tree line.

Michael Nadeau, President of Bedard, offered background on the company. Looks forward to having business in Auburn.

Dan Moreno asked if there would be noisy rooftop units, screening to reduce noise, wants to know about lighting.

Michael said there would be rooftop units, screening, and lights will be downlighting, light pollution will not be an issue.

Chairman Greim asked them to contrast the current trips to the projected trips for phase one.

Bill Eaton, Traffic Engineer, performed a study of phase one, which generated approximately 67 vehicle trips, does not require DOT approval. Phases two and three will be increased. Will be

going for a traffic permit from MDOT. School traffic occurs outside of peak hours. Combining driveways minimizes access points. Interactions operate fine, even in phase three.

Chairman Greim asked if there was to be a temporary drive through in phase one, confirmed by Bill. Those numbers are accommodated for.

Rick Whiting asked about placement of driveway based on access management, should we waive that requirement?

Eric said it would be safer to recognize character of Fairview vs. Minot Ave, and that it is mostly residential.

Rick Whiting asked about ponds and fencing, safety concerns for area children.

Joe said there would be landscaping, pond would be safe and shallow.

A parent of children at Fairview wanted Eric to share that we was concerned about the traffic in a shared driveway before and after school.

Chairman Greim said the shared drive is the existing drive and the bus drop off is in a different area.

Eric said the new site plan provides more room for the cars to get off the street.

Bob Bowyer said it was creative to have the shared access with the school, but wouldn't people be more likely to use the entrance nearest Fairview Avenue?

Joe said the parking area off Fairview Ave. would fill up rather quickly.

Dan Moreno asked if the parking lot was being built all at once.

Joe said no, they would be doing it in phases, starting with the upper one. Will be ample parking for Bedard's and school overflow.

A motion was made by Preston Chapman, seconded by Dan Moreno, to close public hearing. All in favor, public hearing closed.

A motion was made by Rick Whiting, seconded by Dan Moreno, to approve the special exception and site plan for Bedard Medical as presented and included a waiver of the corner lot access management requirements. Passed unanimously.

OLD BUSINESS

None.

MISCELLANEOUS

Potential CEI Project on Main Street - density discussion.

ADJOURNMENT

Auburn Planning Board Meeting Minutes August 10, 2010

Roll Call - Present:

City Council Liaison Robert Hayes, Robert Bowyer, Emily Mottram, Joe Maloney, Preston Chapman, Rick Whiting, and Eric Cousens represented City staff.

Minutes:

No minutes to approve at this time.

Public Hearings:

550 Center Street - Special Exception & Site Plan Request of Michael Gotto on behalf of Auburn Plaza Inc. to construct a 17,802 square foot retail building and associated parking at 550 Center Street, near Turner Street pursuant to Section 3.62.B.1.x and 3.62.b.2.q of chapter 29 of the Ordinances of the City of Auburn.

Eric read the staff report.

No questions from the Board.

Mike Gotto offered to answer questions.

Rick Whiting asked Mike to contrast this project to a previous proposal for a fast food restaurant at that location.

There was a discussion about the detention ponds throughout Auburn Mall Apartments and drainage.

Open Public Hearing

Dan Bilodeau, 207 N. Auburn Road, asked which watershed the proposed building would be in.

Eric told him it would be in the watershed off the stormwater treatment system in the Androscoggin Watershed.

A motion was made by Joe, seconded by Preston, to close public heaing, all in favor.

A motion was made by Joe Maloney, seconded by Preston Chapman, that the Board approve with the recommendations from the staff report.

65 Washington Street - Special Exception and Site Plan Request of Rebecka Campbell to locate a retail pet store, grooming salon and dog day care, in the existing building at 65 Washington Street, pursuant to Section 3.62.B.1.x and 3.62.B.2.q of Chapter 29.

Eric read the staff report.

Bob Bowyer asked if they were only here for a special exception because the building they would be occupying is greater than 5,000 square feet. Eric confirmed that this is true.

Rick Whiting referred to Eric's mention in the staff report about determining the percentage of use as far as retail vs. dog day care component.

Eric said many pet stores have grooming and dog day care components, and retail and grooming spaces are permitted uses and the daycare could be used as accessory.

Jim Maloney asked if there would be overnight stays for animals. Eric referred him to the applicant.

Rebecka Campbell, the applicant, said she currently has overnight stays at her daycare but it causes problems and would not do this at the new location.

Open Public Hearing

No questions from the public.

A motion to close public hearing was made by Preston Chapman and seconded by Jim Maloney to close public hearing, all approved.

Bob Bowyer has the impression that there are lots of buildings in transition or vacant and this is an acceptable use. The nuisance factor of dogs barking would not compete with the traffic.

Rick Whiting described the surrounding businesses. Place is fairly isolated. The fencing is critical.

A motion to approve the special exception request for 65 Washington Street with the staff recommendations and determination that the Board agrees that this is a daycare and not a kennel was made by Joe Maloney, seconded by Preston Chapman, passed unanimously.

268-272 Main Street - Special Exception, Subdivision & Site Plan Request of John Egan on behalf of CEI Housing Inc. to replace the existing multifamily buildings with a new 22 unit multifamily building and associated parking at 268-272 Main Street pursuant to Section 3.52.B.2.a of chapter 29.

Eric read the staff report.

No questions from the board.

The applicant spoke. Project will be partially funded by Maine State Housing. Expects to start construction by September 2010. Showed map of proposed site.

Bob Bowyer asked what the percentage distribution of affordable units vs. market rate. Applicant said they would be 100% affordable.

Eric said there is no pedestrian access to the Riverwalk through the site. Applicant said this was not feasible because of the slope.

Open Public Hearing

No questions.

A motion was made by Preston Chapman, seconded by Bob Bowyer, to close public hearing.

Bob Bowyer asked if the Board was granting a special exception or endorsing it.

Eric said one part is approving the special exception, the second is granting a waiver.

Bob Bowyer said he likes the large amount of one bedrooms. Could reduce automobile usage due to close proximity to downtown. Comfortable with what he has seen tonight. We should be encouraging the construction of more affordable housing units within the city.

A motion was made by Bob Bowyer to approve and endorse the proposed development with the conditions outlined in the staff report, seconded by Preston Chapman, passed 4-0, Rick Whiting abstained.

OLD BUSINESS

None.

MISCELLANEOUS

Dan Bilodeau, 207 N. Auburn Road, spoke about the Lake Auburn Watershed. Wants low-impact development, does not use City water.

Discuss 1 year approval expirations and MDEP approvals.

Eric asked if the board was open to considering that their approvals last longer than one year, as financial, etc. take more time.

Bob Bowyer does not want to give blanket approval, there are pending zoning changes.

Emily Mottram asked what the process was for them to come back. Does this typically happen with larger projects?

Eric said it was a letter explaining why they haven't constructed the project, they do not go through this whole process again.

Rick Whiting said the public can come, say they want the Board to rehear. Could you offer a one year renewal extended by staff if there were no changes?

Bob Bowyer asked if extensions required public notifications, Eric said no.

Asked Eric to research what other places are doing, come back with more information.

Bedard Medical Campus – Project modification for separation of the entrances.

Eric passed out a map, said they were looking to have a private Bedard entrance, would be meeting with traffic engineers.

Bob Bowyer asked if this would be temporary.

Eric said the goal would be to have a combined entrance with Fairview and additional parking at the school.

Bob Bowyer is concerned about the amount of grading, can understand Bedard's attitude if they don't want to go back to the original plan. We need the entrance further away from the intersection. If they spend this much on an alternative, don't think the original plan would get done.

Rick Whiting said they could waive the paving requirement and allow gravel for a temporary lot, Gooseberry Barn had gravel lot, good way to accommodate the developer, still wants a common entrance, most beneficial for all.

Bob Bowyer said the common entrance was an important feature of the approval, would the Board have to reconsider approval if it were no longer part of the plan?

Eric said the Planning Department considered it a minor change.

Emily asked if they could build half of the entrance now. Doesn't want to regrade entire site.

Eric offered to bring suggestions to traffic engineer for the project.

There was a discussion about what the school departments concerns about the project might be.

ADJOURNMENT

Auburn Planning Board Meeting Minutes October 12, 2010

Roll Call - Present:

City Council Liaison Robert Hayes, Emily Mottram, Dan Moreno, Chairman Clifton Greim, Preston Chapman, Richard Whiting, and Robert Bowyer. Eric Cousens, City Planner and David Galbraith, Director of Planning and Permitting represented City staff.

Minutes:

A motion was made by Preston Chapman, seconded by Richard Whiting and voted unanimously to approve the April 15, 2010 Planning Board meeting minutes. (4-0-2) Emily Mottram and Robert Bowyer abstained.

Public Hearings:

David Galbraith gave an overview of the Comprehensive Plan and introduced all of the Comprehensive Plan Committee members that were in attendance.

Mark Eyerman of Planning Decisions gave an overview of the New Auburn Master Plan. PowerPoint slides of the New Auburn Master Plan were presented while Mr. Eyerman narrated.

Eric Cousens explained that many of the people in attendance were there because the Comprehensive Plan's Future Land Use Map has the Foster Road area zoned Industrial. He asked if the agenda could be heard out of order and all Board members agreed to let the agenda be heard out of order.

David Galbraith pointed out on the current and the Future Land Use maps where Foster Road was located and explained why the decision was made for Foster Road to become zoned Industrial.

Open Public Hearing

The following people spoke against the rezoning of the Foster Road area as depicted in the Comprehensive Plan's Future Land Use map:

Leo Binette of 333 Foster Road,

Kenneth Norris of 583 Foster Road,

Ernestine Gilbert of 66 Constellation Drive,

Debbie Hallowell of 11 Foster Road,

Matthew Lapierre of 561 Foster Road

Sara Marsh of 115 Foster Road

The Board took a 15 minute break and then resumed with the Public Hearings.

A. Natural Resources Policies

Eric Cousens gave an overview about this section of the Comp Plan. A discussion ensued amongst the Planning Board members.

Open Public Hearing

The following people spoke about the proposed modification:

Larry Faiman, member of the Comprehensive Plan Committee

John Storer, Superintendent of the Water District

Close Public Hearing

A motion was made by Dan Moreno, seconded by Richard Whiting and all voted unanimously to send a favorable recommendation of the following language to the City Council. (5-0-0) Chairman Greim did not vote.

1. City Council Workshop Concern/Consideration: A.1.1.b.

Strategy A.1.1.b:

Support efforts of the Auburn Water District (AWD) and LAWPC to:

» Consider removing or modifying the existing MEDOT Route 4 rest area to address public safety and water quality concerns,

» Relocate the parking facility within the boat launch area to better manage inappropriate activities by controlling access and use, and

» Develop a trail along the site to promote appropriate public use in this area.

2. City Council Workshop Concern/Consideration: Natural resources /Lake Auburn Watershed – Filtration should be mentioned as an option for water treatment.

Comment: The current draft does not rule out filtration. It does encourage the protection of Lake Auburn to maintain the waiver of filtration. Avoiding the mandate for filtration was a goal of the committee and it leaves the choice to provide filtration or other treatment options open.

Comments were made by the Planning Board members

Open Public Hearing

The following people spoke about the proposed modification:

John Storer, Superintendent of the Water District stated that water filtration would not change watershed protection.

Sarah Strong of 33 Whitman Spring Road

Dan Bilodeau of 207 North Auburn Road and a member of the Comprehensive Plan Committee

Close Public Hearing

A motion was made by Dan Moreno, seconded by Robert Bowyer and all voted unanimously to send a favorable recommendation of the following language to the City Council. (5-0-0)

Goal A.1(Page 4): Maintain the exceptional water quality of Lake Auburn and existing

waiver from filtration to avoid or delay the need for costly treatment.

To minimize future threats to the water quality and maintain current drinking water standards, the City, Auburn Water District (AWD), Lake Auburn Watershed Protection Commission (LAWPC), and Lake Auburn watershed residents need to continue to protect the lake from contamination that could affect water quality or trigger the need for additional treatment. If additional treatment becomes necessary then all options should be considered for the most cost effective solution.

Major threats of contamination include inappropriate public uses in and around the lake as well as existing and new development in the watershed.

1. City Council Workshop Concern/Consideration: A.1.2.d. (Page 6) Watershed restrictions on development – Is this standard appropriate?

Comment: This was a nearly unanimous recommendation from the Committee. It allows for development with efforts to minimize impacts instead of preventing development to limit impacts.

Open Public Hearing

The following people spoke about the proposed modification:

John Storer, Superintendent of the Water District

Sarah Strong of 33 Whitman Spring Road

Dan Bilodeau of 207 North Auburn Road and a member of the Comprehensive Plan Committee

Close Public Hearing

A discussion followed between the Planning Board members.

A motion was made by Robert Bowyer, seconded by Richard Whiting and all voted unanimously to send a favorable recommendation of the following language to the City Council. (5-0-0)

Strategy A.1.2.d (Also Strategy A.2.2.b): Address issues such as erosion and runoff by updating the Lake Auburn Watershed Overlay (LAO) District to allow expansion and reconstruction projects but require such projects that alter or increase impervious surfaces to meet Low Impact Development (LID) standards.

1. City Council Workshop Concern/Consideration: A.1.2.F (Page 6) Explore the creation of a public or private entity to oversee SSWD on a voluntary basis. Is this appropriate?

Comment: The Board expressed concerns that such an organization could take on a life of its own and may not meet City objectives. The Board also recognized that LAWPC currently inspects wastewater disposal systems in the watershed of Lake Auburn,

Eric Cousens commented about the proposed language.

A discussion ensued amongst the Planning Board members.

Open Public Hearing

The following people spoke about the proposed modification:

John Storer, Superintendent of the Water District

Dan Bilodeau of 207 North Auburn Road

A motion was made by Richard Whiting, seconded by Preston Chapman and all voted unanimously to send a favorable recommendation of the following language to the City Council. (5-0-0)

Strategy A.1.2.f: Continue to ensure the ongoing maintenance of subsurface wastewater disposal systems in the watershed.

E. Recreation (and Open Space) Policies

1. City Council Workshop Concern/Consideration: Recreation-explore options for re-use/redevelopment of Great Falls School & or site.

Open Public Hearing

Close Public Hearing

A motion was made by Dan Moreno, seconded by Preston Chapman and all voted unanimously to send a favorable recommendation of the following language to the City Council. (5-0-0)

Strategy E.1.6.c: Solicit input from the community for potential reuse or redevelopment of the Great Falls School site.

G. Transportation Policies

1. City Council Workshop Concern/Consideration: - G.2.9.a. (Page 48) Transportation- Question the call for closure of Academy Street in light of recent Rotary/Minot Ave discussions (maybe this could be conditioned if necessary for an appropriate redevelopment of the Great Falls School site?).

Comment: That was part of the intention. Reference was added as a clarification.

The Planning Board members discussed the proposed modifications.

Open Public Hearing

Close Public Hearing

A motion was made by Richard Whiting, seconded by Dan Moreno and all voted unanimously to send a favorable recommendation of the following language to the City Council. (5-0-0)

Strategy G.2.9.a: Establish Elm Street as a primary route from Main Street and the downtown neighborhoods to Minot Ave, developing an attractive, well-designed streetscape:

i. Streetscape improvements should include landscaped esplanade, designated onstreet parking, bike lanes, and well-maintained sidewalks and crosswalks.

ii. Consider eliminating the ability to make left turns onto or from High Street and removing the signal at the intersection of High Street and Minot Avenue to encourage traffic to use Elm Street.

iii. Consider eliminating the Academy Street connection between High Street and Main Street if necessary for the Great Falls School site redevelopment.

H. Community Development Policies

1. City Council Workshop Concern/Consideration: Property Maintenance Codes for multi-family housing. Concern about costs associated with compliance. Is it appropriate to consider adding these requirements.

The Planning Board members discussed the proposed modifications.

Open Public Hearing

Close Public Hearing

A motion was made by Richard Whiting, seconded by Dan Moreno and all voted unanimously to send a favorable recommendation of the following language to the City Council. (5-0-0)

Strategy H.2.1.b: Assure that the existing rental housing stock is maintained and well-managed so that it is a positive part of these neighborhoods.

i. Consider adopting a property maintenance code for multifamily housing that focuses primarily on issues related to public health and safety,

ii. Adopt a renovation code as part of the building code to allow some flexibility for the repair or renovation of existing structures,

iii. Review and revise the City's fire code to remove unreasonable barriers to the renovation of older properties,

iv. Conduct a regular, on-going program of "code enforcement" to assure that multifamily housing is being maintained and properly managed,

v. Continue to provide financial assistance to the owners of rental property that provides affordable housing using community development and other funding to upgrade the units with a focus on energy efficiency, and

vi. Promote owner-occupied multifamily housing by working with the City of Auburn Community Development Department, Auburn Housing Authority, and Maine State Housing, to provide funding for people to buy and upgrade small multifamily properties.

I. Economic Development Policies

J. Other Land Use Policies

Chapter 2 - Future Land Use Plan

The Planning Board members discussed this further.

Open Public Hearing

The following people spoke about the proposed language:

Mark Eyerman of Planning Decisions

Michael Gotto of Stoneybrook Consultants, Inc.

A motion was made by Richard Whiting, seconded by Dan Moreno and all voted unanimously to send a favorable recommendation of the following language to the City Council. (5-0-0)

That the future land use plan include the change to industrial designation in the Foster Road neighborhood as recommended by the Comprehensive Plan Committee and shown in the Draft Comprehensive Plan and Future Land Use Map.

1. City Council Workshop Concern/Consideration: Foster Road Industrial Re-zoning recommendation - the Council did not take a position, but residents of Foster Rd. have expressed concerns about the residential nature of the road and potential conflicts arising from industrial development. A petition has been filed by residents of this area to oppose the change.

Comment: This is a difficult decision. If the area had remained AG/RP and not changed to residential, residents would not have built new homes and we would not be faced with 7 this separation of two large industrial areas by a strip/island of residential zoning. The existing separation hinders industrial development, but more importantly, it unnecessarily isolates and surrounds a residential neighborhood with industrial uses and creates conflicts between the residential and industrial land uses. The proposal aims to eliminate this conflict over time as land owners or the City Council wish to convert the land use to industrial. In the short term it is a difficult decision. In the long term, a change will reduce the conflicts. Residents from the Foster Road neighborhood attended the Planning Board meeting to oppose this change. Many residents indicated that they are already impacted by the industrial uses surrounding them, including increased air traffic, industrial vehicles and rail. These impacts (and the desire to minimize them) are the rerason for recommending the chznge to industrial in the draft plan.

The Planning Board acknowledges that the land use conflicts between existing residential uses and the existing industrial uses in the Hotel Road, Lewiston Junction Road, Kittyhawk, Airport, intermodal transportation facility area will not go away. We must step back from the emotional response and recognize that the impacts will get worse with anticipated industrial growth. They are already getting worse based on testimony from the residents of the Foster Road area. To do nothing will allow the problem to persist and to grow with new residential investment in the Foster Road area.

LBD District (Page 89-90) Minot Avenue – General Business II zone.

A discussion ensued amongst the Planning Board members.

Open Public Hearing

Close Public Hearing

A motion was made by Richard Whiting, seconded by Dan Moreno and all voted unanimously to send a favorable recommendation of the following language to the City Council. (5-0-0)

2. City Council Workshop Concern/Consideration: LBD District (Page 89-90) Minot Avenue – General Business II zone. Plan should allow for reconsideration of automobile sales in the corridor. Current draft proposes to allow sales as a subordinate use for auto service as a new flexibility in the corridor without undoing past plans objective to “not to make Minot Avenue another Center Street.”

The Board voted 5/0 to recommend that the draft plan as proposed by the Comprehensive Plan Committee, including motor vehicle sales limited to a subordinate or accessory use where the principal use is motor vehicle service, be approved as drafted and shown below:

Limited Business Development District (LBD)

Objective – Allow for the development and redevelopment of small and moderate scale nonresidential uses in areas that have good vehicle access and are served or can be served 8 by public water and sewerage (see Figures 2.3, 2.4, and 2.5). Since these districts are often located adjacent to existing residential neighborhoods or residentially zoned areas, the allowed uses and development standards are intended to assure that activity within these districts have minimal adverse impact on the adjacent residential areas. In addition to non-residential activity, the Limited Business Development District should allow for both existing and new residential uses at a density of up to 10-12 units per acre.

Allowed Uses – The following general types of uses should be allowed in the Limited Business Development District:

• small and moderate size retail uses (<40,000 square feet)

• personal and business services

• business and professional offices

• restaurants excluding drive-thru service

• hotel, motels, inns, and bed & breakfast establishments

• residential uses (including single and two family, townhouses, and multi-family housing)

• community services and government uses

• small and moderate size (<20,000 square feet) fully-enclosed research, light manufacturing, assembly, and wholesale uses

• contractors and similar activities

• motor vehicle service

• motor vehicle sales limited to a subordinate or accessory use where the principal use is motor vehicle service

• recreational uses and facilities

Adjourn

Auburn Planning Board Meeting Minutes November 9, 2010

Roll Call - Present:

Robert Bowyer, Emily Mottram, Chairman Clifton Greim, Richard Whiting, Daniel Moreno and Eric Cousens represented City staff.

Minutes:

No minutes to approve at this time.

Public Hearings:

1) Citizen Initiated Zoning Text Amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, 3.31.B.2, to add the use group: Slaughterhouses, stockyards, abattoirs, dressing plants in compliance with State and Federal Regulations as a special exception use in the Agriculture and Resource Protection zoning district, pursuant to Section 8.1 of Chapter 29.

Eric read the staff report. He mentioned that Dr. Henrietta Beaufait was available to answer questions of the Board.

Roland Miller, Director of Economic Development spoke on behalf of the proposal and mentioned he could be used as a resource if the Board had any questions. He explained the purpose of the Ag Zone and how it has been tweaked on occasion over the last 30 years. He said he looked at Chapter 2 of the Future Land Use and read the definition. He said it was up to the Board to deliberate whether this was an appropriate principal use to be located in that zone.

Chairman Greim asked if the petitioner wanted to add to the presentation.

Craig Linke, petitioner, said Auburn and the State of Maine both needed a facility like this.

Board members asked Mr. Linke several questions of which he answered.

Open Public Hearing

Kenneth Bellefleur of 100 Royal River Road spoke against the amendment.

Michelle Melaragno of 576 Trapp Road spoke against the amendment.

Daniel Herrick of 470 Hatch Road spoke in favor of the amendment.

Fred Stone of 169 Royal River Road spoke against the amendment.

Chairman Greim explained the Planning Board process and pointed out that the amendment was not site specific.

Celeste Daily of 18 Grandview Avenue spoke against the amendment.

George Hess of 18 Grandview Avenue spoke against the amendment.

Joe Gray of Sopers Mill Road asked to hear from Dr. Beaufait.

Calvin Beaumier, abutter to the Trapp Road property spoke in favor of the amendment.

Dr. Beaufait, State Veterinarian with the Meat Inspection Program for the Department of Agriculture in Maine dispelled the noise and odor concerns and explained the process animals go through in regulated slaughterhouses.

Several Board members asked Dr. Beaufait questions of which she answered.

A motion was made by Richard Whiting, seconded by Dan Moreno and all voted unanimously to close the public hearing. (5-0-0)

A discussion ensued amongst the Board members regarding the Comprehensive Plan.

A motion was made by Richard Whiting, and seconded by Dan Moreno to forward a favorable recommendation to the City Council on the text amendment related to Slaughterhouses, Stockyards, etc... as a Special exception use in the Agricultural and Resource Protection Zoning District with City staff being heavily consulted in terms of restrictions pertaining to size and traffic and other legitimate concerns which would keep the scale at a level which is reasonable within the context of our Agricultural zone and with the level of inspections mandated as required.

Mr. Whiting amended the motion to include the request for a joint workshop to craft the language. Mr. Moreno was ok with the amendment.

A vote was taken and the motion passed (4-1-0). Robert Bowyer opposed.

2) Special Exception and Site Plan Request of Tim Smale, Remedy Compassions Center, to renovate and occupy an existing 10,000+/- square foot retail building for a medical marijuana production and dispensary facility at 730 Center Street (Auburn Plaza) pursuant to Section 3.62.B.1.x, q and 3.62.b.2.q of chapter 29.

Eric read the staff report.

Tim Smale, applicant spoke about the proposal.

A few of the Board members asked questions of which the applicant answered.

Open Public Hearing 3

A motion was made by Dan Moreno, seconded by Robert Bowyer and all voted unanimously to close the public hearing. (5-0-0)

A motion was made by Robert Bowyer, seconded by Richard Whiting and all voted unanimously to approve the special exception. The motion passed (5-0-0)

3) Special Exception - Request of Tim Boucher, to allow a free standing development entrance sign at the intersection of High and Hutchins streets pursuant to Section 4.2.A.11 of Chapter 29.

Eric read the staff report.

Board members asked Eric several questions regarding the proposal.

Eric mentioned that the Board had received an addendum and an amendment to the addendum which Mr. Hines requested be read to the Board.

Richard Whiting made the motion to waive the reading of the correspondence submitted by Mr. Hines as he had already read it. Daniel Moreno and Emily Mottram also said they had read the correspondence. Clifton Greim asked the remaining Board members to read the letter to themselves while the applicant stepped forward to add to the presentation.

Tim Boucher of 45 Hutchins Street and applicant, added to the presentation.

A motion was made by Dan Moreno, seconded by Richard Whiting and all voted unanimously to close the public hearing. (5-0-0)

A motion was made by Dan Moreno, seconded by Richard Whiting and all voted unanimously to approve the special exception to allow a free standing development entrance sign at the intersection of High and Hutchins streets pursuant to Section 4.2.A.11 of Chapter 29 with the added condition that the location of the proposed sign be waived and that if the sign is placed on private property, acceptance from the property owner would be sought prior to the sign's erecting. The motion passed (5-0-0)

4) City Initiated Zoning Text Amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, 3.1.K, to clarify and/or increase the maximum allowable size of residential accessory structures, pursuant to Section 8.1 of Chapter 29.

Eric read the staff report and explained the situation.

A discussion ensued amongst the Board members.

A motion was made by Richard Whiting, seconded by Dan Moreno and all voted unanimously to forward a favorable recommendation to the City Council for option #1 which states: Change the

language so that the “maximum floor space” reads “maximum 1st floor space” as listed in the staff report. The motion passed (5-0-0).

OLD BUSINESS

Richard Whiting of Auburn Housing Authority is seeking a one year extension of the Major Subdivision Approval to redevelop the Webster School property, an existing building, into a twenty-eight (28) unit low to moderate income housing development, with associated parking and accessory uses, located at 95 Hampshire Street, pursuant to Section 7.3 of Chapter 29.

Richard Whiting abstained from voting on this hearing because he is the applicant and explained why the project has yet to be completed.

A motion was made by Robert Bowyer, seconded by Dan Moreno and all voted unanimously to approve the one year extension of the Major Subdivision Approval to redevelop the Webster School property, an existing building, into a twenty-eight (28) unit low to moderate income housing development, with associated parking and accessory uses, located at 95 Hampshire Street, pursuant to Section 7.3 of Chapter 29.

The motion passed (4-0-1). Richard Whiting abstained.

MISCELLANEOUS

Eric mentioned Joe Maloney had resigned from the board and asked to give one final motion to adjourn. Richard Whiting said they accepted his “adjournment” with regret.

ADJOURNMENT

Auburn Planning Board Meeting Minutes December 14, 2010

Roll Call - Present:

City Council Liaison Robert Hayes, Robert Bowyer, Emily Mottram, Preston Chapman, Dan Moreno, Richard Whiting, and Eric Cousens represented City staff.

Minutes:

Approved minutes from October 12, 2010 meeting.

Public Hearings:

Glenn A. Dumont, on behalf of Michaud Trailer and Plow Sales is seeking Special Exception and Site Plan approval for occupancy and sitework at 16 Beech Hill Road, pursuant to Section 3.62.B.2.j and 3.62.B.2.q of Chapter 29. The proposed use of the structure will be sales and service of trailers, snow plows and associated equipment.

Planning Board has received communication from Gary Johnson, Assistant City Engineer, on the discontinuance on a portion of Brown's Crossing Road.

Eric read the staff report.

No members of the Planning Board had questions for Eric on the staff report.

Applicant Glenn Dumont said the plan was basically to reside three sides of the building, add gravel fill, and cut trees.

Dan Moreno asked if the applicant was going to address the lighting on the building for cutoff lights.

Glenn Dumont, yes, referred Board to drawing, said the plan was to put wall packs on with cutoff luminary so it doesn't glare into the street.

Dan Moreno asked if there was a dumpster.

Larry Michaud said there were two dumpsters currently, one for waste and one for cardboard, and will enclose them in a fence.

Rick Whiting asked if they were intending to repave.

Glenn Dumont showed on the plans where they want to pave and where gravel would be sufficient. 2

Rick Whiting is concerned about larger vehicles, dangerous conditions.

Larry Michaud said most of the deliveries would come via UPS and Keystone daily, can turn around on the property, very few tractor trailers. Product comes from Winslow as this is a satellite location.

Glenn Dumont reiterated that the majority of the work would be aesthetic improvements to the building and making the inside a showroom.

Open Public Hearing

Lucien Matthews, 65 Beech Hill Road, this has been discussed previously and the concern was tractor trailer traffic, he believes there was going to be a requirement that northbound trailers could not turn left. This property was supposed to have a minimum access opening dimension, needed to be larger to address tractor trailer truck traffic, supposed to be able to turn around on property.

Larry Michaud said there would be very few, if any, tractor trailer trucks coming to that business. Would be amenable to restriction on left turn.

Eric Cousens confirmed that it was a requirement of the old approval that tractor trailers making left hand turns were prohibited during peak hours on Washington Street. They had to continue up Washington St. North, use Miami or Philomar to turn around, and take right hand turn into site. Also had to turn around on site and drive out of site.

Rick Whiting said we would leave the opening issue to the City Engineer.

Margie Patrick, 65 Beech Hill Road, concerned about traffic at Washington and Beach Hill Road, turning lanes and blinking light have been improvements, wants more detail about what moving closer to Washington Street means and what impact it will have on her as a driver.

Eric Cousens showed specifics on map, inaudible discussion continued at map.

Robert Bowyer requests clarification about Eric's Staff Report about low planting along right of way, site plan proposes to make swap and remove intrusion into right of way in exchange for paving up to the property line toward Beech Hill Road. Would the low planting have to be within the boundaries of the state right of way? Proposed pavement goes right to property line.

Eric Cousens said former applicant wanted to remove trees, suggested that they work with DOT and replace with lower growing shrubs, not sure if it would be allowed now.

Robert Bowyer said the issue with sight was looking left, not right, coming off Beech Hill. Wants planting along right of way, not contingent along removal of other trees. Can 3 we condition this on property that we don't have control over? Strong encouragement to obtain approval from DOT.

Glenn Dumont used map to show current vegetation, said it is all grassy, there is only one pine tree there and it is in poor condition.

Margie Patrick, also needs to look right for who is coming into turning lane, it is a busy intersection.

Lucien Matthews said the City must be aware that it is a "dicey" intersection considering they put up blinking lights.

A motion was made by Dan Moreno to close public hearing, seconded by Preston Chapman, all okay to close public hearing.

A motion was made by Dan Moreno to approve the special exception and site plan approval for occupancy and sitework at 16 Beech Hill Road, pursuant to Section 3.62.B.2.j and 3.62.B.2.q of Chapter 29. The proposed use of the structure will be sales and service of trailers, snow plows and associated equipment. Include in the findings recommendations of the report and the ensuing topics which may come up which were dumpster enclosure, right turn only on Washington Street, landscaping along Washing limited to by permission of MDOT. Seconded by Robert Bowyer.

Dan Moreno said there were doors exiting the building by no walkway, would it be required to be paved?

Eric said if the doors are required for egress than they should have a cleared walkway including some kind of dust-free solid surface.

Dan Moreno asked about parking striping.

Eric said none was proposed but it was a good question, should be required for employees and a small number of customers so that area isn't used as display, amenable to making that the responsibility of his office.

Parking striping added as a condition to the motion, as well as full cutoff lighting.

Motion passed unanimously.

Eric asked to have the pictures be emailed to him for the file.

OLD BUSINESS

Second Hearing of Citizen initiated zoning text amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, 3.31.B.2, to add the use group: Slaughterhouses, stockyards, 4 abattoirs, dressing plants in compliance with State and Federal Regulations as a special exception use in the Agriculture and Resource Protection zoning district, pursuant to Section 8.1 of Chapter 29.

Eric read the staff report.

If there are no objections, we are going to open for public input – no objections.

Robert Bowyer asked Eric to explain accessory uses.

Eric said the ordinance allows uses that are customarily accessory to other uses in the district. Slaughtering would be considered accessory to the agriculture zone. These animals are raised on the property the majority of the time.

Robert Bowyer would lean toward a liberal provision of accessory use, not keen on the idea of a completely independent industrial use, intent of ordinance is to maintain connection with agricultural operation in place rather than a completely independent operation.

Rick Whiting asked Eric if there are there things we could do with the existing ordinance to liberalize that?

Eric said the ordinance was not specific, relied on judgment calls, board can amend ordinance but proposal does not ask for that.

Rick's understanding of the ordinance is that by right a farmer could slaughter their own animals, but to liberalize it might be to specifically say they could slaughter other animals, subject to limitations.

Bob Bowyer suggests limiting the number of animals that could come from off-premise; needs to be some substantial activity at the location, not just from outside.

Dan Moreno said that someone spoke previously saying the animals could not be kept overnight; if a farmer buys cattle how long do they have to own them before slaughtering?

Asked for insight from the City Council since Council didn't want to do a workshop. Bob Hayes said the Council was in favor of business in the community, but this discussion is bringing light to the dilemma. If you have an accessory use that you permit and owner does not engage in the primary use, what happens to the accessory use? The building is out in a rural area and can't be used for much. Our staff and Growth Council have looked to find something to fit, but it poses a problem.

Rick Whiting explained that the process is to make a recommendation on a proposal to amend the zoning ordinance, not specific to a particular site. If the City Council votes to 5 amend the ordinance, then any specific project would have to come to the planning board and have public hearing.

Open Public Hearing

Ken Bellefleur, 100 Royal River Road, said at the last meeting a lot of the restrictions were designed about the particular building at 521 Trapp Road, urged the board to use data versus potential proposition, his fear is if they look at what might go there it is spot-zoning. Second concern is that many roads in agriculture zone that can't support industrial property. This was discussed on the Comp Plan Committee. Wants to make sure that whatever restrictions get placed in the zone, someone has to ensure compliance, City staff has been cut, we don't have resources to ensure compliance. Rendering and tanning should be excluded in recommendations made. USDA inspector is only on site when process is operating, lots of times when people are there and no inspections can occur, inspections on previous site did not prevent EPA issues. Asks each member to say why they think it is a good idea if they recommend it, doesn't think it is a good idea.

Michelle Melaragno, Trapp Road, wants to see City develop focus group to look at this in a comprehensive manner. Look more carefully at utilizing Auburn's industrial zones for this type of business as it is allowed, roads are proper, water and sewer are in place, won't decrease neighboring values. Time it takes for emergency services to that area is a concern. This area is largely used for recreation. No power for 14 days during 1998 Ice Storm. Public nuisance – how will the city address the concerns and complaints e.g. odors and bugs? Could be handled better in an industrial zone. Has a study been done regarding the cost to the city to rehabilitate those

roads? How will the city address the potential significant property value loss for neighboring owners? What recourse will Auburn citizens have in the face of those losses? Will our property taxes decrease? How would restrictions be enforced at both the state and city levels? What are the costs to the city to inspect, condemn, and clean up the previous operation? Offered to provide additional documentation.

Sarah Conroy, Lewiston resident, here to support abutters and neighbors. Surprised potential challenges haven't held more weight. Does not want the twin cities to operate slaughterhouses, does not think they are right for Maine. Supports Tufts report model. There is information about the connection between communities with slaughterhouses and crimes rates, those cities have more police reports and higher arrests. L/A gets more than our fair share of challenges, has to defend home constantly, wants pride. Why are we doing this here instead of another community?

Joe Gray, Sopers Mill Road, said he has actually used a slaughterhouse. There is a mobile process in Maine, has been locked up, state won't let them move it because of regulations, not an available option. A local place is better for the animals. A modular home was on that road recently, it can support a small trailer. City needs to maintain roads. There are nearby farms that stockpile manure. Does not understand accusations of increased crime, pointed to West Gardiner and Windham. 6

Rachel Jalbert-Paley, has house after chicken processing plant, has three horses and you can't smell manure, dealing with mess from previous plant failure, concerns with what happens if this place fails. There are no bugs. USDA inspectors are not required if you do not sell your meat.

Rick Whiting reminded her that this was not a hearing on a property on Trapp Road.

Belinda Gerry, 143 Mill St, got call from constituent, who said people who raise organic animals have no place to go, wants to open a place to process animals. A woman at the state told her there was a high need for this. Doesn't think the intended use would be considered industrial because it's small. Regulations make it so there is no odor, noise. Is leaning toward part of the ordinance change so animals aren't required to live there. Asked board to change ordinance to lessen amount of animals required to live on the property.

Bob Melaragno, Trapp Road, no need for spot zoning to put this in an area where there will be issues, put it in an industrial area.

A motion was made by Bob Bowyer to close the public hearing, seconded by Preston Chapman, all in favor.

Rick Whiting said they need to figure out what to do, need to make recommendation to City Council, can recommend in favor, recommend against, recommend alternatives…

Dan Moreno asked if they could have the minutes from the last meeting.

Eric said the minutes were not available yet but they could have tapes.

Rick Whiting asked if Lewiston allows slaughterhouses.

Eric said they have to allow them somewhere, he just doesn't know what zones they are allowed in.

Rick Whiting said you can restrict but you cannot prohibit legally allowed business activities.

Bob Hayes said that raising animals for milk, etc. is a specialty and raising animals for slaughter is also a specialty, there should be a partnership. A second party could come in and develop as an accessory use to the farming activity.

Emily Mottram said farms need accessory parties, and asked if lot size requirements were in place.

Eric said there was no different lot size requirement for this use over other uses. Fairly small requirement, could locate on any legally existing parcel in an industrial zone. Has never heard about anyone else trying to open a slaughterhouse on a farm property, would 7 need to look closely at size of operation, wishes it was clearer in the ordinance. Slaughtering has always been considered customarily accessory to a farm. The petition proposes that it be used as a special exception in the agricultural zone, would require a site plan review.

Bob Bowyer said one of the issues was how big of an operation we are talking about. If we were to make a positive recommendation it could be accompanied by some limitation on number of employees, size; people have raised concerns about trucks and traffic; there is a specific site that is driving the petition, but this would be permitted throughout the agricultural zone. Representatives from the Trapp Road area are here, but other people could wake up and find out they have a legal slaughterhouse next door. Thinks locating something like this in the agricultural district would need size limitations. Is concerned about this being a ploy to save on land acquisition costs.

Eric said about 40% of the city was within the agricultural zoning district.

Dan Moreno suggested a workshop with the City Council, said of the last meeting was comparisons to Windham and West Gardiner, maybe those are models.

Bob Bowyer said zoning ordinances regulate use of land, not ownership, and impact of those uses on the immediate adjoining area and the city at large.

Rick Whiting asked Eric if he has had a chance to look at ordinances from other cities that address slaughterhouse.

Eric said he looked at other ordinances but not in detail, would be willing to look further and see what zones other communities allow slaughterhouses in.

Emily said that if the City Council was not interested in having a workshop with them then they can have a workshop by themselves or get supplemental material before they make a decision.

Rick Whiting likes that idea, does not feel they are ready to make a recommendation to the Council, and appreciates public's sharing of information.

Dan Moreno made a motion to ask for consideration of more time to have a workshop, seconded by Bob Bowyer.

Rick Whiting asked if we could add to the motion an invitation to the City Council to attend their workshop, members agreed.

Bob Bowyer thinks petition is too open-ended and needs to be refined to make it more appropriate.

Motion passes unanimously.

Eric asked if the board could schedule a meeting this month rather than waiting for the January meeting.

Dan Moreno said he was available and was going to visit slaughterhouses and ask for a tour.

Workshop tentatively set for Tuesday December 28.

A motion was made by Robert Bowyer, seconded by Preston Chapman and all voted unanimously to approve the October 12, 2010 Planning Board meeting minutes.

Eric said there were plans he would set out after the meeting so the members knew what was upcoming.

MISCELLANEOUS

None at this time

ADJOURNMENT

Auburn Planning Board Meeting Minutes January 11, 2011

Roll Call - Present:

City Council Liaison Robert Hayes, Robert Bowyer, Emily Mottram, Dan Bilodeau, Chairman Clifton Greim, James McPhee, and Eric Cousens represented City staff.

Minutes:

No minutes to approve at this time.

Public Hearings:

Major Subdivision Amendment to add 1 lot to the Hickory Ridge II Subdivision, a twenty-six (26) lot subdivision Pursuant to Section 7.3 of Chapter 29. The proposal would split lot 25 into two lots, 25A and 25B.

Jim McPhee has worked with this subdivision in the past, recused himself.

Eric read the staff report.

No questions from the Planning Board.

No comments from the applicant.

Open Public Hearing

Anne Dumont, Hickory Drive, wants clarification on difference between suburban and rural lots.

Eric told her that suburban residential has a ½ acre minimum lot size requirement, and rural residential has a 1 acre minimum lot size. Lots 25-27 are located in rural residential.

A motion to close public hearing was made by Bob Bowyer, seconded by Emily Mottram, all in favor, public hearing closed.

A motion was made by Bob Bowyer that the planning board approve the subdivision in accordance with the conditions A-D set forth in the staff report, seconded by Emily Mottram, approved unanimously.

James McPhee returned to the panel.

Special Exception and Site Plan request of John A. Kuchich, to redevelop the property located at 138 Center Street (PID 261-003) into a new restaurant with a drive-thru facility for McDonald's USA, LLC pursuant to Section 3.62.B.2.h. of Chapter 29.

Eric read the staff report.

No questions from the Planning Board.

Applicant said he was happy to give additional detail.

Chairman Greim asked him to hand the site plan for anyone from the public.

John Kuchich said they were looking to rebuild existing restaurant on property directly over footprint. New building will be smaller. Drive thru will be side by side ordering station, reducing queues. People can recirculate through the lot to park. There will be new landscaping and updated drainage. Wants to move trash corral closer to building, it is a fully enclosed structure.

Emily Mottram asked why the building wasn't put further back on the lot.

John Kuchich said they wanted to provide enough room for the new circulation lane. Want building as forward as possible for visibility reasons.

Open Public Hearing

A motion to close public hearing was made by Bob Bowyer, seconded by Emily Mottram, all in favor, public hearing closed.

A motion was made by Jim McPhee to approve the site plan based on the staff finding, recommendations, and conditions, seconded by Dan Bilodeau, passed unanimously.

OLD BUSINESS

Third Hearing of Citizen initiated zoning text amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 29, 3.31.B.2, to add the use group: Slaughterhouses, stockyards, abattoirs, dressing plants in compliance with State and Federal Regulations as a special exception use in the Agriculture and Resource Protection zoning district, pursuant to Section 8.1 of Chapter 29.

Eric read the staff report.

Bob Bowyer wanted to compliment Eric on his well organized and useful presentation. He asked what form the recommendation would go to the City Council in. He will support the amendment of what he thinks the Planning Board recommendation is, but is not in favor of the Council voting for the "base bones" petition currently in front of them. Wants to make sure an amendment with the five conditions Eric included in the draft would be what went forward to the Council in a way they can act on it, in effect becoming a substitute for the current petition. 3

Eric said the Council will have the original petition and the Planning Board recommendation and it would be clear to them what the Planning Board does and doesn't want. Good to make it clear in the motion. Dr. Henrietta Beaufait from Department of Agriculture is here.

Jim McPhee asked how the number of fifteen employees was decided. Does not want a limit on number of employees, but thinks this number is safe based on what he has read in other ordinances.

Eric said the number was arbitrary but based on Board discussion of 10-20.

Chairman Greim said the topic tonight is an ordinance amendment and not a specific project.

Open Public Hearing

Ken Bellefleur, 100 Royal River Road, said restricting size of facility is important and easy to enforce. Wants to see restrictions on hours of operation since people live nearby.

Bob Melaragno, Trapp Road, does not view this as a broad exception but as spot zoning through the back door since it is one particular proposal. Does not think there is a need, there are 6-10 slaughterhouses available within an hour's drive. In the industrial area we could build one with water, sewer, and better roads, which are not present on Trapp Road. He said there are property, mortgage, and federal liens on the property and the city should have those taken care of first to show the company has capital; the previous failure caused time and expense and the city should be reimbursed; will there be an escrow account required? Trapp Road is "horrendous," and where is it budgeted to fix that road? Neighbors are skeptical that the city has played a strong role in pushing project, are nervous about enforcement.

Michelle Melaragno, Trapp Road, doesn't understand why this is being pushed forward when evidence overwhelmingly in opposition. They have a petition. It is not true that animals are being shipped out of state. Have submitted documentation about odors, noise, crime increase. Auburn is ignoring alternative where this is allowed. Talked to USDA office in Albany, NY, asked what their response time when a complaint is made is. Told board they have been misinformed throughout this process. Mr. Link has claimed no responsibility to his prior disaster at 512 Trapp Road. Who paid for the cleanup and where are those biohazards now? Manure caused bug infestations in neighboring homes. Why make this change for one person, not an Auburn citizen, when the majority of the citizens in Auburn are in opposition. Please determine the cost to rehab that road, which was determined unsuitable for residential growth. Limit to processing, not slaughter. Put neighborhood protections in place and require sufficient fencing. Retail sale only so USDA inspections are there. Require business owner take care of pest control issues in neighboring homes. Byproducts removed daily.

Betty Anne Sheets, Waterview Drive, wants to know why do some people exceptions? If there is a place where it can be allowed within guidelines, why make an exception?

Clifton Greim said the board often hears special exception requests, look at land use and what the applicant is asking to do, and asks a few questions: is it a consistent and reasonable use of the land? Is it going to cause hardship to the neighborhood or surrounding landowners? Will it create noise, a nuisance, a traffic hazard? Those are the things we make decisions based on, every special exception request is unique.

Ms. Sheets said some of the criteria listed had been raised as concerns.

Dan Herrick, 470 Hatch Road, truly has no interest in bringing livestock to this facility to be processed, does his own. People brought hogs to New Hampshire because they couldn't get them done in this area. The Planning Board and Council are not looking at 512 Trapp Road. Should not be making decisions about hours, etc. Dairy farms have all kinds of trucks, we cannot stop them. Contacted USDA over a year ago to look into doing this himself. USDA regulations are in place, even with custom uses. Agriculture is agriculture and when you produce it you need to process it, whether it is vegetables, two-legged animals, or four-legged animals. Water and septic

are not our concerns. Limiting hours and number of employees would send the message that we don't want business in Auburn. People knew what was going on in that area when they bought land there. Has no reason not to let this go through, no concerns about neighbors. We didn't catch anybody doing what is being said was done on this property, saying it is defamation. It is wrong when people write letters to the paper saying these people are wrong, there are no records in the file saying that the city spent money to clean up this property.

Bob Foss, 2175 Riverside Drive, is a farmer living in the agriculture zone, says this is nothing new for agriculture zone. They have a treatment plant and golf course in the agriculture zone. Look at agriculture zones in new Comprehensive Plans. Ag zones are called "dead zones." Shouldn't be restrictions on businesses. Trying to promote business and growth.

Craig Linke, does not own property, is trying to purchase property. The address is 528, not 512. Was at agriculture convention trying to decide what to do about the need for slaughter facilities. At least 70 animals a week, between three haulers, leave the state. Trying to help the farmer, reutilize a building, pay Auburn taxes, never borrowed any money from Auburn, here because he likes the facility and wants to have something done with it.

Clifton Greim reiterated that the topic was an amendment to the zoning ordinance, not a specific project or property. Whatever is decided tonight is not about Mr. Linke's project. Asked Dr. Beaufait to come up. Asked her if an inspector was present during slaughter or slaughter and processing.

Dr. Beaufait said an inspector is there at all times during slaughter. During slaughter they have to be there to see the animal alive all the way through to when it it's handing in the 5 cooler. If there is a day when there is no slaughter scheduled and all they are doing is processing, but he or she doesn't have to stand there for 8 hours and watch them cut meat. They go for a few hours, make sure that pre-op is done before they start, verify that operations are done under sanitary conditions, verify marking and labeling and conditions on the outside and inside of the plant, and if on that day there is no slaughter they might schedule the inspector on a circuit to more efficiently use their personnel.

Chairman Griem asked if there is a non-USDA processing/slaughter going on, what recourse does the USDA have as far as enforcing regulations?

Dr. Beaufait said that if the establishment is engaging in operations where part of the time they are under inspection and part of the time they are custom, they still have to maintain sanitation records and maintain operations as if they were being inspected. If there is an unofficial establishment, the state of Maine is in charge of regulating them, they get at least an annual inspection.

Bob Bowyer asked Dr. Beaufait about the difference between "custom" and "retail." Can he conclude that a custom operation is not allowed to go into retail sales.

Dr. Beaufait said that is correct and suggest that products be looked at commerce and not-commerce. Retail and wholesale are both commerce. Not-commerce is when the meat goes back to the person who brought the animal in. Processor can sell directly to consumer or a retail outlet.

Bob Bowyer was asking if commerce operations would be off site.

Dr. Beaufait said some operations sell meat on premise, others do not.

Dan Herrick came up to further clarify the ensuing conversation, asked Dr. Beaufait if she, as an inspector, went into a facility and saw flies, feces, dirty walls, etc, would she allow killing? She said no.

Dr. Beaufait said title 9 section 416 federal regulations describe what facilities have to look like and it is what is used to regulate all facilities, regularly inspected or custom only. Cannot supersede federal regulations.

Bob Melaragno spoke again, asked Dr. Beaufait found slaughterhouses to be overworked or if it was seasonal pressure.

Dr. Beaufait said they are overworked in the fall, dies down a little in the spring. The slaughterhouses are overly busy from September to December. Farmers complain about having to book so far in advance because of scheduling difficulties, appointments have to be made six months in advance.

Bob Melaragno said there was no proposal to stop slaughterhouses from coming to Auburn, they just want them in the proper place. Councilor Herrick has threatened to abolish the Planning Board and he is here taking a forceful position, that is an issue.

Chairman Griem responded by saying the Planning Board members do not feel threatened or impacted by commentary, will make decision on merits.

Councilor Herrick said there was no sense having a Planning Board if there were only 3 or 4 members and their choices were to abolish it or build it up and they chose to build it up.

Michelle Melaragno asked Dr. Beaufait about USDA inspections versus state inspections. What requires inspectors to be there and when wouldn’t they be there? If a facility were not processing for retail sale, which inspectors need to be there and when?

Dr. Beaufait said they are required to be there before slaughter and through slaughter, if the animals are being slaughtered for commerce. If they are only providing custom services, the inspector makes sure the facility is maintained, but does not need to be there for the process. Custom only facilities are visited a minimum of one time per year, more often depending on risk category. The City could put a restriction on inspection-only.

Betty Ann Sheets asked Dr. Beaufait if the limitations on inspectors have anything to do with back-up in processing?

Dr. Beaufait said federal inspectors can be brought in from other states. The state is maxed out on inspections.

Kevin Simpson, 84 Summer St, is the whole zone going to be changed in order to allow this one facility? By making this change we could get other facilities with different intentions than the one we are talking about. Urged board to look at other outcomes that have not yet been discussed.

Chairman Griem said no, we are just possibly changing the ordinance. We are not considering a facility.

Paula Dingley, Haskell St., Eric and Glenn Aho have not been able to answer her questions. What kind of positive results are we expecting? Does not understand what the board is trying to do. Is concerned that this is going to open a "huge can of worms."

Chairman Griem said all kinds of zones, each with accepted uses. Question is: should we allow slaughterhouse use when it is not an accessory use? This is not rezoning, it is amending acceptable uses.

Bob Bowyer said this is a two step process. The petition before the City Council is to change the acceptable uses. After that, a specific proposal would come to the Planning Board where the board would look at site specific details.

Jim McPhee said many people think agricultural zones have never changed, but they have. Read a list of activities that were not previously allowed but now are: municipal sanitary landfills, radar television and radio telephone transmitting and broadcasting towers and offices, wholesale nurseries, processing and storage of composting of bulking agents from municipal waste water sewage facility. Another misconception, slaughter houses are not a permitted use in our industrial zone. Other communities prohibit slaughterhouses in industrial zones. In the 1960s stand-alone processing facilities were allowed in agricultural districts.

Paula Dingley said she thought agricultural zones were also low-density residential zones. Jim McPhee confirmed this. She is also concerned about the increase in traffic.

Jim McPhee said that if this were passed it would subsequently approve the same use in a low-density residential zone, which the board, city, and petitioners do not want, so that would need to be cleared up at a later date.

Dan Bilodeau asked Jim McPhee about the slaughterhouse on Riverside Drive. Jim said that was on Broad St. and live animals were not brought there, just carcasses.

Paula Dingley asked how the community and citizens would benefit if this were allowed. How many jobs would this create and would they be Auburn residents. If this is not a USDA facility, who will monitor environmental issues.

Chairman Griem said it would increase the tax base. Refused to speculate, not talking about specific project. State will still inspect.

Dr. Beaufait said inspectors look at the exterior of the premises to make sure there are not unsanitary conditions. Other environmental issues are for the municipality to deal with.

Chairman Griem said any type of business is regulated through the DEP.

Eric said City would respond to complaints about proper waste disposal and infestations.

Joe Gray, Sopers Mill Road, said Bell Farm owns at least seven 18 wheelers and they are produce only. 18 wheelers also pick up milk every day. Oil trucks are heavy, too. He uses his pickup and a small trailer, this is typical of people that would use this facility. Packet that Melaragnos brought is not to be used for local decision-making. McDonald's was just here, nobody asked these types of questions. There seems to be a lot of emotion; we need to get past that. Slaughter is going to happen. Can slaughter a pig in his yard right now with no controls, would rather have people who are trained and inspected do it.

Paula Dingley said no one asked about McDonalds because they are already there. How do we guarantee that the animals that come to this business won't be from out of state? How do we know they are not going to process wild horses?

Dr. Beaufait said processing of horses is allowed, but it could not be done in a USDA facility. Any facility where horses are slaughtered cannot be used for other species. Animals coming from other states is a common practice. Must be kept at facility and slaughtered within 24-48 hours. State animal welfare division checks this. These animals are usually coming in for inspected slaughter. Sick animals cannot be slaughtered.

A motion was made by Bob Bowyer to close public hearing, seconded by Jim McPhee, all in favor, public hearing closed.

A motion was made by Bob Bowyer that the Planning Board make a recommendation to the City Council that it does not support and does not recommend favorable action on the petition currently before the Council, but would recommend favorable action on an amendment as written and drafted by the Planning Board which is set forth in the "Concerns Raised at the 12/28/10 Planning Board Workshop and Potential Solutions." Seconded by Emily Mottram. Motion passed 4-0.

Chairman Greim read the proposed language from that document. Public requested a copy and Eric said he could make a copy.

Jim McPhee is having difficulty understanding how the motion is going to the City Council.

Chairman Greim said the Planning Board has conditioned it.

Bob Bowyer said the Council is free to review the petition in front of them. The Council is free to do what they please.

Chairman Greim said they are not changing the petition, they are conditioning it. Bob's motion reflected this.

Eric said he can include information about why the Board was not in favor of the original petition.

Jim McPhee clarified that this would not apply to LDCR zones. Asked if this language was included in the public hearing for this meeting.

Eric said no, it was in the notice that the change would only affect the agricultural zone.

MISCELLANEOUS

SOP - Request for information or research

Eric asked the Planning Board to funnel any requests through Rhonda Russell.

ADJOURNMENT

Auburn Planning Board Meeting Minutes February 8, 2011

Roll Call - Present:

Chairman Clifton Greim, Richard Whiting, Robert Bowyer, Dan Bilodeau, James McPhee, Emily Mottram and Eric Cousens represented City staff.

Public Hearings:

Special Exception and Site Plan request of Thomas Coulombe, to construct an addition to the existing restaurant at 894 Minot Avenue (PID 207-094) for Mac's Downeast Seafood LLC pursuant to Section 3.63.B.2.f. of Chapter 29.

Eric read the staff report.

Chairman Greim asked if abutters had been notified and Eric replied that all abutters within 500 feet of the property were sent letters regarding the public hearing.

Thomas Spugnardi, of Architectural Design Associates spoke on behalf of the applicant, Thomas Coulombe and showed the Planning Board members an enlarged colored copy of the site plans. He stated the following:

Applicant will be adding a ramp in the front of the building and a restroom that is handicapped accessible.

Shed in the back will be torn down and storage will be provided in the basement of the new addition

Applicant is working with Code Officer to finalize building details

Applicant plans on providing some plantings on the east side of the property line to be used as a buffer.

Richard Whiting asked if the existing sign would stay in the existing location. Mr. Spugnardi answered that it would stay where it is now located.

Chairman Greim asked about the lighting and Mr. Spugnardi said the lighting would not change.

Dan Bilodeau mentioned that he noticed a 30 foot delivery truck drive in where the proposed 3 vehicle parking was going to be placed and wondered where the deliveries would be made in the future. The applicant, Mr. Coulombe replied that in the future, delivery trucks would park near the bulkhead so deliveries could be brought down to the storage area through the bulkhead.

Open Public Hearing

No comments.

Close Public Hearing

A motion was made by Richard Whiting, seconded by James McPhee and all voted unanimously to close the public hearing. (5-0-0) Chairman Greim did not vote.

A motion was made by James McPhee, seconded by Richard Whiting and all voted unanimously to approve with the added conditions that an effective visual screen through landscaping be provided along the east boundary so as to provide a visual screen for the existing residents next door and that the side setback dimensional waiver shown on the site plan be approved pursuant to Finding H in the staff report. (5-0-0)

OLD BUSINESS: None

NEW BUSINESS: None

MISCELLANIOUS: The process for delivering Planning Board packets was discussed. Robert Bowyer and Emily Mottram said they would pick up their meeting packets at the City building and the remaining packets would still be delivered as is done currently.

ADJOURNMENT

A motion was made by James McPhee, seconded by Robert Bowyer and all voted unanimously to adjourn at 6:25 PM. (5-0-0)

Auburn Planning Board Meeting Minutes March 8, 2011

Roll Call - Present:

Robert Bowyer, Emily Mottram, Dan Bilodeau, Chairman Clifton Greim, James McPhee, Rick Whiting, and Eric Cousens represented City staff.

Minutes:

Rick Whiting made a motion to approve the minutes, seconded by Jim McPhee, all in favor to approve minutes from February 8, 2011.

The remainder of the session was an informal workshop regarding 807 Minot Ave.

Auburn Planning Board Meeting Minutes May 10, 2011

Roll Call - Present:

City Council Liaison Robert Hayes, Robert Bowyer, Emily Mottram, Dan Bilodeau, Chairman Clifton Greim, James McPhee, Richard Whiting, and Eric Cousens represented City staff.

Minutes:

No minutes to approve at this time.

Public Hearings:

Citizen Initiated Zoning Map Amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Map in the area of Center, Dartmouth, Blackmer and Alpha Streets including Parcel ID# 281-001, 271-045, 271-049 and 271-047 from Urban Residential to General Business pursuant to Chapter 60, Section 1115 – 1449 of the Ordinances of the City of Auburn.

Eric read the staff report.

Chairman Greim asked how many of the 25 petitioned residents were being impacted; Eric stated that “not many” were, and none from the immediate area.

Bob Bowyer has procedural questions which he will defer until he has heard more from petitioners.

Applicant Mike Gotto, with Stoneybrook Consultants and owner of property at 400 Center St., adding to staff report per request of Chairman Greim, also representing owners of 392 Center St.

(Constance Whitmore) and 410 Center St. (Peter Chapman). Wants to get the back areas of the lots rezoned to general business, feels they have unused potential as a "prime development site," buildings have been vacant since 2008 and 2010 respectively. Potential for traffic light or roundabout for that location. Has no specific plans for development at this point, trying to make them more developable.

Chairman Greim asked if the Planning Board had questions for the applicant.

Bob Bowyer said he is unclear on the map that was sent out, parcel 281-001 - is it proposed to be included in the rezoning (Mike Gotto - yes). Current usage? (Mike Gotto – was used for Paris Farmers Union storage.) Currently in a residential zone? (Yes) The how was it used for commercial storage? (Ordinance allowed for encroachment)

James MePhee said the encroachment allowed was for parking, not storage. Eric Cousens agreed with this as the approved intent of the ordinance. James McPhee said in 1995 he went up and down Center St. and Minot Ave. to check ownership and frontages, property in question was purchased in 1996.

Mike Gotto clarified that everything they want rezoned is owned by the applicants.

James McPhee said other properties are more contentious tonight; property across its frontage is driveway coming from Tim Horton's.

Chairman Greim clarified process for public hearing. We have three letters from citizens which are part of the record and have been reviewed; letters from Tiz Crowley, Tim Dotts, Sally Conant.

Open Public Hearing

Resident of 2 Alpha St., Robert Richards, wasn't notified, had to call City, what will the rezoning do to his property? Lot Mike Gotto is talking about is directly across from his house. Wants to know why the petition wasn't brought around to the residents in that area.

Eric Cousens spoke to this man on the phone, said letter went to mortgage company instead of him, spoke to Assessor and got it corrected. Eric said Renee Reed of 21 West Dartmouth was on the mailing list and indicated that she did not get a notice.

Chairman Greim explained that signatures don't have to be from that area, but it is something the Board takes into consideration.

Resident of 21 W. Dartmouth St. spoke; said people say there is a lack of affordable housing so it doesn't make sense to tear down family homes. Also, he counted 40 empty commercial spaces along Center Street and does not see the need to build a new one. No one controlled Paris Farmers Union when they were misusing the space that was supposed to be for lots. It was filled

with freight and garbage, much like Tim Horton's whose fence is falling over – has complained no one did anything.

Chairman Greim asked, "When you see a fence that is in the disrepair you are talking about, has that been brought to the attention of the City?"

Resident said he had been to the City multiple times, Chairman asked Eric Cousens for clarification.

Eric said we have been in contact with Tim Horton's about trash pick-up, was not aware about fence, will follow-up.

Resident thinks fence should be higher.

David Rutenburg of 27 West Dartmouth, was considering selling home in near future, more businesses will affect marketability of his property and cause him to sell it at a 3 reduced price. Not supposed to be trucks before 7:00 AM and after 7:00 PM at Tim Horton's, supposed to have acoustic fence. Has filed complaints, David Galbraith told him that was not in records. No longer a quiet area, against expansion.

Chairman Greim responded to concern; reason for public hearings is to take citizen comments and put conditions as necessary, responsibility of code compliance officers to enforce conditions.

Frank Pippin, 36 W. Dartmouth St., heard Paris Farmers Union moved because City wouldn't let them expand, W. Dartmouth St. is in poor condition, will move if commercial is expanded, can hear dumpsters and tractor trailers rattling at his house, doesn't see the point in making the empty lot commercial.

Mike Gotto explained the purpose of their petition; wants to occupy sites. Site easier to market if current site is torn down, wants one uniform site. Embarrassed about Tim Horton's situation and says acoustic fence should be in plans as he remembers it. Purpose is preparation for redevelopment.

Unknown resident spoke again, said he purchased property to 2005 and property taxes went up, is zoned commercial they would go up again, he would vote against rezoning.

Cathy Serpaco, 4 University St., photos of what Paris Farmer's Union left behind, upset that people in the neighborhood were not asked to signed petition, against rezoning, wants area cleaned up. Cross Insurance has kept up building since they moved out.

Mike Gotto said Eric Cousens told him about the phone calls complaining about Paris Farmer's Union, has looked at it, agrees, scheduled to move trailer and clean up, expects it to take 2-4 weeks.

Chairman Greim asked if the City has an ordinance about how the site can be left when people move; Eric said we can get debris cleaned up, asked Mike Gotto to follow up with the property owner, and if it doesn't happen within the next few weeks the City will take enforcement action.

Unidentified resident speaking again, concerned about what types of businesses would be allowed in the new site under rezoning. Lots of children in neighborhood. Wants to keep the neighborhood residential. Has never been a problem with parking in the past.

Chairman Greim says only certain types of businesses are allowed in zone, but general business zone is broad. Asked for clarification of types of zone on map.

Marjorie Schuler, 15 Andrea Lane, does not want to see enlargement of commercial area, there was trouble on University to Turner, has turned into a shortcut, doesn't want to see more traffic or parking lots, build further out Center Street.

Brian Souza, 3 University St, shares property line with houses they want rezoned, moved in 2004, considered neighborhood idyllic, doesn't want businesses on Center St. to encroach on his neighborhood, will transform neighborhood and traffic flow, doesn't want to give more leeway to businesses that do not care for their properties and tenants. Not fair that applicant wants to change the area he invested in. Entrepreneurs should have studied parking and traffic flow before purchasing those commercial properties. How do we want Auburn to be perceived? This plan would jeopardize the City's image.

Wendy Webster, real estate broker, 49 Andrea Lane, people have seen property values drop below what it was financed for, rezoning to general business would make surrounding properties virtually unsalable, Board needs to represent all citizens, not just businesspeople. City needs to be responsible to people whose properties abut current businesses.

Mike Morin, 72 Blackmere St., never a request to change zoning when the buildings were occupied, deadly corner behind Dunkin Donuts, traffic and risk will increase back there if a business is opened back there. Understands Mr. Gotto's point, but is more concerned about families than three businesspeople.

Tiz Crowley, University Street property owner, strongly opposes rezoning. Thanked City staff for their assistance to her this week. Three objectives: no decision on this tonight, hold more workshops and public hearings, and prove current zoning is in compliance with current Comp Plan. Quoted from Comp Plan. Traffic and visual impacts are minor objections. Staff report does not accurately reflect neighborhood opinions. Need for traffic signal and crosswalk at Center and Alpha. Problem at Dartmouth from Tim Horton's drive through. Redevelopment would require access from back roads. Comp Plan does not support this petition. Petitioned citizens do not live in affected neighborhood, but possibly have financial interest. No complete copy of Comp Plan available to residents. Question to Board: How do you fairly weigh the degree of compliance of each zoning choice? Offered preliminary report to Board. Current parcel is poorly maintained

and full of trash. No contact info, how would an interested party approach them? Has sent three letters to the Planning Board, requests for them to be read aloud.

Richard Whiting objects to reading the letters, familiar with issues of neighborhood. Tim Horton's is failing in a number of ways, City needs to correct that, voted for improvement when he voted for Tim Horton's, disappointed that they aren't "holding up their end of the bargain."

Chairman Greim said reading Ms. Crowley's letters would be redundant after she spoke, but wanted to make them available to the public. Read letter by Tim Dotts stating his opposition to the zoning change and urging the board to consider renters as well as owners. Concerned about children and traffic, proposes that road cuts off at Avon and University to divert traffic back to Center Street if rezoning is allowed; and email by Sally Conant, resident of Andrea Lane, traffic on the streets is a problem, wants the 5 entrances to the businesses on Center Street for safety and property value reasons, proposes that study be done.

Fern Masse, 25 Blackmere, says people who purchased commercial lots knew the back parts were residential at the time. Traffic would increase. Doesn't make sense to connect Alpha and University. Too many traffic lights as it is. School buses block Broadview. Concerned about property values. Culvert has been there for years. Leave things as they are, "dress up" buildings. No guarantee that changing zoning would cause the buildings to sell. The businesses there have ample parking.

Eric Cousens commented that he wasn't aware with the fence at Tim Horton's, will look into it. Aware of Paris Farmer's Union problem, will send notice, has asked Mike Gotto to speak to owners.

A motion was made by Bob Bowyer to close public hearing, seconded by Rick Whiting.

Chairman Greim said they were being asked to consider the citizen initiative and forward a favorable or unfavorable recommendation to the Council.

Bob Bowyer has procedural questions before motion: can foresee an outcome that would prohibit vehicular access to Alpha and Blackmere, there is a problem with the ordinance where businesses are in close proximity to longstanding residential properties. Concerned about unsightliness of the rear of the commercial development in the area. Perhaps allow a rezoning if there were more stringent site plan controls with screening, limitation of access to residential streets, prohibition of buildings near residential area, better visual, traffic, and pedestrian and commercial areas. Parcels being joined may facilitate better development. Procedural problem with general business zoning district, long list of permitted uses, is this a matter of right without further review form the Planning Board? (Mike Gotto – matter of right unless special permit or greater than 5,000 square feet). Couldn't support favorable recommendation unless plans would come before the board again for stipulations. Can we achieve their through the normal zoning process to make this a better transition?

Jim McPhee says the City already has an ordinance that allows for everything Mr. Bowyer mentioned. Section 4.1 (a) (10) talks about screening and landscaping requirements between business and residential zones. Section 12 (d) parking ordinance, no parking closer than 10 feet to the street. Section 14, driveways have to be at least 100 feet away from public intersection in general business district. These accomplish what we need and provide guidance. City has to follow through with zoning as it is part of the Comp Plan. Only problem is with lot 281 -001. Existing buildings are non-conforming. Need to recommend favorably to Council to stand behind Comp Plan or get petition to revise Comp Plan and take those lots that are commercial out.

Bob Bowyer doesn't think Comp Plan needs to be amended. Wants more than just minimum requirements, wants to see a well-prepared plan that would make a visual improvement to area, limitation of access to Alpha and Blackmere, would not support 6 rezoning that would include residential parcel on Dartmouth. Wants commercial development to front Center St and have access on Center St and improve abutting properties.

Question to Eric Cousens by Chairman Greim: Jim mentioned in Comp Plan there are zoning changes that are to take place by statute? Law?

Eric said state would not chase offenders, but we would run the risk of a lawsuit. Plan shows three lots along Alpha and Blackmere becoming general business, shows lot on W. Dartmouth as remaining residential.

Emily Mottram asked if "limited business development" includes all of general business or if it somewhat limits this area.

Eric said it says we should look at amending the zoning district itself in regards to automotive uses and size restrictions, more restrictions than general business zone.

Rick Whiting – is it all or nothing, forward a favorable or unfavorable recommendation? People don't want 281 -001 lot included in this, can we send a favorable recommendation deleting this lot?

Eric – yes

A motion was made by Rick Whiting to forward a favorable recommendation to the City Council subject to the removal of that lot from the proposed zoning. Jim McPhee seconded.

Point of Order – Bowyer asked if they were to vote in favor, what does that leave in the recommendation? Wants it in the record that there should be a larger buffer and larger traffic control.

Chairman Greim - define special consideration, should this be tabled until something specific is brought forth?

Councilor Hayes says Jim suggested earlier that the general business zone be moved back but not entirely to the frontage on Blackmere and Alpha, maybe leave 25 feet in residential zone, limited access.

Rick Whiting is in favor of this and wants it to be part of the recommendation to the Council.

Eric: Motion is to recommend to the Council that the rezoning exclude the property on W. Dartmouth St. and that the zoning boundary be moved back only so far as to a 25 foot setback line from the right of way of Blackmere and Alpha, within the area proposed to be rezoned, extending to the existing commercial boundary.

Chairman Greim: Breaking from traditional formatting to entertain comments after motion as this is a sensitive subject.

Steve Fortier, property owner, per Mr. Bowyer's suggestion, add exclusive entrance and exit to Center St?

Chairman asked someone to explain impact of motion.

Eric: it limits commercial traffic access for proposed development of that site to where existing zoning boundaries are today, along Alpha limited to first 105 feet off Center, along W. Dartmouth along first 165 feet that exists as a commercial district today, and would not be allowed along Blackmere where it is currently zoned residential, unless there was no reasonable alternative, and I don't think you could ever make that argument when you have all that frontage on Center.

Jim McPhee read ordinance he wrote, 3.1R Access to Land Zone Commercial Industrial, access ways are not permitted right. If zoning goes through as proposed, no one will be able to make a case for entrances from side streets as there is so much availability on Center St, driveways must be 100 feet from intersections.

Bob Bowyer – procedural zoning issue. We are outside bounds of petition.

Tiz Crowley – encourages members to table discussion to give everyone an opportunity to research. Wants page number reference from Comp Plan, does not think final draft has been approved. Wants Comp Plan as one document. Doesn't Comp Plan need State approval also? Procedures have not been followed as motions are not being seconded properly. Asked for rereading of motion.

City approval of Comp Plan happened April 19, 2011.

Pages in Comp Plan that Ms. Crowley wanted referenced are 73, 82, 89, 128. (Per Jim McPhee)

Eric Cousens rereading motion: "A motion to forward a positive recommendation to the City Council to rezone the properties at parcel ID #271-045 (single family home directly behind Paris

Farmer's Union), the back portion of #271-049 (the back portion of the lot that was formerly Technical Services Inc.) and the parcel at #271-047 (the parcel behind the insurance building), and to exclude from that zoning change the parcel at #281-001 (which is the residential lot on West Dartmouth Street), and also to limit the zoning boundary to a point that is 25 feet away from and parallel to Blackmere and Alpha Street until it reconnects with the existing commercial boundary along both of those streets."

Chairman made sure University was included, Eric confirmed. Chairman asked if there was opportunity for access on Dartmouth. Eric said there would be 100 feet where it is not allowed and 65 feet where it could be allowed.

Mike Reed, 21 West Dartmouth St, will allow access off W. Dartmouth into these businesses? Supposed to be Do Not Enter signs.

This is a proposed rezoning, not a site plan.

Bowyer – talking about land that is within scope of petition, current rules will continue to apply to other properties.

Chairman - Council will have two public hearings re: this topic.

Tiz Crowley spoke again and reiterated her earlier points; doesn't understand the urgency.

Bob Bowyer said they would need a new petition to deal with Ms. Crowley's concerns, as her area of concern is outside of the lots in the petition. She disagreed.

Continued discussion and explanation of amended motion.

Steve Fortier asked if there may be an exit coming out of Dartmouth St. and advises that it be a right turn only if this were to happen.

Mike Morin, 72 Blackmere St, asked Jim if the entrance to the Whitman Building entrance would be grandfathered. Non-conforming status would be maintained if the building stayed as is.

David Rutenberg, 37 W. Dartmouth, asking for clarification on Paris Farmer's Union situation, zoning and use of current properties.

Eric reiterated that the residential properties along Dartmouth would remain residential.

Chairman said the motion has been read back, the lines have been clarified, called for vote.

A motion was made and seconded to close the public hearing.

Public hearing closed.

Motion to pass favorable recommendation (amended) to the Council passed.

Bob Bowyer requested that the recommendation to the Council be accompanied by language which talks about improving transition between residential area and businesses, and incorporating the Board's discussion.

Chairman said this could be in the transmittal letter, but would have more standards if there were an actual project to be considered.

Another Board member is not in favor of this, thinks it would be inappropriate. Eric said he could summarize discussion for the Council.

5 minute recess requested.

Request of Rick Jones of Jones Associates, on behalf of Pine Tree, LLC for approval of a 4-lot Subdivision and Planned Unit Development-I located at 200 Merrow Road (PID # 178-005) pursuant to Chapter 60, Article IV, Division 10, Chapter 60, Article XVI, Division 4 of the Ordinances of the City of Auburn.

Eric read the staff report.

Rick Jones, applicant, said he purchased the property last fall with the intent to move his business there to lot 2 and sell other 3 lots.

Jim McPhee has question about access to lot 4; what are the applicant's feelings?

Rick Jones said access onto Fletcher Rd could be used if that portion was rezoned residential in the future. Has attempted to contact neighboring owner for right of way access on their lot.

Jim McPhee asked about truck traffic route ordinance, truck traffic prohibited on Fletcher Rd. Rick Jones said access on Fletcher Rd would only be used if it were a residential lot.

Bob Bowyer told Eric he was confused about where they are in the process, "site plan must contain information about the type and character of proposed development to include general architectural design, types of building materials and the like," - not on this application. What are the steps and when can we address this?

Eric said we can ask those questions and get an idea, won't have architectural renderings, can table if we need those, but it is early in the process.

Rick Jones, in the process of developing this info for his property, other lots would be developed by those individuals. His building would be roughly 2,200 – 2,800 sq ft to house office. His business also has heavy equipment so back portion of lot 2 would have "shop." Total footprint of building less that 10,000 sq. ft.

Eric Cousens said ordinance may need to be adjusted based on intentions.

Bob Bowyer thinks this is a subdivision, not a PUD, as there are no tradeoffs.

Jim McPhee said it is a PUD because of the private street, City does not have expense of building and maintenance of streets.

Rick Jones said developers will be responsible for snow removal. Bob Bowyer wants documentation of this. Will likely make this a condition on the deeds.

Bob Bowyer is concerned about the absence of a turnaround, large vehicles are often there and a turnaround is needed.

Rick Jones said each lot would have to satisfy turnaround requirements depending on what ends up on those lots.

Eric said fire department has standard that roads more than 150 feet require a turnaround, will limit access to other lots and use intersection as a turnaround before other lots are developed to satisfy that requirement.

Open Public Hearing

A motion was made b y Jim McPhee to close public hearing, seconded by Dan Bilodeau, all in favor, public hearing closed.

A motion was made to approve Request of Rick Jones of Jones Associates, on behalf of Pine Tree, LLC for approval of a 4-lot Subdivision and Planned Unit Development-I located at 200 Merrow Road (PID # 178-005) pursuant to Chapter 60, Article IV, Division 10, Chapter 60, Article XVI, Division 4 of the Ordinances of the City of Auburn with exceptions a-e. Seconded with a condition that the access road now referred to as Balsam Drive be maintained as a private way. Motion passed.

OLD BUSINESS

15 Pierce Street Approval Extension

Eric read the staff report.

Open Public Hearing

A motion was made to approve a one year extension to Herbert Cheney for operation of repair and sales at 15 Peirce Street, seconded, passed.

MISCELLANEOUS

Joint meeting with Lewiston Planning Board Discussion. Verify interest and potential topics.

Eric said Lewiston is interested in having discussions, making process more alike.

Majority of Board interested in this. Specific interest in requirements to developers, plan should not have “not applicable in Auburn” etc. List given to developers not in alignment with ordinance.

Topic not on agenda brought up by Eric. Michelle Melaragno wants to have the Board consider a potential use of property. Passed out letter from Michelle and one from Dr. Seekins. No decision expected, just discussion.

Michelle Melaragno, 576 Trapp Rd., wants composting operation for the composting of large animals, e.g. horse owners. Burying animals is expensive and not environmentally good. Pineland composts large animal deaths. Dr. Bill Seekins from the Department of Agriculture visited the property and said the property was suitable for this. Compost management plan in compliance with Maine state laws would be developed. Permitted use or special exception? Agricultural Protection Act. Comp Plan wants to foster new agricultural enterprises in Auburn (p.108). Composting keeps harmful materials out of soil and water. Will be attending composting certification program in July. Cremation requires fossil fuels, pollutes environment, is expensive. Composting bed is 18 inches thick under carcass. Covered with minimum of two feet to reduce/eliminate insects and odors. Prepared site, not lawn, required. Yields highly marketable end product. Does not intend to compost slaughterhouse waste.

The board encouraged Michelle to move forward with the process. Would likely be a special exception use.

ADJOURNMENT

Auburn Planning Board Meeting Minutes June 14, 2011

Roll Call - Present:

Dan Bilodeau, Bob Bowyer, Jim McPhee, Richard Whiting, Emily Mottram, Chairman Clifton Greim, and Eric Cousens represented City staff.

Minutes:

6pm Call to Order

There was a quorum.

Cliff Greim asked for a motion to approve the minutes from the May 10, 2011, March 8, 2011, January 11, 2011 and December 14, 2010 meetings. Jim McPhee mentioned that on page 6 of the May 10th minutes in the 3rd paragraph it should say “Jim” and not Bob.

A motion to approve the May 10, 2011 (with the edit above), March 8, 2011, January 11, 2011 and December 14, 2010 meeting minutes was made by Richard Whiting, seconded by Jim McPhee, all in favor.

Public Hearings:

1) Citizen Initiative Zoning Map Amendment – Eric read the staff report, (314 Center Street from urban residential to general business) The applicant is Bill Turner of Maine Source Realty. Staff suggested that this rezone is consistent with the Comprehensive Plan. Staff also suggested that the board consider the proposal and if they find it to be consistent with the Comp Plan to forward a favorable recommendation to the City Council to amend the map in the area of 314 Center Street.

The applicant, Bill Turner – Maine Source Realty spoke to the Board. In his presentation, he indicated that the neighbors are supportive and are willing to share parking. Abutters have been contacted.

Bob Bowyer asked for clarification from the applicant regarding the forested area between the business district and the residential area as it was an important concern of his that it be maintained. Jim McPhee asked specifically about the buffering of Newell Street. Bill Turner said they would clean up the forestry area but not remove it. Near Newell Street Bill Turner indicated that they would be putting up a fence as a buffer.

Jim McPhee explains that due to wording in the ordinance he does not support this zone change but offers an ordinance change.

Boy Bowyer asked Eric Cousens that if the City Council voted in favor of the rezone whether or not it would have to come back to the Planning Board for a special exception. Eric Cousens said that that wouldn't be necessary. Staff Site Plan Review would be necessary though.

Open Public Hearing:

No public stepped forward for discussion.

A motion to close public hearing made by Bob Bowyer, seconded by Richard Whiting, all in favor.

Bob Bowyer specified a desirable outcome if the rezone is passed.

Jim McPhee asked that perhaps the site plan be waived with the promise that the appearance, landscaping, parking, signage and lighting still be the main focus.

A motion to table was made by Bob Bowyer, seconded by Jim McPhee. 4 in favor, Richard Whiting opposed and Cliff Greim abstained.

Public Hearings cont.:

2) Special Exception of the Site Plan Request for the School Parking Lot Expansion at 435 Minot Avenue – (request for 37 additional parking spaces)

Point of Order called by Jim McPhee. He didn't think that the Planning Board needed to review the parking space request because it is considered an accessory use. He recommended continuing with the agenda and not discussing the parking.

Eric Cousens indicated it was entirely up to the Planning Board as to whether they discuss it. There is a strong case that the Planning Board decision is not required, it could be approved at a staff level.

Richard Whiting thought it was reasonable to discuss it because the increase was over 30%.

Jim McPhee sited section 3.1 – minor changes to rebut Richard Whiting.

Cliff Greim said that there are two things changing here: 1. Access to and from the school. 2. Planning Board meetings are public forums and it gives the citizens the opportunity to speak and voice their opinions.

The majority of the board agreed to reassign this topic to a staff review.

3) Special Exception of the Site Plan Request of Lewiston's CellTell Partnership – (to construct a wireless telecom facility, utilities and access road at the East Auburn Baptist Church, 560 Park Avenue . Eric read the staff report.

The applicant, Bob Gashlin, US Cellular spoke and was represented by his attorney, Dick Trafton. Cliff Greim asked for details of area that the cell phone towers would impact.

Bob Gashlin said there were 3 core towers:

1. Mt. Apetite

2. Roof top of federal building

3. River Road

He explained in addition that the new smart phones eat up the spectrum. There is a need to fill the gaps. The old AM tower is 40 years old, not built to hang antennae and require 12 coaxial cables 1 5/8.

Bob Gashlin gave a new site plan w 3-4 minor changes from the original. He also described new site plan. Will use existing woods road.

Cliff Greim asked about outside generator noise. The applicant said there have been many studies done and the noise is within the decibel guidelines.

Open Public Hearing:

No public stepped forward for discussion.

A motion to close public hearing made by Bob Bowyer, seconded by Richard Whiting, all in favor.

A motion to approve based on staff findings, seconded by Richard Whiting, all in favor.

4) Citizen Initiated Zoning Ordinance Amendment – (a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 60, Article IV, Division 2, to add the use group: Composting facilities as a permitted or special exception use in the Agriculture and Resource Protection zoning district, pursuant to Article XVII, Division 2 of the Ordinances of the City of Auburn. Eric read the staff report.

The applicant, Michelle Malangno was available to answer questions as well as Bill Seekers.

The Board asked the applicant what impact this change would have on traffic, number of additional trips, what density, possible odors, and recording temps.

Michelle Malagno specified that the business model is experimental but composting is not new. It's the preferred method by which the carcasses must be disposed of.

Bill Seekers specified that there was only one trial performed. 2 horses euthanized and no adverse effects were detected. Most drugs broken down in the compost pile.

The Board also brought up possible water contamination perhaps benchmarking water quality and a possibility of fire potential.

Bill Seekers addressed the fire potential stating that spontaneous combustion can occur in compost piles. Out west piles need to be wet down, but no here in Maine.

Open Public Hearing:

No public stepped forward for discussion.

A motion to close public hearing made by Dan Bilodeau, seconded by Richard Whiting, all in favor.

A motion to amend the City Of Auburn Zoning Ordinance, Chapter 60, Article IV, Division 3, to add the use group: Composting facilities as a permitted or special exception use in the Agriculture and Resource Protection zoning district, pursuant to Article XVII, Division 2 of the Ordinances of the City of Auburn by Jim McPhee, seconded by Emily Mottram, all in favor.

MISCELLANEOUS

Roland Miller, Economic Development Director spoke of the approach a potential client should take around perhaps building a hotel/restaurant around Martindale Country Club. He suggested that they would most likely ask for a re-zone in the future.

Eric Cousens brought up Flood Maps – FIRM (Flood Insurance Rate Maps). The new maps have significant changes and the detailed study, draft maps indicate that Taylor Pond is the most developed water body. 1.6 feet higher.

The next meeting is on Monday, June 21st – Next ERA boat launch access – Golf Island Pond.

Lewiston Planning Board/Auburn Planning Board will meet on Monday, June 27, 2011.

Jim McPhee suggested that new zoning initiatives in one city should be shared in the other city – sharing info.

Bob Bowyer will be unavailable from July 8, 2011 to July 18th, 2011.

A motion to adjourn by Richard Whiting, seconded by Dan Bilodeau, all in favor.

ADJOURNMENT

Auburn Planning Board Meeting Minutes July 12, 2011

Roll Call - Present:

City Council Liaison Robert Hayes, Dan Bilodeau, Emily Mottram, Chairman Clifton Greim, Richard Whiting, Roland Miller and Eric Cousens represented City staff.

Minutes:

6pm Call to Order

There was a quorum, but just a quorum. All action had to be unanimous to pass forward a recommendation.

Public Hearings:

1) Citizen Initiative Zoning Map Amendment – Eric read the staff report, (314 Center Street from urban residential to general business) The property owner did supply a site plan review. The applicant, Bill Turner of Maine Source Reality gave a presentation to the Board. Chairman Greim explained to the applicant that they were not reviewing a site plan, they were reviewing a re-zoning. Richard Whiting explained that the former ownership was all one lot.

Open Public Hearing:

No public present

A motion to close public hearing was made by Richard Whiting, seconded by Dan Bilodeau, all in favor, public hearing closed.

A motion to forward a favorable recommendation for the rezoning of parcel 271-021 from urban residential to general business as outlined in the staff report (in compliance with Comp Plan) was made by Richard Whiting, seconded by Dan Bilodeau, all in favor.

A motion to approve the July 13, 2010 and August 10, 2010 meeting minutes was made by Richard Whiting, seconded by Emily Mottram, all in favor.

Public Hearings cont.:

2) City Council Initiated Zoning Text Amendment – (to allow the keeping of chickens in residential zoning districts by amending chapter 60, section 60-2)

Eric read the staff report. Staff recommended that if the board supported the change in the definition that they perhaps also provide any suggestions on the draft language of chapter 8. Richard Whiting asked about other ordinances. Eric Cousens explained those considered.

The draft ordinance would allow the number of chickens to be prorated based on acreage. 12 chickens would not be allowed on a ½ acre lot.

Enforcement Issue – w/ or without pre-approval process.

Roland Miller, Director of Community and Economic Development for the City explained the history of the ordinance and problems with roosters and Geese (waste and noise).

Open Public Hearing:

Matt Jones – 32 Brighton Street – Supported the ordinance as is.

James McPhee – Hillcrest Ave. – believed that this item should be in a land use ordinance. The chicken coops are regulated as accessory buildings and can have zero side and rear setback. Animal sounds and odors cannot be perceptible beyond the property line. Sounds, odors, and rodents from chickens will be problematic. Calls to the city for enforcement will increase; the PD will have to enforce. Coops shouldn't be allowed to reside in the front or side lawns. Suggested reviewing the City of Lewiston's ordinance regarding chickens. Size of the coops should be built based on number of chickens. Number of chickens allowed should be based on lot size. The disposal of manure needs to be addressed.

A motion to close public hearing was made by Richard Whiting, seconded by Emily Mottram, all in favor, public hearing closed.

Richard Whiting commented on the concerns of chicken manure and the odor. Lewiston's ½ acre or more setbacks for accessory buildings, free range in smaller areas.

Richard Whiting suggested reviewing Lewiston's Ordinance and perhaps appropriate theirs if it's good.

Dan Bilodeau suggested asking the current applicants to provide us with a plan for what their intentions are.

A motion to table was made by Richard Whiting, seconded by Dan Bilodeau, and all were in favor. The Board requested further review to occur prior to the City Council taking action. If the Council would like to have a workshop with the Planning Board they would be willing to do that. In the meantime, the Planning Board would review the Lewiston ordinance.

MISCELLANEOUS

Industrial Zone, Hotels vs. Motels – (Motels are allowed in industrial zones. Motels are allowed to have an unlimited number of rooms but Hotels are not allowed in the industrial zone w/ the same number of rooms) It was suggested by Eric Cousens that the wording is changed to allow Hotels unlimited number of rooms as well. Motels are considered a Special Exception and if Hotels were added they would be too.

Richard Whiting thought the change would be acceptable.

Roland Miller discussed Hotels near Martindale

- Hotel w/ Accessory Rec Use in definition

- Recreational or Mixed Use PUD Zoning Districts

- ID Zone @ Martindale vs. GB Zone

Natural Resource Policy from the Comp Plan – A1 2-C Lake Auburn section on surface waters (that section says: a Technical Review Committee should be developed to review the lake Auburn overlay district with input from the City Council, Planning Board, LAWPCA and Water & Sewer. The Council and City Manager would like to get that process moving with support from Water & Sewer.

A motion to adjourn by Dan Bilodeau, seconded by Richard Whiting, all in favor.

ADJOURNMENT

Auburn Planning Board Meeting Minutes August 9, 2011

Roll Call - Present:

City Council Liaison Robert Hayes, Robert Bowyer, Emily Mottram, Daniel Bilodeau, Acting Chair Richard Whiting, Timothy Goss, Jeremy Hammond, Robert Gagnon, and Eric Cousens represented City staff.

Minutes:

No minutes to approve at this time.

Chairman Whiting welcomed the following new members to the Auburn Planning Board; Timothy Goss, Robert Gagnon and Jeremy Hammond who will act as Associate Member for this meeting.

Public Hearings:

1) Public Hearing on a special exception request of Michelle Melaragno to operate a Composting facility in the Agriculture and Resource Protection zoning district at Trap Road parcel ID 035-008, pursuant to City Of Auburn Zoning Ordinance, Chapter 60, Section 60-172.b.

Eric read the staff report. He said he had visited the site earlier in the day. He was shown an example of a composting pile as one of Ms. Melaragno's animals had recently died. Eric said he was impressed that there was no detectable odor coming from the composting pile even as he stood less than 6 feet from it.

Daniel Bilodeau asked what the cost was for the benchmark water testing. Eric replied that he did not know the exact cost. He said it did not seem to be an overburdened cost.

Chairman Whiting asked how do we determine what would be the appropriate benchmark. Eric replied that we did not set a standard and that it could be at a lower drainage location from the site.

Michelle Melaragno, applicant stated that she did not have much more to add. She mentioned that the benchmark water testing baseline was not only a protection for her but also showed what would be existing there already. If they did periodic tests from those same locations it would show any issues coming up if there were any.

Robert Bowyer asked why she chose the particular location for the pad. Ms. Melaragno replied the site was chosen because of the main logging road that went straight back. She said it is a natural road already and would require the least amount of excavation to create a passable road. She mentioned that there needs to be a 24 inch base layer of topsoil over bedrock and the 150' x 150' site was most suitable as it also had the best finished pad grade.

Mr. Bowyer asked if she would be upgrading an existing 800' log trail. Ms. Melaragno replied yes she would be and that she had been concerned about the length of road to the site but she liked that it was far from the main road, had no visibility from the road and that it created a safer area as well.

Mr. Bowyer asked if she would have difficulty having year-round all weather access. Ms. Melaragno replied that she did not believe so as she would be using 4-wheel drive vehicles and tractors. She said she would be picking up the carcasses as part of the service she would be offering.

Chairman Whiting asked if she intended to do a concrete pad right off. Ms. Melaragno replied that for now, she will do packed gravel or paved. She said she was leaning towards paved as it is an easier surface to work with but the cost would dictate.

Chairman Whiting commented about the grinding of bones and said given the location of the site would minimize the noise factor. Ms. Melaragno agreed and said that initially they would be screening and reintroducing those bones into a younger pile that is still in the processing stage. She said once she can afford to she will purchase a grinder in which case will grind the bones and reintroduce into the piles as the calcium is a very beneficial nutrient for compost.

Open Public Hearing

A motion was made by Robert Bowyer, seconded by Timothy Goss and all voted unanimously to close the public hearing. (6-0-0)

A motion was made by Robert Bowyer, seconded by Timothy Goss all voted unanimously to approve the special exception. The motion passed (6-0-0)

2) Public Hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Ordinance, Chapter 60, Section 60-578.b(7) to modify the use group Motels to read Motels and Hotels pursuant to Article XVII, Division 2 of the Ordinances of the City of Auburn.

Eric read the staff report.

A discussion ensued amongst the Planning Board members regarding the definition of the word hotel.

Open Public Hearing

A motion was made by Robert Bowyer, seconded by Timothy Goss and all voted unanimously to close the public hearing. (6-0-0)

A motion was made by Robert Bowyer, seconded by Emily Mottram and all voted unanimously to forward a favorable recommendation to the City Council. The motion passed (6-0-0)

3) City Council Initiated Zoning Text Amendment to allow the keeping of chickens in residential zoning districts by amending Chapter 60, Section 60-2 Definitions: Household Pet. Tabled July 12, 2011: Request to come off table.

Eric read the staff report.

There was a lengthy discussion regarding this proposal. The following were some of the comments that were presented:

 Council made it clear to Eric that they would like to have more flexibility for the keeping of chickens

 At previous meeting, Chief Crowell had no issue having the animal control officer be responsible

 Permitting and / or licensing was not favorable in other towns

 Concerned with downtown properties having chickens

 Properties in downtown usually smaller lots where everybody is closer

 Ok for single family properties, not proposing other than single family

 Public reaction is mostly from people wanting chickens and wondering why this action is taking so long to act on

 May get more feedback from public once neighbors start getting chickens

 Once chicken is defined as a household pet, how long before a pig becomes a household pet.

 Roosters not allowed

 Proration of chickens to acreage was preferred

A procedural error was discovered by Chairman Whiting that the hearing had not been removed from the table so he asked that the person who tabled it at the last meeting remove it from the table.

A motion was made by Daniel Bilodeau, seconded by Emily Mottram, and all voted unanimously to un-table.

The discussion continued amongst the Board members and the following comments were made:

 Already allowed in the Ag zones and don’t see them being allowed in the denser residential areas or anything under 1 acre.

 Creates administration and enforcement burden that adds on to the responsibilities of the animal control officer and other city staff (already stretched too thin)

 Concern that it may attract predators such as foxes into denser residential areas

 Out of character with the kind of denser city residential or suburban standard of living and quite content with leaving it with the low density districts where it's currently permitted. (Several members agreed with this statement)

 Licensing and permitting defeats the purpose of trying to save money by having organic eggs.

 Portland allows 6 chickens per lot and does not define the lot size.

 Growing movement to have organic chickens (may be generational)

 Co-op type farming operation was discussed

 City Council members were concerned with lot size.

 Helps animal control officer with a record if an application was required. Contact information would be supplied on the application.

 Backyard chickens are becoming a national trend.

 Some common complaints according to a website are: roosters crowing, noise from the hens in cackling, inability to keep hens contained, soil the landscape and attract predator wildlife.

Open Public Hearing

A motion was made by Timothy Goss, seconded by Robert Gagnon and all voted unanimously to close the public hearing. (6-0-0)

The Board members decided to take a poll. 3 members voted to leave the ordinance as is. 4 members voted to change it to allow chickens on ½ acre or greater lot sizes, and 3 members voted on simple registrations with a ½ acre or larger lot size.

A motion was made by Robert Gagnon, seconded by Timothy Goss to forward a favorable recommendation to the City Council to allow the keeping of chickens on a ½ to 1 acre lot size with a simple registration. After a vote, the motion passed (5-0-1). Robert Bowyer abstained.

A motion was made by Robert Gagnon, seconded by Timothy Goss to forward a favorable recommendation to the City Council to delete poultry as an exclusion in the definition of Household Pet. After a vote, the motion passed (5-0-1). Robert Bowyer abstained.

A motion was made by Robert Gagnon, seconded by Timothy Goss to forward a favorable recommendation to the City Council to prorate the number of chickens allowed on a lot to 12 per acre, for example: 9 per ¾ acre and 6 per ½ acre. After a vote, the motion passed (5-0-1). Robert Bowyer abstained.

OLD BUSINESS

MISCELLANEOUS

Eric spoke about the codified zoning ordinance and how the new numbering structure worked. He mentioned the City of Auburn's website which contains a link to the new codified ordinance.

ADJOURNMENT

Auburn Planning Board Meeting Minutes September 13, 2011

Roll Call - Present:

City Council Liaison Robert Hayes, Daniel Bilodeau, Emily Mottram, Robert Bowyer, Chairman Clifton Greim, Kenneth Bellefleur, Jeremy Hammond, and Eric Cousens represented City staff.

Request to approve the May 11, 2010, June 8, 2010, November 9, 2010, June 14, 2011, July 12, 2011 and August 9, 2011 meeting minutes was made by staff.

A motion was made by Robert Bowyer, seconded by Dan Bilodeau and all voted unanimously to approve the June 14, 2011 Planning Board meeting minutes with minor corrections. The remaining list of meeting minutes either did not have a quorum or minor editing corrections needed to be made so it was suggested they be edited and resubmitted for approval at the next Planning Board meeting.

Public Hearings:

A Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD). The purpose of this PUD Type is proposed as follows: The Recreation/Residential Planned Unit Development (RRPUD) is to recognize that there are customary and complementary residential and commercial uses that are appropriate to be developed on land adjacent to major recreation uses located in Auburn. These major recreation uses of land are designed for outdoor use of large acres of land, have indoor facilities to accommodate groups of people and while they may open year round, they primarily operate seasonally. Homes, condominiums, and hotels will help support the economics of a seasonal business and bring more people to Auburn by becoming a recreation destination point.

Eric read the staff report.

James McPhee, on behalf of Jim Day added to the presentation.

Kenneth Bellefleur asked Mr. McPhee, why he chose 100 for a number of acres verses any other denomination. Mr. McPhee said he looked at several large parcels of land with recreational uses and found they ranged from 109 to 200 acres so he chose 100 acres.

Mr. Bellfleur asked if all of the parcels had a structure over 5,000 sq ft and Mr. McPhee answered they did not.

Dan Bilodeau asked if the 5 areas Mr. McPhee spoke about had sewer services. Mr. McPhee answered they did not but a few could hook up.

Kenneth Bellefleur asked why he felt it was important that they be restricted to public sewer. Mr. McPhee answered it was the direction he thought he heard from the Planning Board that it was desirable. He said he used the same language in Section 3.51 as the performance standard in this section regarding sewerage.

Robert Bowyer commented on the following:

 Supports the concept of flexibility

 Questioned if it was to be tied to major recreational uses existing or to be built and added to it?

 Asked what uses are eligible as of a certain date?

 Can be a mechanism for substantial development.

 Questioned the 100 acre limit / could have smaller (25 or 50 acre)

 Should have run-thru of City database to see how many parcels of certain thresholds are either vacant or so underdeveloped that they could accommodate a development of this type.

 Questions the absolute requirement that it be connected to public water and sewer. Could be onsite community sewerage treatment systems.

 Permitted uses; attached SFD. No definition. Needs to be clarified.

 Basically a golf course subdivision. Designed in relation to housing nearby.

 In a review of potential sites, need to focus on connection on arterial or collector street access. Develop a definition of standards.

 Off season use – complimentary – deficiency in this area of “travel parks”. Very temporary or seasonal accommodations to travelers.

 Need to address the issue of density. Could be restrictive.

 Some standards to review the suitability of the access to the development in relation to the type of uses that are permitted.

 Hotels in relation to other hotel developments proposed in the city.

 Special exception uses – major recreational use of 18 hole golf course or 2-lift ski resort – unclear if both or separate.

 Supports concept but has a number of general issues.

James McPhee responded with the following statements:

 Said he worked with Eric Cousens and Roland Miller when drafting this amendment.

 In the proposed ordinance recreational uses are allowed. Special exception uses would come before the board.

 Does not recommend less than 100 acres.

 Explained why having the city staff complete the study was not feasible.

Kenneth Bellefleur commented that he did not understand how lot size or acreage ensured that it would be a significant investment. Mr. McPhee replied that the theory when they discussed it was the larger the acreage, the bigger the investment was going to be and gave the example of a golf course. Mr. Bellefleur said they weren't looking at a golf course but at recreational uses and all the board is saying is that 100 acres seemed arbitrary and that they wanted to take a look at that.

Mr. Bellefleur asked Eric if the database could search how many 100 or 50 acre parcels could be impacted in Auburn. Eric replied that the City has the means to conduct such a study and that it would not take staff very long to complete.

James McPhee continued with the following statements:

 Mentioned the reading of b-1. Could not think of any other major recreational uses that would come to Auburn

 Ordinance is not at its end.

 Does not think the city should venture into studying where hotels could or could not go. Those are market place decisions.

Chairman Greim said what he thought Mr. Bowyer was referring to was the marketability of one or two or three more hotels combined with what was already potentially in the pipeline. He said he agreed that the Board is not in the position to evaluate marketing ability.

Robert Bowyer mentioned that there were 2 parts that he was commenting on. The first was simple access into particular locations. The second was that it was not the board's decision to preserve or protect existing or future hotel markets.

James McPhee added the following:

 That the classification of roads is defined in the ordinance.

 The wording of attached single family dwellings starts in the ordinance under Section 3.41 and was copied verbatim.

 This ordinance does not require connection to city water but does require connection to public sewer.

Jeremy Hammond asked if anything specific prompted the petition. Mr. McPhee replied that a local owner of a major recreational use (Martindale Country club) who has had discussions, as this is something that he may want to do in the future. Mr. McPhee added that he would not agree to take on a job he did not think was good for the City of Auburn and he believes this is good for the City. He asked what would entice people to come and make Auburn a destination location.

Eric Cousens supplied the following statements:

 The 100 acre threshold is not set in stone. Should be some measure that there is some significant investment and a primary purpose for the recreational use other than to get these other uses of land.

 The public water and sewer is consistent with other PUD ordinance.

 Dwelling unit definition – Single family dwelling attached is not defined.

 Arterial and collector access. Some are defined in the current Comp Plan.

 Traffic – safety concern, can work some language in to set a standard and possibly require a traffic study.

James McPhee mentioned in reference to a traffic study, asked how it would be written in the ordinance when it's part of a review that would be done anyway.

Chairman Greim spoke about the sensitivity of this type of a development and asked if any of the board members had any other questions or comments. He added that he would like all comments and suggestions that have been presented by the board be compiled so as to modify the language of the proposal before action is taken.

Robert Bowyer asked if all golf courses in the City were 18 hole. Mr. McPhee answered there were 3 - 18 hole golf courses and 1 - 9 hole golf course.

Dan Bilodeau mentioned that a decentralized system should be considered instead of requiring public sewer hook-up.

Open Public Hearing

Robert Baskett of 564 Beech Hill Road asked if there was not already a method for exceptionality to the ordinance so that an entity like Martindale could request a zoning change in a specific location. Chairman Greim replied any citizen could petition to request a zoning change. He explained that this was a mixed use in a Planned Unit Development.

Mr. Basket asked if there was a more local solution instead of a City wide ordinance. Eric answered that another solution would be to have a zone change as most of the recreational uses are in a rural, residential or agricultural area. He said if they fell into a commercial category, most of the uses couldn't pay their taxes as their land values would be so much higher. He added this creates a method for the Planning Board to be able to consider a proposal for one of these uses without opening up land to much less restrictive commercial development.

Mr. Baskett asked about Beech Hill Road and Route 4 being placed in the same classification. Eric answered that Beech Hill is classified as a collector and Route 4 is an arterial.

Mr. Baskett commented that if there are any developments planned, he would encourage the developers to consult early and often with the abutters.

Roland Miller, Director of Economic Development for the City of Auburn spoke about the following:

 Participated in the development of this ordinance

 Explained Planned Unit Development (PUD)

 There are mixed use category already within PUD; PUD-R and PUD-C both allow for mixed uses.

Kenneth Bellefleur asked if there were any current PUD's existing that had commercial uses associated with them and where are were located. Mr. Miller answered yes, across the street at 2 Great Falls Plaza where it has the residential uses in the Esplanade and a lot of commercial uses and offices around it.

Mr. Miller continued with the following:

 Neighborhood Business is similar.

 In traditional zoning, there have been ways of trying to get there from here, in allowing for exactly that kind of an urban arrangement.

 Cluster developments were developed.

 We do want to set thresholds so that we aren't looking at circumvention.

 Only being able to apply a PUD when it is to the benefit to both the project and to the community. There has to be a reason why we are doing this and it has to show a benefit.

 All streets in Auburn are classified.

 Density, underlying zoning districts would be the guide for density.

 Approving the project, will be applied for and approved just like today.

 Responsible for attracting $38,000,000 in new taxable investment every year. It's really necessary for the City of Auburn to have its ordinances that protect those who have made investments in our community.

 Want to create flexible mechanisms whereby creativity of investors doesn't stop at our border.

 Other communities have these developments. (Florida & Hilton Head are examples)

 Developments that are good tax ratable development and have low demand for city services.

Kenneth Bellefleur commented that this ordinance is not very flexible and is pretty targeted. Mr. Miller responded that the current board can make those decisions. He said he can think of many areas in our community where this ordinance, as it is drafted today would provide an investor an opportunity to make a significant investment to create a recreational complex and a destination oriented type of service center that would be centered on that recreational entity.

Susan Gaylord of 432 Beech Hill Road said she had concerns about commercial uses being allowed in established single family neighborhoods. Chairman Greim explained that at this time, there is no discussion of changing zoning in that area. He said if there was something brought forward, there would public notice in the paper and abutters' letters would be sent.

Ms. Gaylord commented that there would be a series of discussions to bring development to fruition and said this is the first step so she wanted to voice her concerns.

Katherine Grondin of 261 Beech Hill Road said she recognizes the citywide nature but Martindale is bringing the issue up. She said she wants to reiterate what other neighbors

had said and that she was concerned about traffic and development in the Martindale community.

Jim Day, owner of Martindale Golf Club said the following:

 There was no project planned at this time and if and when there is it would be acceptable to the entire neighborhood.

 Martindale is accessed by Hotel Road and Kittyhawk.

 The Comp Plan has the land across from Martindale commercially zoned.

 The vision he has does have residential development and possibly a small boutique type hotel.

 Trying to add accessory uses to the existing function facility and golf course and making it a destination.

 Does not have anyone interested in this.

 Will try to satisfy everyone's concerns.

Eric Cousens read a note from the owner of 455 Beech Hill Road which stated that she shared the concerns of the other neighbors regarding the traffic.

A motion was made by Robert Bowyer, seconded by Dan Bilodeau and all voted unanimously to close the public hearing. (6-0-0)

Robert Bowyer said over the years he observed golf courses becoming developable land for subdivisions or more intensive development. He said in a suburban area, if the housing market is hot enough, golf courses are under tremendous pressure so part of the potential consideration in Auburn would be not attracting new major recreational developments but maintaining the ones we have. He added the Board has to balance what is good development for the city without adversely impacting neighborhoods where people have the largest investments of their lives in their homes.

A motion was made by Robert Bowyer to table until a new draft be supplied to the board incorporating many of the comments and suggestions that had been made. He said he was in favor of supporting the concept of flexibility within planned unit development to permit major recreation uses to have ancillary development which would enhance the likelihood of the sustainability of those recreation uses.

The motion was seconded by Emily Mottram.

Dan Bilodeau commented that the community was mentioned several times and asked that the language in the new draft include the neighborhood as a beneficiary in a PUD. Mr. Bowyer and Ms. Mottram both agreed to the amendment. A vote was taken and all voted unanimously to table the hearing. (6-0-0)

OLD BUSINESS:

Tom Donahue, Construction Analyst for CEI is seeking a one year extension of the Special Exception, Subdivision & Site Plan Request of John Egan on behalf of CEI Housing Inc. to replace the existing multifamily buildings with a new 22 unit multifamily building and associated parking at 268-272 Main Street pursuant to Section 3.52.B.2.a of chapter 29.

Eric explained the situation as to why they needed an extension.

A motion was made by Robert Bowyer, seconded by Emily Mottram and all voted unanimously to allow a one year extension of the approval of the Special Exception, Subdivision & Site Plan Request of John Egan on behalf of CEI Housing Inc. to replace the existing multifamily buildings with a new 22 unit multifamily building and associated parking at 268-272 Main Street pursuant to Section 3.52.B.2.a of chapter 29.

MISCELLANEOUS

Robert Bowyer commented that in the cascade of minutes the board received there may have been tabled items that were never brought back for action. He suggested that all tabled items be placed under Old Business on the agenda until they are heard and voted on. Eric said staff would look back to be certain that all of the tabled items in the past had been taken care of.

ADJOURNMENT

A motion was made by Jeremy Hammond, seconded by Kenneth Bellefleur and all voted unanimously to adjourn. (6-0-0)

Auburn Planning Board Meeting Minutes October 11, 2011

Roll Call - Present:

City Council Liaison Robert Hayes, Daniel Bilodeau, Emily Mottram, Robert Bowyer, Chairman Clifton Greim, Kenneth Bellefleur, Robert Gagnon, Tim Goss, Richard Whiting and Roland Miller represented City staff.

Chairman Greim stated there was a quorum and welcomed the Board's new members.

Request to approve the May 11, 2010, June 8, 2010, November 9, 2010, July 12, 2011, August 9, 2011 and September 13, 2011 was made by staff.

A motion was made by Richard Whiting and seconded by Robert Bowyer. After a vote, the motion passed to approve the May 11, 2010 Planning Board meeting minutes as amended. (4-0-4) 4 members abstained due to not being present at the meeting.

A motion was made by Robert Bowyer and seconded by Emily Mottram. After a vote, the motion passed to approve the June 8, 2010 Planning Board meeting minutes. (4-0-4) 4 members abstained due to not being present at the meeting.

A motion was made by Robert Bowyer and seconded by Richard Whiting. After a vote, the motion passed to approve the November 9, 2010 Planning Board meeting minutes as amended. (4-0-4) 4 members abstained due to not being present at the meeting.

A motion was made by Daniel Bilodeau and seconded by Richard Whiting. After a vote, the motion passed to approve the July 12, 2011 Planning Board meeting minutes as amended. (4-0-4) 4 members abstained due to not being present at the meeting.

A motion was made by Richard Whiting and seconded by Robert Bowyer, After a vote, the motion passed to approve the August 9, 2011 Planning Board meeting minutes as amended. (6-0-2) 2 members abstained due to not being present at the meeting.

A motion was made by Daniel Bilodeau and seconded by Robert Bowyer. After a vote, the motion passed to approve the September 13, 2011 Planning Board meeting minutes as amended. (5-0-3) 3 members abstained due to not being present at the meeting.

Public Hearings:

A Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD). The purpose of this PUD Type is proposed as follows: The Recreation/Residential Planned Unit Development (RRPUD) is to recognize that there are customary and complementary residential and commercial uses that are

appropriate to be developed on land adjacent to major recreation uses located in Auburn. These major recreation uses of land are designed for outdoor use of large acres of land, have indoor facilities to accommodate groups of people and while they may open year round, they primarily operate seasonally. Homes, condominiums, and hotels will help support the economics of a seasonal business and bring more people to Auburn by becoming a recreation destination point. Item was tabled at September 13, 2011 meeting. Request that it be taken off the table.

Roland Miller asked to have the petition taken off the table.

A motion was made by Robert Bowyer and seconded by Emily Mottram to take the petition off the table. After a vote, the motion passed to take the petition off the table. (5-0-3) 3 members abstained due to not being present at the last meeting.

Roland Miller gave details of how the draft was restructured and explained why the City was in favor of the proposal. He pointed out that a new Planned Unit Development section would be added to the Planned Unit Development ordinance. He said that a major change in the way this would be reviewed is that now there is certain criteria that would need to be met even to apply for this. The need to be on public sewer and have at least 100 acres of land that is devoted to the principal use are two of the primary criteria. A third criterion is that it would have to be located on a collector or an arterial street system so that traffic, density and use could all be looked upon in the context of one single development. He reiterated what the staff report stated; that this is an ordinance that does not change any of the underlying zoning that appears anywhere in the city. It

is rather an ordinance that can be used to arrange developments on that land and cluster together a group of uses that are complimentary one to another. He went on to read the General Purpose section and explained other changes in the draft.

Robert Bowyer added to Roland's presentation. He said this was a new form of zoning. Each proposal is likely to be unique, a one of a kind proposal. Another shift in zoning is off-site impacts, how does the development affect the area around it more so than how is it developed within the boundaries of the site. An important issue is volume of traffic at certain times of the day. Does the volume of traffic, the time of day of traffic, materially affect the character of the neighborhood of which it's located? Some criteria that respects and protects the neighborhoods that would be impacted should be added along with a much greater emphasis on quality of land planning. Mr. Bowyer suggested that the Board consider revamping the language in a workshop.

Tim Goss commented that the Beech Hill Road area has challenges now with just the golf course traffic. What if a hotel or something that brings more traffic to the area were to be built there? He said he would like to see guidelines as to who would cover infrastructure improvements to the area such as sidewalks. Would it be the developer's responsibilities or someone else? He gave the example of the Park Avenue School project in which the sidewalk was never constructed. He said a lot more work needs to be done to the draft before this Board can sit down and work with it.

Chairman Greim asked Roland who drafted the amended portions of this ordinance. Roland replied that it was Mr. McPhee, Eric and himself.

Kenneth Bellefleur commented that it appeared 7 parcels on the map had sewer and asked Roland to explain why it was important to include sewer as part of this ordinance. Roland replied if these developments are going to bring a fairly intensive demand for dealing with sanitary sewer flow, it was necessary to have facilities that would be able to accommodate those flows. Because it is required that they be off of a collector or an arterial road, we set this as a criteria so that there will be no potential problems with water with the clustering of the housing and everything else that may be done.

Dan Bilodeau commented that in the 4 months that he has been on the Planning Board, this is the 2nd text zoning amendment that has brought out a neighborhood. He said that the City of Portland conducts neighborhood meetings where it has to pass the neighborhood muster before it can go before the Planning Board. He asked if that was something the City of Auburn might consider doing someday. Roland responded that this was foundational to all land use regulations. The foundations of all law, land use law in particular, and all of the litigation around it are built on 2 basic principles: equal treatment and due process. The zoning ordinance, in breaking the City's land into various use districts, clearly differentiates uses one from another. When you look at the structuring of the law, you want to make sure that everybody's rights are protected equally. The determination for the laws that apply equally to all citizens across the community is really

the City Council's and that's why we have a set of rules and regulations known as the municipal code that are enacted by the council for the governance of all kinds of things not just land use but nuisance ordinances, etc… He said it's great that neighborhoods are getting involved because we have better products when citizens get involved. But if you're asking should this Board, from a policy prospective grant a veto authority to another entity that does not have any police power but just happens to live in the same vicinity of another piece of property would undermine the validity of our overall ordinances if we did that.

Mr. Bilodeau commented that he was just referring to the procedural way of bringing forward a text amendment change. In Portland there are neighborhood meetings that take place, and once a report is done it goes to the Planning Board so some of those concerns are known ahead of time, before staff comes up with the language to make the amendments. Roland stated that in this instance, we were responding to an amendment proposal initiated by a citizen who owns property in Auburn.

Richard Whiting asked about the density information that was put together by staff. Roland replied that when you are looking at flexible ways of designing developments, you really need today to take into consideration all of those unique characteristics that you have in every individual parcel.

Robert Bowyer added that perhaps there needs to be a statement that says no one is entitled to the maximum to what is permitted.

James McPhee, on behalf Jim Day, added to the presentation. He said there was only one change that he would like to make to this draft and that was at Section 60-388 Section #7 to add to the end of that sentence: traffic volume, time of day or peak traffic hours, and the material impact on the neighborhood where located shall be reviewed.

Mr. McPhee answered why we should look at large parcels of land and why with sewer. The primary reason for this is to guard against urban sprawl. About adding language that says you cannot develop to your maximum, he said to what percentage below the maximum do you pick? The beauty of this ordinance is that the Board gets to negotiate with the developer. If the Board looks at the project and can substantiate that the maximum development is too much, that we don't think that the area can handle the maximum, we could say we think that based on our review you cannot have this many units, only this many units. As for having more criteria in this PUD, in any PUD it's hard to keep writing substantial criteria because it starts to go against exactly what the PUD section is set up to do. For Martindale alone, there are 103 pages of criteria that city staff and the Planning Board look at in evaluating any development that happens there. The Planning Board is in a good position because there are a lot of standards to use. This ordinance puts you in an even better position because there are more standards to apply. He said it is a well written ordinance and the change from a standalone ordinance to putting it in the PUD

section where it belongs is correct and will serve as a benefit to Auburn in attracting uses and hopefully branding Auburn as a destination place that people want to come to.

Mr. McPhee stated that Mr. Day was in the audience and reiterated that Mr. Day is the primary impetus for this to go forward, that it does fall behind our Comprehensive plan but it's not because he has any plan in mind for Martindale Country Club.

Robert Bowyer said he was prepared to go through section by section of the whole draft if that was what the rest of the Board members wanted to do.

Chairman Greim suggested that they open it up for public comment first because it might impact some suggestions or recommendations that the Board may have. Mr. Bowyer agreed.

Open Public Hearing

Marj Patrick of 65 Beech Hill Road stated that this was the 3rd time that she and her husband Lucien Mathieu had visited the Planning Board over Beech Hill Road issues in general. The issue they are most concerned about is traffic and are very glad to hear Mr. Bowyer and Mr. Goss suggest that more work needs to be done on this proposal. She and her husband like to walk on their rural residential street but have found that their street is the most difficult to walk because of the volume and speed of traffic. She said the offsite impacts are of great concern to them as are the challenges that they currently have now. She appreciates the Board's attention and hopes they review the draft further to add protection for them. She and her husband support the letter written by Michelle Vazquez Jacobus of 564 Beech Hill Road.

Nilda Jacobus of 455 Beech Hill Road agreed with everything that Marj said and was extremely concerned about this issue and what is planned and not planned. Nobody notified the neighbors about the meeting of which they found out haphazardly. She is concerned that Mr. McPhee who is an advisor and who wrote the amendment is also Mr. Day's consultant. Mr. Day and Mr. McPhee were well informed about the meeting and discussion while the neighborhood was not. It took quite an effort to inform everyone in the neighborhood for a neighborhood meeting. She is an abutter to the golf course on three sides and so is her daughter Michelle who wrote the letter. They are also concerned about activities that take place at the golf course without notification. She has been told that Mr. Day is a neighbor and is very glad to receive him as a neighbor, however; they have had some instances of very non-neighborly issues. The golf course is rented out for celebrations that last late in the night making it difficult for close neighbors to sleep. If there is more development in that area, it will be affecting them a lot more. At another instance there were fireworks at the golf course of which none of the neighbors had been warned were going to happen. She thought they were explosions until her daughter called her to explain they were fireworks. At another occasion, she heard a roaring sound in her back yard which happened to be a very low flying helicopter where someone was throwing golf balls from it to people below. She said they aren't criticizing nice occasions but would like to be told when these

things are happening. She reiterated that she agrees with everything that Marj said and everything that Michelle wrote in her letter to the Board.

Marcia Russo of 7 Jennifer Drive asked what some city examples of major recreational areas were. Roland read the actual definition from the proposed ordinance. He said this particular ordinance would allow all of the uses in the underlying district and would also provide hotels / motels adjacent to existing major recreational uses or major recreational use if construction of the major recreational use is substantially complete. He said that wording was put in there as a reference to the question about what comes first, like the chicken or the egg. He added they are approved by the Planning Board as a site plan special exception. And then there are also what would be considered accessory uses such as a garage or shed. So it would be all of the principal uses listed, all of the special exception uses under the underlying zoning districts and this would allow hotels / motels and all of the accessory uses that commonly go with those other uses.

Ms. Russo asked the applicant since there was no specific plan, why make the change to the PUD? Roland replied that there has been a series of requests over many years for different types of large scale uses. Some of those around existing recreational uses that currently exist here in Auburn and others that were not around anything but they were talking about establishing a recreational use then putting all the ancillary things around that. So, this has been on our drawing board for some period of time to create a zoning mechanism that would allow for these types of developments where as our ordinance currently does not. Roland said the immediate impetus for this was a discussion he had with another party which happened to be Mr. Day as Mr. Day was exploring the use of his land.

He explained the Comprehensive Plan to Mr. Day but that it would take 6 months to several years to implement so Roland suggested to Mr. Day that if he would like to see this move forward on behalf of the community he could engage somebody who could draft such an ordinance and do it under the petition form. The most common way to change an ordinance is a citizen initiated change which is what Mr. Day decided to do.

Ms. Russo said she would like to second what Mrs. Mathieu and the letter from Michelle Jacobus said. Speed is an issue on Beech Hill Road. We as a city see our land use, Martindale, Prospect, and Fox Ridge as they exist now; they all seem to flow well into residential areas around them. They fit but at Martindale they are pretty tight so it does impact the neighbors when there is more than just golf going on. It’s important to keep residential, residential with some separation of the land use.

Doug Breunig of 398 Beech Hill Road said they have seen a lot of development since purchasing his land 28 years ago. Part of the attraction to moving there was the presence of Martindale and they have been good neighbors and enjoy living in that area. However, they are concerned about further development to the area and not sure how much more the area could withstand. He shares a lot of the same concerns that were expressed here tonight particularly about traffic in that area

and walking on the road is dangerous. Came to the meeting tonight partly for reassurance that any large proposals of development would be carefully scrutinized by this committee.

Link Hayes of West Auburn Road wanted to point out that Lost Valley was not on public Sewer. Roland replied that they were aware that Lost Valley was not on public sewer but had access to it.

Jim Day, owner of Martindale Golf Club said Martindale wants to be a good neighbor and apologized for any of the difficulties that some of the neighbors may have had. He explained that the one outside event which Martindale held with music had a history before he owned it, the fireworks were part of a wedding and the helicopter was a fundraiser for CMMC. He asked a member of the audience for contact information so they could be communicated to when these events occurred. Mr. Day said he had just recently purchased Martindale when it was in financial distress and believes the community wants it to survive. If Martindale was not a golf course it would be residential development which is the highest and best use when it's appraised. 200 homes would create more traffic than what is being discussed now. He is aware of the traffic issues and described several ways of getting to Martindale. He recognized that this was just a mechanism to put in place so that he then could go out and try to develop a master plan for the golf course to ensure its future in this city. When there is a plan he will come forward to the neighborhood so both will come marching in to the Planning Board to present the plan. He believes he will have the neighbors on his side at that point. He said he needs to have the mechanism in place before he can get somebody to be interested. He reiterated that there is no plan at this time and when he has a plan he will come forward with that plan. He only has a conception which he thinks could put some good accessory uses to this property to ensure that it will be a golf course and not the 200 house lots that it could become by zone. And finally, Mr. Day said he was not promoting the sewer and non sewer issues that had been discussed. He believes that is something that is PUD driven and not something that he suggested.

Richard Whiting asked about the parking issue that someone mentioned in a letter which had been submitted to the Planning Board. The letter stated that people would park their cars on a neighbor's lawn which abutted the golf club. Mr. Day responded that a development will correct parking issues. Martindale does not have parking issues on a regular basis and not to be argumentative, stated that the cars were actually parked in the City's right of way and not on her lawn. His hopes and desires are to increase the parking at Martindale when a new plan is created.

A motion was made by Tim Goss, seconded by Emily Mottram and all voted unanimously to close the public hearing. (7-0-0)

Tim Goss suggested that instead of the Board going through the draft line by line he would rather it be work-shopped with City staff. He commented that we are moving forward into the 21st century and this isn't something that we should make a quick decision on right now.

Chairman Greim asked if the Board should have a workshop that includes the City Council when going over the draft. Robert Hayes, City Council Liaison replied saying it's an important enough issue that the invitation should go out to members of the City Council in case any member would like to sit in.

Chairman Greim asked for a show of hands who would like to have a workshop at a later date verses continuing with a workshop tonight. A majority of the members wanted to hold a workshop at a later date.

Chairman Greim stated he would like to have a date set for the workshop prior to entertaining a motion to table.

Roland Miller asked if the appellant (petitioner) would be included to participate in the workshop because we have a petition that has been submitted, paid for and processed. Chairman Greim replied that workshops are open invitations to the public to sit and listen and since the petitioner generated this discussion and advanced it they also should be allowed.

The date chosen for the workshop was Tuesday, October 25, 2011 at 6:00 pm.

A motion was made by Tim Goss to table the Citizen Initiated Petition until after the workshop scheduled for Tuesday, October 25, 2011 at 6:00 pm. Robert Bowyer seconded the motion. After a vote, the item was tabled. (7-0-0)

Roland asked the Board members to send any comments they would like to have in the draft to him or Eric Cousens via email before the workshop so changes could be incorporated before the meeting.

OLD BUSINESS:

None at this time.

MISCELLANEOUS

The meeting date for the November Planning Board meeting was discussed. The 2nd Tuesday happens to fall on election night so the members agreed to postpone the meeting to the 3rd Tuesday, November 15, 2011 at 6:00 pm.

Roland distributed maps showing the section where Manley Road and Rodman Road intersected. He explained that the owner of 146 Manley Road was thinking about changing the zone of that property and the next abutting property from Urban Residential to General Business. He asked Roland to bring it to the Board to get a sense of how the Board felt knowing this was not part of the Future Land Use Plan.

Robert Bowyer asked if the zoning is changed, do they have to come back before this Board so entrance and screening conditions can be mandated. Roland responded, not necessarily. If the

development proposed for the lot is greater than 5,000 square feet or if it is a Special Exception use they would have to come back to this Board but if it is a permitted use or less than 5,000 square feet then no review would be required. Roland said the owner of the 2 parcels intended to combine them into one parcel. After a brief discussion with the Board, Roland said he would encourage the owner to move forward with his proposal.

Chairman Greim stated the whole idea integrating the recreation / residential PUD into the overall PUD document is a much better approach in his opinion than having a separate stand alone document. Roland said in retrospect, he and the petitioner felt the same.

Richard Whiting mentioned that he had received a Planning Training brochure from AVCOG and asked if the City might be interested in sending some of the new Planning Board members for training. Roland responded that he and Eric had discussed this because they know the daunting task it is for people that have been appointed to a Planning Board. He said they were thinking of conducting a series of training sessions specific to our ordinance just to refresh people's memory. He mentioned various entities that perform the training and said he and Eric would be looking to schedule some sessions during the normal workshop scheduling dates sometime after the holidays.

ADJOURNMENT

A motion was made by Tim Goss, seconded by Richard Whiting and all voted unanimously to adjourn. (7-0-0)

Auburn Planning Board Workshop Minutes October 25, 2011

Present:

City Council Liaison Robert Hayes, Daniel Bilodeau, Emily Mottram, Chairman Clifton Greim, Kenneth Bellefleur, Robert Gagnon, Tim Goss, Richard Whiting and Eric Cousens represented City staff.

The Planning Board Workshop was called to order by Chairman Greim. He said the workshop was intended to address the Planned Unit Developments and more specifically the PUD – Recreation/Residential proposal that the Board was reviewing because there had been a considerable amount of public and Planning Board input the last couple of times this had been discussed. He suggested that they go paragraph by paragraph to see suggested changes, have a discussion and come up with a recommendation for a final draft which we would then bring back for public hearing. He asked Eric to shepherd the Board members through some of the terminology and language.

Eric said this draft was a modified version from the last meeting based on the input that Roland Miller and Keith McBride had heard from the Planning Board. After incorporating that input, they shared the draft with Robert Bowyer who could not attend this meeting. Mr. Bowyer had

some additional comments which the Board saw for the first time on Friday. Eric agreed that going through the draft paragraph by paragraph was the best way. He proceeded to read the most recent draft of the ordinance which is referenced as:

Division 10 Planned Unit Developments – DRAFT for Workshop (Comments Incorporated) 10.21.11.

As Eric went over the draft, there was discussion amongst the Planning Board members and several members offered suggestions as to how they thought it should read.

James McPhee, petitioner and co-author of the proposed ordinance clarified some of the proposed language.

Tizz Crowley, Michelle Vazquez Jacobus and Nilda Jacobus stated their concerns for the proposed ordinance.

It was mentioned that the City of Portland has a different procedural way of bringing forward a text amendment change. In Portland, there are neighborhood meetings that take place and once a report is written it goes to the Planning Board so some of those concerns and suggestions are known ahead of time, before staff comes up with the language to make the amendments.

Eric explained that this would be specific to a site plan review and to proposals that affect a certain area. He said we are available as staff to participate in neighborhood meetings. He said there have been a couple of public hearings on this item and there is no effort to avoid public input. We make a lot of efforts to provide for opportunities for public input. We've attended a neighborhood meeting with the Beech Hill Road neighborhood, have had a few public hearings so far, and this workshop tonight which isn't the best public forum but it's an opportunity for the board to digest and discuss amongst themselves the public input already received and come up with a draft for the next public hearing on November 15th. He mentioned that we will be running a newspaper ad for that hearing and can send an email notification to anyone who requests it. He said it was essential that it's not neighborhoods making decisions for the City trying to accomplish the goals of the Comprehensive Plan; that it takes into account a larger representation of the City when making those decisions.

Auburn Planning Board Meeting Minutes November 15, 2011

Roll Call - Present:

City Council Liaison Robert Hayes, Daniel Bilodeau, Emily Mottram, Robert Bowyer, Kenneth Bellefleur, Robert Gagnon, Tim Goss, Acting Vice Chairman Richard Whiting and Eric Cousens represented City staff.

Richard Whiting stated that he would be acting as Vice Chairman for this meeting.

A request to approve the October 11, 2011 meeting minutes and the October 25, 2011 workshop meeting minutes was made by staff.

A motion was made by Robert Gagnon and seconded by Tim Goss. After a vote, the motion passed to approve the October 11, 2011 Planning Board meeting minutes as amended. (6-0-0).

A motion was made by Tim Goss and seconded by Robert Gagnon. After a vote, the motion passed to approve the October 25, 2011 Planning Board workshop meeting minutes. (5-0-1) Robert Bowyer abstained due to not being present at the meeting.

Public Hearings:

A Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD). The purpose of this PUD Type is proposed as follows: The Recreation/Residential Planned Unit Development (RRPUD) is to recognize that there are customary and complementary residential and commercial uses that are appropriate to be developed on land adjacent to major recreation uses located in Auburn. These major recreation uses of land are designed for outdoor use of large acres of land, have indoor facilities to accommodate groups of people and while they may open year round, they primarily operate seasonally. Homes, condominiums, and hotels will help support the economics of a seasonal business and bring more people to Auburn by becoming a recreation destination point. Item was tabled at the October 11, 2011 meeting. Request that it be taken off the table.

A motion was made by Robert Bowyer and seconded by Daniel Bilodeau to take the item off the table. After a vote, the motion passed. (6-0-0)

Chairman Whiting explained that there was a follow-up to the last Planning Board meeting which was a workshop on October 25, 2011 of which the minutes were completed. Eric mentioned that emails from the neighborhood had been printed. He explained one was a summary of questions, concerns and suggested provisions or modifications from the residents of Beech Hill Road which were very similar to the ones he had emailed to the Board last night. The only changes were minor spelling corrections. He also had a copy of the email that conveyed the summary and a copy of the ordinance with changes that are suggested by the Beech Hill Road neighborhood.

Robert Bowyer suggested that the Planning Board members go thru the most recent draft among themselves before it is opened up to the public.

Chairman Whiting suggested that the agenda items move out of order with the 2nd item being heard first since it appeared to be a less controversial item and would be a more efficient use of time management.

AGENDA ITEM #2:

Michael Gotto is seeking Special Exception and Site Plan approval for 179 High Street, LLC for the construction of a 3800 square foot self storage building at 179 High Street (PID 230-160), pursuant to Chapter 60, Sec. 60-499, (a)(17) and (b)(17) of the City of Auburn Ordinances.

Eric read the staff report.

Robert Bowyer asked for clarification about the property line that did not appear to close the site between the subject property and the neighboring property. Eric said the petitioner could probably speak to that better than him but his understanding was that there had been some transfer of land since the construction of that parking lot. Mr. Bowyer mentioned that the site plan was dated September 2011. Eric explained that the parking lot existed when the property owner sold land to the owner of the Village Inn to help them meet setback for a future expansion. He added that he did not know for sure that that was true but he believed it to be the case.

Michael Gotto of Stoneybrook Consultants, Inc. and representative of 179 High Street, LLC spoke about the proposal. He said several years earlier there was a conveyance of land to the village Inn in order for the Village Inn to be able to meet setbacks.

Robert Bowyer asked if there was an easement. Mr. Gotto replied there was not. He added they do not oppose having a dumpster, landscaping requirements and full cut-off lighting as the City is asking for.

Chairman Whiting asked if there would be any sprinklers and Mr. Gotto replied they were not required.

Open Public Hearing

Norm Vallee, owner of Eddy's Drive In Diner and the Village Inn said he and his son Michael were not against their neighbor expanding their operation but what they were concerned with was the visibility of their restaurant from the highway. They aren't against them building another building but where it's being built. They would like it to be set back another 10 or 15 feet and request that they be able to talk to Mr. Gotto privately before a decision is made from the Board. He described the location of the loading dock and where trucks would be parked and said this would obscure his restaurant 1,000 percent which he did not like. He said the neighbor was a great guy and business man but this was not in the Village Inn's favor. Mr. Vallee asked the Board to consider the livability and livelihood of the 60 people that the Village Inn employs because they have to get paid every week. He said the more encroachment they have like this, the more we are going to hurt. We have to get people from the highway which is quite far from where we are and keep on doing business. We've been at it for 50 years and we keep on going. We have a lot of young people to take my place and they're doing a good job but this is not for us.

Michael Vallee asked for permission from the council to discuss the matter with Mr. Gotto amongst themselves for 15 – 20 minutes so as to have a better idea of what we can do to rectify the situation without involving the Board at this time.

Chairman Whiting said he understood their concerns. He said he looked at the location where they proposed to put a building and it's in alignment with your property which is in good accordance with standard planning practices.

Michael Vallee said he did not have a problem with that. If Mr. Gotto would have come to us and shown us the proposal, we could have asked that they move the building perpendicular or parallel to that one.

Michael Gotto said there was a miscommunication with his client and that he did not talk to the Vallees. He said he had submitted an application over 30 days earlier and public notices were sent out by City staff. He suggested that with the Board's approval, he can meet with the Vallees afterward to make a minor adjustment to the site plan, and if we need to with City staff. He explained that this building is fit very tightly into the site. We needed to have truck maneuvering areas to get to the back of the building and areas to get to the front of the building. We did attempt to align it with the frontage. He said you can see from the intersection down to the Village Inn as we are not going to block that any more than it's blocked today. He proposed to the Board that they decide whether or not this meets the requirements to be able to put this building on this site and we will meet with the Vallees and with staff and if we must make a minor adjustment we will do that with staff level review.

Robert Bowyer asked Eric for guidance. He said he understood the visibility of the site but said as a patron to restaurants, he does not have to see a building, just as long as he sees a sign for the restaurant. He asked Eric about the City ordinance for the location of a sign.

Eric replied the sign for the Village Inn is out by the street. City Ordinance does not provide any standards that would limit the location of a building from blocking a sign other than the standard setback requirements which in this zone would be 25 feet from the front (they are proposing 52.5 feet) and 25 feet from the side which they are proposing exactly that. He said after getting a message from Mr. Vallee last week, he drew the lines on this plan so the Board could see the site lines. Eric continued by showing the site plans and described the different scenarios of visibility.

Robert Gagnon asked if you can see the building if you are standing at the corner of High Street and Minot Avenue elevation wise. Eric replied that you can see the building but you probably cannot see the first floor entry way of the restaurant.

Mr. Gotto submitted some photos that he had taken of the area to the Board for their review.

Chairman Whiting stated it was not appropriate in a commercial district with 2 commercial businesses for the Board to start saying that we have to change alignments of properties, as long

as they are in compliance with our ordinance. But he does think that it's appropriate that one sign should not block another sign.

Mr. Gotto said they were not proposing any signage at this time even though the owner of the property had a sign permit. He continued by describing the photos he had just submitted to the Board members. He reiterated that he was representing 179 High Street, LLC and that the owner would trust him to make any decision about the location of the building but he would prefer to have the owner and City staff involved when speaking to the Vallees.

Tizz Crowley of University Street said that this was another example of something that has come before the Board several times which is the issue of neighborhood impacts even though this was a commercial property that was being discussed. There isn't a mechanism to encourage discussions with neighbors. She mentioned that Bill Turner of Maine Source did an excellent job contacting his neighbors prior to having a Public Hearing but he stands out as the exception.

Ms. Crowley said that Eric's report brought up a few questions. The first was the applicant is proposing 25 parking spaces which 23 are dedicated to the current retail business but it's only going to have 2 spaces for a self storage unit of 3,800 sf. Weekends bring a significant amount of traffic to self storage facilities so she is very concerned that there isn't sufficient parking and the way that this was written, she didn't know if 25 spaces is all that is required.

Ms Crowley mentioned that the report states that the current plan does not show a dumpster and that there would be some discussion tonight. She said, quite honestly whatever you require should be required in writing prior to approval because we have had the experience before this committee with the developer where promises were made and not followed through. The same thing is true about the trees, if they are recommended by staff, then it should be put in writing prior to approval.

Ms. Crowley continued about the oral commitments that the staff report mentioned stating again that quite honestly, you cannot rely on oral commitments. Whatever commitments you expect to be followed through she would appreciate the Board getting them in writing because oral commitments are not enforceable.

Ms. Crowley ended stating that the issue of the parking lot boundary should be settled and clarified for everybody involved before approval of the Special Exception.

Michael Gotto responded saying that in the Board's application there is a boundary survey and we know exactly where the boundaries are. He explained that he has been working for years on the oral commitments with this Planning Board and with conditions of approval and hopefully can go on with that tonight. He would put in the trees if they are required but recognizes that trees would potentially impact the Village Inn's sign from the visibility. He suggested putting ground level landscaping so it doesn't impact their visibility as much. Chairman Whiting stated historically, the Board has often allowed for negotiation between neighbors on landscaping with

some oversight from City staff which puts a little burden on City staff at times but that usually works reasonably well. Mr. Gotto agreed.

Daniel Bilodeau asked if there was a chance the Board could get a follow up staff memo even if it's a few months later to show that the decision that was made and the process worked out well. Eric replied that we could bring a modified plan back probably by next month's meeting that shows what landscaping will be installed. Eric continued saying that he did not have a problem negotiating the landscaping. He said he certainly does recognize that those trees as they grow would have an impact on an abutting business.

Robert Gagnon asked if there had ever been a problem with garbage in that area lying on the sidewalks or beside the buildings. Eric replied that there had been a clean-out of a number of storage units under the previous ownership that left quite a mess but under the current ownership there have not been any problems.

Chairman Whiting asked if the Board has required dumpsters for other self storage facilities. Eric replied that he did not know if they've been required but he thinks the real requirement is that if they plan to store trash outside of buildings in a dumpster or other container then it needs to be screened or enclosed in some way.

Eric mentioned that if you move the building back parallel to that property line you start to reduce that drive aisle between the existing and proposed buildings which is slightly over 20 feet now and 20 feet was what the fire department was looking for. If we were to move the building back, we would have to look at reducing the side setback in order to accommodate the fire department's requirement.

Norm Vallee said he was not against the neighbor expanding, he said he never would be. He would like that they push the building back another 10 to 15 feet so they can at least see the peak of his building. He said he did not know how many people this guy would employ and wants to tell the Board again that the Village Inn employs 60 people and they all need to get paid every week.

Michael Vallee asked the Board if it was a possibility to speak to Mr. Gotto outside the Chamber door for 5 minutes. Chairman Whiting said he had never seen the Board do that. Mr. Vallee said in that case he asked if they would allow reduced setback to jog the building back 10 feet to allow better visibility of the Village Inn from the road. He said in his view, he sees the Village Inn as an old Tudor style building which you would not get the same effect when looking at a steel building. He said he was just trying to look out for himself, his family and their future and as Norm and he are the owners, they would allow the reduced setbacks. Chairman Whiting explained that the reduced setbacks would have to be approved by the Planning Board as it isn't a neighbor's prerogative to take on Planning Board responsibilities.

Robert Bowyer asked if it was within the Board's discretion to allow a reduction of the side yard setback or if it's a variance that they would need to seek. Eric replied that it was the Board's discretion if it helps you accomplish the goals or objectives of the site plan review in the Special Exception requirements. He said it was unusual that the Board would do that for reasons other than the request of the applicant. The applicant has proposed a building that meets or exceeds all of the setback requirements that they or the neighbors would read in the ordinance and expect to meet. If the applicant chose to move the building back, then you could make a strong argument for the necessity of that side setback modification to improve the vehicular circulation especially for emergency vehicles and to keep 2 lanes of traffic open to access the rear of the property. It is possible to make that allowance; it's just unusual for you to ask the property owner to make that change when they meet all of the requirements of the written ordinance.

Chairman Whiting asked Mr. Gotto if he had any interest in or ability to do that. Michael Gotto said they have a telephone pole that is a concern so there is some ability, but we are trying to keep 2-way traffic through the site. He said, more importantly, winter is coming so they do not want to delay this a month. He said this is a strange situation but if the Board wants to put this on the table to allow him and the Vallees to go out of the room and come back in an hour, he said he would do his best to come up with a solution. Or if the Board would prefer to approve and let staff and him work it out this week so a building permit could be started would be fine as well. Mr. Gotto stated that they will have a meeting with the Vallees so as to try to come to a consensus. He did ask that if he agreed with the Vallees to move the building closer to the side line he would need to have a waiver from the Board to be able to let the traffic flow according to the rules, and he would rather get that this evening.

A motion was made by Tim Goss, seconded by Robert Gagnon and all voted unanimously to close the public hearing. (6-0-0)

Robert Gagnon asked if the Board could authorize staff to address that setback line to meet whatever dealing they have been dealt with here. Eric replied that this is unusual but if the Board made a motion that included a setback reduction to a specific distance of no less than 15 feet to accommodate the onsite vehicular movements and safe circulation on the site that the fire department requires would be acceptable. It would have to be very specific to meet the objective of onsite circulation and safe vehicular movements to reduce that setback to not less than a specific number. The only way for the Board to approve one of those reductions is to have to do that to meet one of the objectives of site plan and special exception and that is one of the significant ones that would be affected by moving that building back.

Robert Bowyer stated that it's always a risky proposition to be designing sites on the floor of the Hearing room but said he would support a reduction of the side yard setback provided there were no site conditions on the site that make it burdensome on the applicant.

Daniel Bilodeau said it would send a positive message to the community working this issue out with the neighbor so he said he was in favor of them working it out and coming back to be approved this evening.

Chairman Whiting said that was one approach and another approach would be doing a conditional approval with some rights to negotiate.

Robert Gagnon stated that he knows it would take longer than 30 minutes for Mr. Gotto to design that site and come up with a plan that would make things fit. Mr. Gotto agreed and said it would probably cost his client a little more money to move it back but he thinks they can accomplish that and that he leaves it up to the Board.

Eric commented if the Board takes that approach that it's absolutely critical that the applicant agrees to it because to expect the applicant to exceed the requirements laid out in the ordinance because their neighbor wants them to is unfair treatment. Chairman Whiting said he agreed because it sets a dangerous precedent if we start letting neighbors come in and do negotiations about every request. We will have mayhem in the City. He said he was comfortable with the Board making a decision now through a motion.

Tim Goss said the last thing he would want to do is send them outside to try and work something out when the applicant already meets all of the requirements to move forward with a project. In knowing Mike and the way he has always conducted business, when he states that they will discuss it and will see what they can do to work within the limitations, that is what is going to happen. Mr. Goss said he appreciates the neighbors' concerns. He said in his passing the site, he sees that there is a lot of vegetation that also block the building. He did not know if those were coming down during the construction of the new building. He struggles sending anybody outside and is sitting here trying to come up with the words so as to cover all of the bases.

Kenneth Bellefleur suggested that they accept the plan and grant staff the ability to reduce the setback as 2 separate motions.

Eric explained that reasons for a modification and the findings of the Board would have to be spelled out pretty clearly. In his opinion, as that building gets moved back it would be necessary to meet the site circulation and vehicular movement that is required. If the Board found that the site plan met the requirements of the Special Exception and site plan review but that the building could be moved back to allow for safe vehicular movements the side setback could be reduced to as little as 15 feet if the applicant agreed to that at staff level review. This could help appease the neighbor but also not hold the applicant hostage but give them the flexibility to appease the neighbor.

A motion was made by Robert Bowyer to approve the Special Exception using the language that Eric had just mentioned; that the applicant complies with the requirements but in the interest of improved vehicular circulation on the site the Board would authorize a reduction of the side yard

setback to not less than 15 feet, if there is to be any outdoor storage of dumpsters or trash receptacles that they be screened, and that the landscaping would be a reduced scale type shrubbery to prevent obstruction to the neighbor's sign. Robert Gagnon seconded the motion and after a vote the item passed. (6-0-0)

Chairman Whiting said the Board would now go back to the 1st item on the agenda and apologized to the people in the audience who had been waiting for this item.

AGENDA ITEM #1:

A Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD). The purpose of this PUD Type is proposed as follows: The Recreation/Residential Planned Unit Development (RRPUD) is to recognize that there are customary and complementary residential and commercial uses that are appropriate to be developed on land adjacent to major recreation uses located in Auburn. These major recreation uses of land are designed for outdoor use of large acres of land, have indoor facilities to accommodate groups of people and while they may open year round, they primarily operate seasonally. Homes, condominiums, and hotels will help support the economics of a seasonal business and bring more people to Auburn by becoming a recreation destination point.

Eric explained the handouts that had been distributed at the start of the meeting. He said there was a copy of the ordinance that showed all of the changes from the last 30 days with the input from the workshop incorporated into that. The website had a copy of the ordinance that only showed the changes from the workshop. He said Staff added a copy of all of the changes of the ordinance to the website earlier this morning. Before that it was a progression of each meeting's draft up to the workshop and now on the website we have a draft showing only the changes that were made at the workshop and a draft that shows all of the changes to date. He said there may be a concern that the draft showing all of the changes to date was just placed on the website today. It has been available to the public all along and we've emailed it to a number of people as well. He wants the Board to understand that each meeting's draft as they have progressed from the beginning have been on the website all along. What we've just handed out is a document that is a summary of questions, concerns and suggestions from the Beech Hill Road neighborhood. You also have an email dated today from Michelle Vasquez Jacobus and that is an actual copy of the ordinance with track changes as they are suggested by the Beech Hill Road neighborhood area. The Planning Board packet also has a document that Dan Bilodeau put together showing a number of other recreational uses throughout Maine. This document details the zoning district they are in, number of acres and whether or not they are served by public or private water or sewer. Eric said he would like to read the staff report and then work through the remaining issues.

Chairman Whiting agreed that he should read the staff report and mentioned that he will need some help determining which document is which.

Eric then read the staff report.

Chairman Whiting stated that they should go through the draft page by page and then open it up to the public. The Board members decided to go through the draft version dated 11.2.11.

Eric said the Board suggested to staff that the following language be removed: "does not entitle an applicant to the maximum development density nor is the applicant entitled to approval of the Special Exception".

Robert Bowyer mentioned he was not at the workshop due to medical reasons and urged that this language appear somewhere in this document because it's important that all parties are put on notice that the density provisions which are stated later on are not an automatic entitlement. It's the merits of the site plan and the proposal and impact on adjoining properties that are consideration as to what the density would be.

Chairman Whiting explained that there had been much discussion about this at the workshop and it was decided to remove the language because it appeared to be aggressively anti business sounding and sent out an unnecessary negative connotation. He said the bulk of the ordinance clearly states that they aren't entitled to the maximum so it was a consensus to leave this out. Eric added that the following couple of sentences sort of accomplish that without saying it the same way. He proceeded to read those sentences.

Eric stated that on the following section he added the onsite wastewater option with a question mark. He said it comes up a few times in the ordinance and it's a significant decision that the Board needs to make. He said he could either edit it to not require public sewer or continue to require public sewer for all of the PUDs as the City has done in the past.

Emily Mottram asked if the Board could discuss that now to decide what the Board wants to say. She thanked Board member Dan Bilodeau for providing the data of other recreational uses throughout the state. She asked how many properties are we talking about that would be affected by this. Robert Bowyer said 3 properties; the 2 golf courses and the ski resort. Chairman Whiting added that 2 of the 3 properties would have it or access to it. Eric explained that we aren't limited to 3 instances as there certainly could be other uses developed over time. He said in the long term, this is a broader reaching ordinance than just those facilities that currently have sewer very close to them even if the Board requires that developers extend public sewer to any recreational facility that has a Planned Unit Development recreational/residential surrounding it.

Kenneth Bellefleur stated that he did not disagree with the need to control sprawl. He disagrees with using sewerage to control sprawl. What the Board is talking about here is growth in concentric circles but sewer is not extended in concentric circles. It's also heavily affected by

topography and other issues. So when we talk about extending from the core in concentric circles, using sewerage is not something that accomplishes that.

Chairman Whiting said another point to this is typically when you do a revision to an ordinance, you do the minimum necessary. They already have the requirement for Planned Unit Developments that they have public access to public sewer so by not changing that we aren't changing anything that's been in effect since around 1978.

Daniel Bilodeau stated that we are adding simply more of a rural recreational attraction. If you look at other recreational attractions in other communities that are near us, these sometimes are areas with only 30 or 45 acres and most are on private sewer and water. If we are going to stick to golf courses and ski areas then we should probably look at the definition of the major recreational use because the major recreational use is not just 2 lift ski areas and golf courses. There are an amazing amount of many other things that can come up in this ordinance in the rural areas of our community. If they pass the muster to get into our rural area, then public sewer should not be required criteria.

Robert Hayes said we aren't preventing a recreational use out into a resource protection area. We still allow a recreational use to come before the Board as a Special Exception out into the resource protection zone.

Eric stated whatever recreation uses are permitted today in all of our zoning districts would continue to be permitted without access required to public sewer. Eric continued, it's really only when you add either a commercial hotel type use or a residential component to a recreational use in an Ag zone that would trigger the need for a sewer. He said absolutely you could have the recreational use as you can today on private wastewater disposal, it's really when you trigger that next level of higher density residential or commercial use that requires sewer.

Kenneth Bellefleur asked if that higher density is also controlled by the underlying zoning as the ordinance is written. Eric replied that was correct. Mr. Bellefleur continued saying what we could be looking at is a 100 acre or more site that could have a maximum of 1 housing unit per 10 acres in the Ag zone and other zones like where Martindale is located could have a higher density. Eric replied that was correct.

Mr. Bellefleur said he went on the map site and measured the distances of 4 recreation areas from the City building. Martindale with sewer measured to be 4.13 miles from the City building, Prospect was 2.68 miles, Fox Ridge at 4.59 miles, and Lost Valley 4.38 miles from the City building. He said he is trying to understand how sewer not being extended to Prospect, Fox Ridge and currently Lost Valley is an impediment to or somehow increasing the possibility of sprawl with all of the other controls that we have in this plan.

Eric responded that it has been a concept in this ordinance all along that requiring access to public utility, sewer specifically, allowed for a higher density development and a big part of that

is growth control. Whether it's exactly concentric circles or not, where we do have sewer is closer to our more heavily developed areas than where we don't have sewer generally and the growth areas that we do have were more likely to extend sewer to; that the City desires growth there and that would open up this additional flexibility. It's not specific to concentric circles and it's a long way to City sewer in the northern part of Auburn above the lake so it certainly limits that area. It's a long distance to City sewer to the southern tip of Auburn so it does keep the development closer to the center part of the City. He said he agrees that it's not exactly the same number of miles from here to the end of sewer in every direction because it's absolutely influenced by topography, wetlands, ledge and all kinds of other things but it does have the effect of limiting development closer to the core of the City than if it were allowed everywhere regardless of sewer.

Kenneth Bellefleur asked wouldn't a mileage point from the City center also do the same thing verses requiring a public sewer. Eric responded that it could but it would also be an additional departure that wasn't part of the proposal that was in front of the Board.

Daniel Bilodeau stated he was just trying to think of a straight forward way of presenting the limitations instead of using sewer.

Chairman Whiting mentioned that what was discussed during the workshop was the idea of this opening Pandora's Box; that what you'd have potentially is people coming in with some marginal recreational use as really a ruse to bring in residential which would not be in the interest of the City to be providing bus service, police and fire protection and all of the municipal costs which the City cannot afford.

Kenneth Bellefleur agreed that that was discussed but he said the Board also decided that they would define major recreational use in a very tight box. Chairman Whiting said another option would be to restrict it to these particular golf and ski facilities where you could be more flexible in terms of sewer. Mr. Bellefleur stated that the Board did that in the definitions section in the back of this draft.

Robert Hayes said there is another area that adds cost to the City that is often not recognized in that we all may end up paying higher insurance premiums. If we see more residential developments beyond certain reaches of our existing hydrant systems we all pay for it. Kenneth Bellefleur said the rating is done by property location. Mr. Hayes said that was correct but overall the City's citizens all pay additional premiums if we extend residential development beyond what our fire suppression systems can handle. Mr. Bellefleur replied he did not believe that to be a true statement.

Eric commented that the City has to provide an explanation of what fire protection they have, over what percentage of the City where the dwellings are, what we have for flood protections and all of those things play into a City wide rating for the Insurance Services Organization (ISO).

The rating also varies based on the amenities that you have at your property when they set a premium but there is a City wide blanket rating as well.

Chairman Whiting asked for a show of hands from the Board members that would be in favor of leaving the ordinance as is where you would require public sewer. 4 members raised their hands in favor of leaving as is and 3 members opposed so the majority won to leave this section of the ordinance as it was written.

Eric continued to go over the draft ordinance section by section.

Open Public Hearing

Eric commented that we have listened very loudly to the desire for additional opportunity for public input. He said this process is a good example as there will have been a total of 7 to 9 public meetings which includes public hearings, neighborhood meetings, Planning Board and City Council workshops, and the Council public hearings before a final decision is made on this ordinance. He does not think there is a lack for public input, but where we have not met the public's expectation with our processes is making sure that people don't have to look in the back page of the newspaper to find a notice if something is going to happen that comes before the Planning Board or making the public look to the City's website weekly or monthly to find out about a new public hearing. He said one way that we can improve on that is a new communication tool that City staff has come up with called participate@auburnmaine.gov. He encouraged people to sign up if they want to be notified any time there is a Planning Board meeting, Engineering construction project and for Assessing information. It's evolving so other things will be included but we are trying to focus on making sure that anybody who wants to be made aware of all public meetings and issues that come before the Planning Board, Engineering Division, Economic Development Department and Assessing will be notified.

Michelle Vasquez Jacobus of 564 Beech Hill Road said the following: Whether or not this proposed ordinance applies to 2 or 3 specific properties or has more general applicability, it's certainly written as a proposal which has potential broad reach. As such, we believe it's vital that due consideration be given to the fact that these areas are by merit of their definition as major recreational areas unique from other areas of the City for which development is generally proposed. They are different because they are inherently rural areas of open land. Areas that people choose to live in or recreate at specifically because of their rural nature, thus, even in a pro-development climate that you all are working in, we believe you must recognize that development in these special rural recreational areas merits more substantial analysis and review. You have much at stake that must be considered. Some of these, Martindale is the one I am familiar with, is not only in a beautiful land area but is situated smack dab in the middle of a residential neighborhood and all of the potential areas contemplated under this ordinance includes substantial open land areas that are assets to the City in and of themselves though there may be potential economic benefits. We do understand the importance of these; there are also

even more dramatic potential costs which must be fully considered; substantial economic costs, environmental costs and quality of life costs to name a few. The potential immediate gain, economic immediate gain may be appealing but it opens the flood gates for development that could come at great and irreversible cost to the City. I believe that this is a radical statement in this climate but not all development is good in all cases. My family very intentionally moved to the Beech Hill Road neighborhood in Auburn, Maine from Brooklyn, New York and we moved here because of the rural and beautiful character if the neighborhood. And I know we are not alone; we live in Maine! It was sad to hear some of you refer to the chaos of neighborhood involvement and being averse to neighborhood input as it would be such a mess. We are your constituents are we not? We believe that the residents of this City should be at least given as much deference as businesses. The City certainly derives as much benefit both economically and not from its residents as it does from its businesses. In fact, we continue to call that we businesses and residents should not be pitted at odds with each other. All of us neighbors live and do business here. We are not interested in eradicating either.

Ms. Vasquez Jacobus continued with the following points:

 Does not understand the definitions and the characterization but as they understand it, this PUD Amendment hinges on a recreational / residential layer to be determined by the characterization of a major recreational area. So the proposed amendment takes for granted that the recreational / residential layer applies defacto to Martindale and other similar areas that have a minimum of 100 acres, etc…

 We believe there should be another step added to the process whereby first the determination is made whether or not to characterize an area as a major recreational area and then to discuss whether the amendment should apply rather than it just applying per definition.

 In the opening of the document under purpose, there is only mention of consideration of benefits to the community and developer. We believe that by community you mean the City of Auburn as a whole. Noting benefits is relatively meaningless without also considering costs and balancing these as impacting local neighborhood as the City as a whole. We do not believe the developers benefits need to be included as there would be no proposal if the developer did not intend to benefit himself thus we would revise the purpose section as follows: “This section should not be used as a device for circumventing the City’s development regulations and may only be employed in instances where there is greater benefit to be derived from its use for the local impacted neighborhood and the community than there is projected harm to be sustained. The type and amount of development permitted shall be based on the Planning Board’s evaluation of the development proposal and the purposes standards in the provisions set forth in this division and will only be permitted after a neighborhood impact study has been conducted and the results of that study reviewed by the Planning Board and shared with the public with opportunity for input and questions.”

 We would add a provision recognizing the need to balance business development and residential development in our community. A neighborhood impact study would be required whenever the proposed development would potentially impact (we had written 5 or more properties but that would be awkward objective measurement – we were looking for a measurement of relative residential density or number of residences impacted such as the City uses a 500 foot measurement around a development). We believe that this should be conducted by a party or organization not interested in the outcome of the proposal, should be paid for by the party proposing the development and would include information about such areas as an economic impact, traffic, congestion, noise, safety, parking, environmental impact and any other possible impact or nuisances that might impact neighbors and the surrounding area.

 Once a recreational facility has built a hotel, is there anything keeping them from extending that building or adding uses seeming to be consistent with a hotel; a casino for instance, a bar, restaurant or larger night club.

 Another concern, seeing reference to preservation in the ordinance, is there anything that would require the assurance that the recreational use would remain permanent open space if someone used this ordinance to build a hotel for example, if someone built a hotel and 10 years from now they want to build more commercial buildings, what would stop the slow expansion of this to allow other projects. In other words, what is keeping the tail from wagging the dog; with the hotel and such businesses becoming the primary operations and the neighborhood becoming a recreational business area.

 We would like to put back the language that you all removed in the workshop about the neighborhood's concerns. We would recommend that Section 60-361 (6) 11 say that the proposed development have an appropriate relationship to the surrounding area and will not have an unreasonable impact on the livability and character of existing development in the vicinity. The reasonable man standard is a complicated one. It's one that the law has been using for 100's of years. It is a very subjective standard and it's one that's based on something that has to be evaluated based on impact on humans. We ask that you consider the complicated touchy feely impacts on us as humans who live in the neighborhood.

 We believe more attention should be paid to the seasonal nature of traffic at major recreational areas such as golf courses

 There is some questions about definitions that are not defined specifically; arterial roads, collector roads…

Tizz Crowley of University Street complimented Eric on the great job with the email changes. She said this is something Eric had heard about only yesterday. She said Michelle had invited her to the neighborhood meeting which was very productive and said Eric should be commended with the quick response. Ms. Crowley said Eric was able to post today at 9:00 a.m. a complete document of what the Board is talking about tonight and could tell the audience was using a

different document which made it very challenging to try to follow along. She said the document did not include any information from the residential input. She said the Board mentioned that there had been lots of hearings but reminded them that the workshop was not a public thing so there had not been a great opportunity for residents to speak. She thinks Eric did a great job yesterday and wants to encourage the Board to allow him the time to include in the draft the information that he's gathered and talked about.

Ms. Crowley spoke about the following points:

 Today, at 9:00 am was the first time that a complete document in a single document was available and as the Board knows, what the Board had discussed was a significant challenge to try to figure out documents prior to this one.

 There have been significant changes since the public notice was put in the paper where residents would know what was going to be voted on and if you sat in the audience tonight it was very difficult to understand the changes.

 Strongly supports a residential / recreational development opportunity in Auburn. Believes it's an exciting thing and what we need here in Auburn. It's a great way to keep Auburn as a great place to live and a great place to enjoy life but it goes beyond what you've talked about. Observing the workshop, it seemed the Board was talking about spot zoning (Martindale and possibly 3 other sites). This is just a wonderful opportunity for Auburn but the Board needs to be expanding it beyond this focus of only these 4 sites. It may take a little longer and may mean that Martindale does not get it off the ground quite as quickly. She would like the Board to consider sharing Dan's information with the public as it identifies potentials that we have here.

 This is a city wide proposal and wants to ensure a city wide input as you move forward.

 Asks that they continue to discuss but not take a vote because isn't sure the Board can recite back what they would be voting on just as those sitting in the audience would have a very difficult time.

 Commends the Board on the work and excitement of bringing forth a residential / recreational facility and encourages the Board to continue to solicit resident's input and asks the Board to move cautiously but enthusiastically to look at this opportunity.

Nilda Jacobus of 455 Beech Hill Road said she would like the Board to consider all the points that Michelle Vazquez Jacobus had presented and make the amendments that we as neighbors are suggesting. She added that the thoughts she expressed are the thoughts of our neighborhood.

Roland Miller, Director of Economic Development for the City of Auburn, said the discussion has been a fruitful one and to all of the parties engaged in this, the City of Auburn owes them all a debt of gratitude for their participation and input. He said from the neighborhood and from the public, members have brought thoughtful considerations forward. He thanked the Planning

Board members who always sit in the hot seat and are agents of change for the community. The Board deals with change all of the time and change is not easy. Change needs to be thoughtful and this has been a long process. He spoke about how he came to the Board as an add-on item talking about an approach for this type of an issue. This was discussed meeting after meeting trying to get to the approach that would work best for our ordinance and serve our community the best.

Mr. Miller thanked City staff especially Eric Cousens for all of his hard work and also Keith McBride who works in the Economic Development Department who was very instrumental in a lot of the language modifications. He thanked the Planning Board members who had direct input in clarification of which he thinks has made the ordinance a lot better than it ever was. Not only the changes by the addition of the PUD RR but also the modification the Board made to the other sections for clarification and to try to avoid the creation of good ground for litigation. Those were suggestions well received and made the ordinance a lot better. He thanked the consultant and Jim Day. He said this was an issue that was on staff's and the Board's docket as it was consistent with the City's Comprehensive Plan but quite honestly, with the staffing levels the way they are, it was anybody's guess as to when they could get to it. Mr. Day did step forward and yes, he had an interest but he stepped forward in an area that does apply City wide even though he footed the bill to move this forward.

Mr. Miller continued explaining how the City came about to control growth and anti-sprawl development which started in the 1960's. He spoke about the community's need to be prepared so that when opportunity presents itself, we have an option for the private sector to make the strategic investments, to be successful in those investments and to bring developments and new value to our community that again help it to be an affordable community for people to live in. This ordinance puts more flexible control in the hands of the Planning Board than has ever been there before and it is done by intent. The intent is for the Planning Board to work with all of the constituent groups and someone bringing forward a development proposal to make sure that it's going to make a positive impact for our community. He again thanked the Planning Board members and said this is a testimony to how the system does work and how citizens can get together and face the challenges of the community like ours and come up with reasonable solutions that are going to serve us all very well.

James McPhee, resident of Auburn and consultant to Mr. Day thanked the Board, Eric, Roland and Keith McBride. He said he supported many of the amendments to the existing PUD ordinance. The ordinance is an old ordinance which needed to be updated as some of the wording could be easily misleading and the Board has done a wonderful job at correcting that. He said the ordinance that is before the Board tonight is a good one and he supports the Board supporting it.

A motion was made by Robert Gagnon, seconded by Tim Goss and all voted unanimously to close the public hearing. (6-0-0)

Chairman Whiting stated that Ms. Jacobus did a good job summarizing the thoughts of the neighborhood and asked the Board if they wanted to go over her comments. He said he did not want to give anyone the impression that he was against democracy or neighborhood participation. He said we encourage that. One of the challenges that the Planning Board has had forever is trying to reach people. You can do notices in the paper, but when it's a broad city wide thing, frankly, the City does not have the staff or the money to pay for an individual letter to every resident in the City. The City would go bankrupt in a year if we had to do that so you run into these issues where people think they are not being heard. We absolutely encourage public participation and we want to hear from people.

Robert Bowyer commented that Eric was making a career out of this particular ordinance and mentioned cuts in the staff of the Planning Board and having very limited resources. He said the notion of having early public information is a good one and would suggest that when the Board receives overtures about a proposed zoning amendment, a map change or development proposal, that the developers be encouraged to meet with neighbors for an explanation of what the proposal is even before it comes to a Public Hearing. Developers will find that to be to their advantage in a number of cases. He says that in the context that we must be careful in the use of our own staff resources and we don't want to have the limited staff available in a position of being out explaining the developer's proposal because it puts the Board and staff in an awkward situation of appearing to be an advocate for a developer's proposal rather than explaining what the provisions of the ordinance would be and procedures that we go through and the like. He reiterated that developers are encouraged to have informational meetings which are directed at providing better information for the public given the limited resources that we have.

Robert Gagnon spoke on behalf of the staff and stated that he has run many major developments in the past and staff has always recommended neighborhood meetings and most developers like Mike Gotto and others have had neighborhood meetings in the past.

Chairman Whiting mentioned that there is also a benefit to the Planning Board that as people develop an understanding of something; it then can make a Planning Board meeting that much more effective.

Roland Miller stated that this issue is a critical one because when a development proposal is happening in a neighborhood, City staff always recommends that they go out and meet the neighbors and talk to them. He said some developers do it and some don't. He said in an instance like this one, you have an ordinance modification that is a City wide application; therefore there is no direct constituency. This is a typical situation when you deal with a textural amendment that applies across the entire community. He compliments the neighborhood for becoming engaged in this process and the extensiveness of their engagement has made a better process and product. He said it was necessary to differentiate between an identifiable constituency that is going to be impacted by a development and one that is City wide.

Chairman Whiting suggested going over Michelle Vazquez Jacobus's letter. Eric said he received a draft of this letter yesterday and emailed it out to the Board and today was the first opportunity to get a paper copy to the Board members. Regarding the first section of the letter which refers to tabling the item until the new Council settles in, Eric said he had spoken to Chief Crowell who is the acting City Manager. He said that Chief Crowell stated that there was no way to get this onto the December 5th City Council workshop agenda so it would be held for the new Council.

Chairman Whiting continued with Michelle Vazquez Jacobus's letter regarding the zoning. He said the PUD amendment would allow for this recreational PUD to come into place. He then spoke about the Neighborhood Impact Study that Ms. Vazquez Jacobus referenced in the letter. He said we want neighborhood participation but we could be so fragmented and so frozen in the Board's inability to get anything done by virtue of going down to that teeny weensy democracy. In his 15 years of being on the Planning Board, one of the biggest challenges was trying to reach those people in the public that wanted to be kept informed. He said it was innovative and great to see the email notifications going out as Eric had explained earlier. We've always wanted to reach people; it's just that the tools we've had in the past have been expensive and have not been very effective.

Emily Mottram said that much of the items that would be covered in a Neighborhood Impact Study would be covered in the traffic part of the Ordinance. Robert Bowyer agreed and said that what is likely to show up in a Neighborhood Impact Study is already covered in the various sections of the ordinance.

Tim Goss suggested that the City advertise the Participate @ Auburn Maine email notification at the bottom of the screen during a broadcast of a City Council meeting.

Chairman Whiting stated that as long as the staff, which is overburdened, is doing their job, and with the other departments reviewing them: Fire, Police, and Water & Sewer, and also the Planning Board; we have a lot of eyes looking at these things and then if the neighborhood is fully engaged, we really should not be missing too much.

Eric stated the Findings that the Board is required to make for an approval cover all of the elements that he could think of to add to a Neighborhood Impact Study.

The Board continued going over Ms. Vazquez Jacobus's letter. It was decided that the ordinance addressed many of the items that were mentioned in the letter.

Chairman Whiting mentioned that the ordinances are so broad, so widespread and off in every direction that it's easy for lay persons to make an assumption that something isn't covered when in fact the ordinance does cover them.

Robert Bowyer stated there is an added benefit to the neighborhood that is an indirect benefit which is that the use remains; the golf course does not go out of use and some other uses allowed in the zoning district take its place.

Dan Bilodeau asked if the definition of the major recreational uses of land could be added to the general definitions and the recreational uses of land be added to the PUD definitions so they would both be at the same place. He said they are so similar that it would be easier to see the differences if they were defined in the same location of the ordinance. It was suggested that any term that had a definition be italicized.

A motion was made by Robert Gagnon to send a favorable recommendation to the City Council, the ordinance as drafted to include the changes as made in the meeting tonight which were documented by Eric and Rhonda. The motion was seconded by Tim Goss.

Robert Bowyer asked if the Board would see a revised document so as to proof read before sending it to the City Council. Eric replied that he could send it out via email for proof reading.

Tim Goss commented that the ordinance is a guideline that is ever evolving. As things change the Board has to make changes within it. It may not be perfect but it is a good tool to start with and as the Board goes along and sees bumps in the road, we'll make adjustments to it. He commended the Board and the neighborhood for all of the hard work that was done to get it to this point.

Kenneth Bellefleur stated that he could not support this because all it does is allow one person to be able to build a hotel.

Dan Bilodeau said he did not see this as a City wide text amendment. He added that he was in favor of development and so many aspects of this PUD but not as it is presented tonight so will be voting negatively.

Tizz Crowley asked that the Chairman reread the motion in its entirety. Chairman Whiting said it was impossible because they would have to go over the entire ordinance to do so. Ms. Crowley said the rules required you to do so. Chairman Whiting stated that the public session was closed and he was not entertaining any more public input. He repeated that the motion was to forward a favorable motion to the City Council of the revised Recreation / Residential Planned Unit Development as amended by actions of the Board throughout the meeting tonight. It was moved and seconded. He stated that this is how we've done Planning Board meetings as long as he's been a member.

Robert Bowyer asked if the maker of the motion would accept an additional amendment: "subject to a review of the final wording at our next meeting". Both Robert Gagnon and Tim Goss accepted the amendment to their motion.

A vote was taken and the item passed (4-2-1). Daniel Bilodeau and Kenneth Bellefleur opposed and Emily Mottram abstained.

Eric stated he wanted to make sure that it was clear to those in the audience who had received public notice in the past that the review of the language will be to confirm just like minutes, that we've accurately represented the Board's motion tonight. It is not for an additional public hearing or an additional debate about the language and there will not be another public notice for that meeting.

OLD BUSINESS:

Eastern Fire Addition – 170 Kittyhawk Avenue

Eric stated that this proposal did not have to come before the Board but he wanted to make the Board aware of Eastern Fire's proposal to add an additional 3000 square feet to their building.

MISCELLANEOUS

None at this time.

ADJOURNMENT

A motion was made by Tim Goss, seconded by Robert Bowyer and all voted unanimously to adjourn. (6-0-0)

Auburn Planning Board Meeting Minutes
December 13, 2011

NO MEETING THIS MONTH

Auburn Planning Board Meeting Minutes
January 10, 2012

Roll Call - Present:

City Council Liaison Robert Hayes, Daniel Bilodeau, Emily Mottram, Acting Chair Robert Bowyer, Kenneth Bellefleur, Robert Gagnon, Tim Goss, Jeremy Hammond and City Planner Eric Cousens who represented City staff.

A motion was made by Kenneth Bellefleur and seconded by Robert Gagnon to elect Robert Bowyer to act as Chair for this meeting. The motion carried 6-0-0.

A request to approve the November 15, 2011 meeting minutes was made by staff.

A motion was made by Tim Goss and seconded by Robert Gagnon to approve the November 15, 2011 Planning Board meeting minutes. After a vote, the motion carried 6-0-0.

Robert Bowyer commented that 19 pages of minutes are excessive. He said the minutes of a public meeting do not need to be something like a transcript. The minutes should clearly include all motions and formal actions from the Board and should highlight and summarize rather than attempt to record everything everybody says.

Councilor Hayes said the subject matter sometimes makes it ideal to have detailed minutes especially when it involves action from the City Council as did the PUD Ordinance Amendment which he said was an extremely complicated proposal.

A discussion ensued amongst the Members regarding whether or not the minutes of a meeting should be as detailed as the November 15, 2011 minutes were. Councilor Hayes suggested that the City Council, the Mayor and Eric have a discussion to decide if and when detailed minutes should be provided.

Public Hearings:

Michael Gotto is seeking Site Plan and Special Exception approval for three pad sites (restaurant, restaurant with drive-thru, retail or office) for Auburn Plaza Inc. for the property at 550 Center Street (Auburn Mall) (PID 280-010), pursuant to Chapter 60, Article XVI, Division 3. Special Exception of the City of Auburn Ordinances and delegated Site Location of Development Review.

Robert Gagnon stated that he would be abstaining from participating and voting on this agenda item as he had a conflict of interest having surveyed the property.

City Planner Eric Cousens read the staff report.

Michael Gotto, applicant briefly added to the staff report.

Kenneth Bellefleur asked if recommendation letter "H" was standard wording. Eric Cousens replied it was.

Tim Goss asked Mr. Gotto about the availability of parking spaces if and when the mall would be at full capacity. Mr. Gotto replied that he did not see any problem with the parking situation.

Dan Bilodeau asked how parking spaces were determined. Mr. Gotto answered that in his letter which he had submitted to the Board, he stated 116 parking spaces would be going away with the buildup of the new pad sites but would still leave an adequate amount of spaces for the retail businesses. Parking numbers total: 1,587 spaces proposed; 1,404 required.

Mr. Bilodeau asked if the roundabout was not depicted on the site plan and Mr. Gotto answered that it was not.

Chairman Bowyer said he was confused as to whether this was a subdivision or a special exception. He said he was further confused about the language in the staff report regarding the proposed transfer of land to the abutter, Nobility, LLC. Mr. Gotto explained the situation. Eric Cousens further explained that because it is a transfer of some land to the abutter, it is exempt from subdivision review under the State subdivision law.

Open Public Hearing

Tizz Crowley of 35 University Street asked for a clarification regarding marketing and the identification of separate tax ID entities. Eric explained the owner of the mall will not be getting a separate tax bill but will get a breakdown so tenants can be shown what value is attributed to their individual space.

A motion was made by Tim Goss and seconded by Dan Bilodeau to close the public hearing. The motion carried 5-0-1. (Robert Gagnon abstained)

Chairman Bowyer spoke about condition letter "I" of the staff report. He said the language about oral commitments by the applicant should be removed as it was difficult to remember years later what applicants had verbally committed to during a public hearing.

A motion was made by Dan Bilodeau and seconded by Tim Goss to approve the Site Plan and Special Exception for three pad sites (restaurant, restaurant with drive-thru, retail or office) for Auburn Plaza Inc. for the property at 550 Center Street (Auburn Mall) (PID 280-010), pursuant to Chapter 60, Article XVI, Division 3, Special Exception of the City of Auburn Ordinances and delegated Site Location of Development Review with conditions A thru I of the staff report. The motion carried 5-0-1. (Robert Gagnon abstained)

OLD BUSINESS:

Division 10 – Planned Unit Developments - Draft Planning Board recommendation to be reviewed as part of the minutes.

Eric Cousens explained that the Board had instructed him to provide the draft for the Board's review as part of the minutes at this meeting, not for a new hearing but to insure that he had captured what the Board's intent was at the November meeting. He added that it was not a new public notice and that it had not been tabled so it did not need to come off the table.

Chairman Bowyer asked the Board members if there were any places where the draft did not incorporate their understanding of what was acted upon in November. He stressed that by reviewing this they were not opening this up for debate. He asked if there was a motion to accept the recommendation to the City Council, this citizen initiated amendment as part of the record from the November 15, 2011 Planning Board meeting.

A motion was made by Tim Goss and seconded by Jeremy Hammond to forward the recommendation to the City Council. The motion carried 5-2-0. Dan Bilodeau and Kenneth Bellefleur opposed.

Kenneth Bellefleur asked if Jeremy Hammond could second the motion since he was not at the November Planning Board meeting. Chairman Bowyer agreed that he should not participate in this vote. Robert Gagnon said he would second the motion so the motion now carries 4-2-1 with Dan Bilodeau and Kenneth Bellefleur opposing and Jeremy Hammond abstaining.

MISCELLANEOUS

Eric spoke about the flood map update that is occurring throughout Androscoggin County. He said he was waiting to hear about the new elevations from FEMA and would keep the Board members up to date.

Eric spoke about the property at 836 Center Street. He stated there was a site plan approval just before the last meeting for a Credit Union which did not require Planning Board approval because the size of the building was less than 5,000 square feet.

Dan Bilodeau mentioned the City of Lewiston's latest agenda with regard to their rules to procedure, public procedures for the Freedom of Access Act and the Ethical Principles in Planning. He suggested that the Board members take a look at the documents if they wanted to better themselves as Planning Board members.

Mr. Bilodeau also referenced the October 3, 2011 City Council minutes as it mentioned the City Council had appointed the Planning Board Members to the Technical Advisory Committee as per the 2010 Comprehensive Plan.

ADJOURNMENT

A motion was made by Tim Goss, seconded by Robert Gagnon and all voted unanimously to adjourn. (6-0-0)

Auburn Planning Board Meeting Minutes
February 14, 2012

Roll Call - Present:

Daniel Bilodeau, Emily Mottram, Acting Chair Robert Bowyer, Kenneth Bellefleur, Robert Gagnon, Jeremy Hammond and City Planner Eric Cousens who represented City staff.

A motion was made by Robert Gagnon and seconded by Dan Bilodeau to elect Robert Bowyer to act as Chair for this meeting. The motion carried 5-0-0.

A request to approve the January 10, 2012 meeting minutes was made by staff.

Jeremy Hammond commented that on page 3 of the minutes he should have been considered as having abstained instead of not having been counted at all.

A motion was made by Jeremy Hammond and seconded by Robert Gagnon to approve the January 10, 2012 Planning Board meeting minutes with the above amendment. After a vote, the motion carried 5-0-0.

Chairman Bowyer explained the procedure of the Planning Board meeting to the members of the audience.

Public Hearings:

Michael Gotto is seeking Subdivision & Site Plan approval on behalf of CEI Housing Inc. for the parcel at 261 Main Street (PID# 231-004) to divide the parcel into 6 lots and construct five housing units and associated parking pursuant to Section 60-547(a)1 and Chapter 60, Article XVI, Division 4 (Subdivision) of the Ordinances of the City of Auburn.

City Planner Eric Cousens read the staff report.

Michael Gotto, applicant, added to the staff report. He introduced Tom Donahue and John Egan of CEI Housing, Inc. and the project attorney Ron Bissonnette.

Robert Gagnon commented about the setback not being 5 feet for all of the units. Mr. Gotto replied that it could easily be corrected.

Chairman Bowyer asked for clarification between a condominium verses a subdivision as this proposal is being called. Mr. Gotto explained why they were referring to this development as a subdivision and explained the unit ownership form.

Ron Bissonette further explained why the developers chose the Unit Ownership Act instead of the Condominium Ownership Act. He said using the Unit Ownership Act would keep the costs down for future owners.

Dan Bilodeau asked about the disposition of lot 2. Mr. Gotto replied that there were no plans for lot 2 at this time. He said they are hoping for a mixed use project.

Emily Mottram asked about the funding and the different options that the developer had proposed. Mr. Gotto explained the different options and why they decided on this option.

Chairman Bowyer asked where the underground utilities were located. Mr. Gotto said they were proposing to cap the existing utilities coming into the building for future use on lot 2 and explained the plans for sewer and power.

Chairman Bowyer commented about the trees being planted on Main Street and asked why none were proposed on the Academy side. Mr. Gotto replied that he did not think there was a lot of room to have trees on the Academy side of the property. He added that they were not selling the units with a landscape allowance.

Daniel Bilodeau asked if they would sleeve the sewer lines. Eric Cousens replied that this was a question for the City Engineer.

Open Public Hearing

Jonathan Labonte, Mayor and resident of 41 Third Street commended CEI Housing, Inc., City staff and consultants and spoke in favor of the project. He commented about the future of lot 2 and Academy Street and urged Planning Board to approve.

A motion was made by Robert Gagnon and seconded by Dan Bilodeau to close the public hearing. After a vote, the motion carried 6-0-0.

Michael Gotto stated that ordinance dictated the parking regulations.

A discussion ensued amongst the Board members and the applicant regarding the parking regulations, reason for lot 2 and setbacks of some of the units.

Dan Bilodeau asked about the possibility of Academy Street being discontinued. Eric replied the Comprehensive Plan does say that we should consider having Academy Street closed or one-way at some point and explained the reasons behind it.

Chairman Bowyer reminded the Board members that there were 2 applications before them. One was a Subdivision Plan approval request and the other was a Site Plan approval request. Mr. Bowyer formulated the following motion:

"The Planning Board approves the Special Exception and Subdivision request of the applicant CEI Housing, Inc. for the parcel at 261 Main Street (PID# 231-004) to divide the parcel into 6 lots and construct five housing units and associated parking pursuant to Section 60-547(a)1 and Chapter 60,

Article XVI, Division 4 (Subdivision) of the Ordinances of the City of Auburn with the following conditions as set forth in the staff report dated February 14, 2012."

Dan Bilodeau said he would like to add a condition letter E to the staff report which states that a good faith agreement between CEI Housing, Inc. and the City of Auburn as to the future use of Lot 2 so that there is a vested interest not only per the Comp Plan but also the ADAPT Plan. Eric replied that the Ordinance did not have a provision that required this and encouraged that this not be a required condition of approval. He added that we can make certain that the comments that have been heard this evening are noted in the minutes.

A motion was made by Dan Bilodeau and seconded by Robert Gagnon to approve the Special Exception and Subdivision request of the applicant CEI Housing, Inc. for the parcel at 261 Main Street (PID# 231-004) to divide the parcel into 6 lots and construct five housing units and associated parking pursuant to Section 60-547(a)1 and Chapter 60, Article XVI, Division 4 (Subdivision) of the Ordinances of the City of Auburn with the following conditions A through D as outlined in the staff report.

Chairman Bowyer said he had an issue with condition letter "D" of the staff report which referenced oral commitments. He said the word oral should be deleted or substituted with the word written. He said all commitments should be documented. Eric replied that he would try to remember to remove that word from the standard language.

Dan Bilodeau added the condition to remove the word oral from the staff report's condition letter D.

After a vote, the motion carried 5-1-0. (Kenneth Bellefleur opposed.)

OLD BUSINESS:

None at this time.

MISCELLANEOUS

The Board members commented on the City of Lewiston's Planning Board Handbook and the added value of having one drafted for Auburn Board members.

It was decided that the date for the Joint Auburn Lewiston Planning Board Workshop would be Tuesday, February 28, 2012 at 6:00 pm.

ADJOURNMENT

A motion was made by Robert Gagnon, seconded by Kenneth Bellefleur and all voted unanimously to adjourn. (6-0-0)

Auburn Planning Board Meeting Minutes
March 13, 2012

Roll Call - Present:

Daniel Bilodeau, Acting Chair Robert Bowyer, Kenneth Bellefleur, Robert Gagnon, Jeremy Hammond and City Planner Eric Cousens who represented City staff.

A motion was made by Kenneth Bellefleur and seconded by Robert Gagnon to elect Robert Bowyer to act as Chair for this meeting. The motion carried 5-0-0.

A request to approve the February 14, 2012 meeting minutes was made by staff.

Chairman Bowyer commented that on page 3 of the minutes the count for the motion to adjourn should have been 6-0-0.

A motion was made by Dan Bilodeau and seconded by Jeremy Hammond to approve the February 14, 2012 Planning Board meeting minutes with the above amendment. After a vote, the motion carried 5-0-0.

Public Hearings:

Special Exception & Site Plan approval request of Frank Crabtree, agent for Proctor and Gamble - Tambrands Inc. to construct two additions to the manufacturing facility totaling 73,500 square feet in area, a 10,000 square foot gatehouse/contractor building and associated access road and parking areas located at 2879 Hotel Road pursuant to Section 60-578(a)(14). & Section 60-578(b)(35) of the Ordinances of the City of Auburn.

Frank Crabtree, agent for Proctor and Gamble - Tambrands Inc. explained the project.

Chairman Bowyer recognized Planning Board member Ken Bellefleur as being disqualified to vote on this public hearing because of having a conflict of interest. He also explained that due to having only 4 voting members, all would have to be in favor in order for this proposal to be approved. He then proceeded to explain the procedure of the Planning Board meeting to the members of the audience.

City Planner Eric Cousens read the staff report.

Dan Bilodeau asked about pedestrian flow and Gary Bair, Project Manager and Plant Engineer for Proctor and Gamble - Tambrands Inc. spoke about the pedestrian flow.

Chairman Bowyer asked about the number of employees, and commented on the various shifts and how they affected the traffic flow at the plant.

Open Public Hearing

Roland Miller, Director of Economic Development for the City of Auburn said this was a positive impact for the City and very much supports this application.

A motion was made by Robert Gagnon and seconded by Dan Bilodeau to close the public hearing. After a vote, the motion carried 4-0-1. (Kenneth Bellefleur abstained.)

A motion was made by Robert Gagnon and seconded by Dan Bilodeau to approve the Special Exception & Site Plan approval request of Frank Crabtree, agent for Proctor and Gamble - Tambrands Inc. to construct two additions to the manufacturing facility totaling 73,500 square feet in area, a 10,000 square foot gatehouse/contractor building and associated access road and parking areas located at 2879 Hotel Road pursuant to Section 60-578(a)(14). & Section 60-578(b)(35) of the Ordinances of the City of Auburn with conditions A through F as outlined in the staff report.

After a vote, the motion carried 4-0-1. (Kenneth Bellefleur abstained.)

Chairman Bowyer commented about some of the language used in the list of Findings for Special Exception review. He suggested that the Board submit a list of technical corrections of the Zoning Ordinance to the City Council at least once a year. Eric agreed.

Citizen Initiated Zoning Map Amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Map in the area of 75 Constellation Drive from Suburban Residential to Industrial pursuant to Chapter 60, Section 1445 – 1449 of the Ordinances of the City of Auburn.

Robert Gagnon informed the Board that he would be abstaining from this Public hearing due to a conflict of interest.

Eric read the staff report.

Dan Bilodeau asked if the Airport Master Plan had been mentioned anywhere. Eric said it had not and said the Airport Manager could speak more to how it impacts this side of the lot.

Rick Cloutier, Manager of the Auburn/Lewiston Airport added to the presentation.

Dan Bilodeau asked if there were any uses in the pipeline.

Chairman Bowyer asked what the current use of the property was.

Mr. Cloutier answered that the property was currently vacant and they intended to split the lot and have some aviation uses near the runway portion and possibly have industrial development with aviation contingency to it.

Open Public Hearing

Brian Carrier of 32 Constellation Drive said he was an abutter to the property and had 2 concerns; the first concern is the address of the property being 75 Constellation Drive. He said access should

be made using Hotel Road instead of Constellation Drive. The second concern is potential noise. He asked that when development is being proposed that there be some kind of abatement for noise in the planning stages. Both suggestions would protect residential properties in the area from excess noise and traffic.

Eric referenced Section 60-50 of the Zoning Ordinance which addresses Mr. Carrier's concerns about accessing the property using Hotel Road.

Mr. Cloutier mentioned that any approvals for development would have to go through the airport board first before coming to the Planning Board so there would be many public hearings for people to voice their concerns.

Dan Bilodeau asked if there would be a crash fire rescue gate opening at the end of Constellation Drive. Mr. Cloutier responded yes, the gate at the end of the road will be there for emergency use only.

A motion was made by Ken Bellefleur and seconded by Jeremy Hammond to close the public hearing. After a vote, the motion carried 4-0-1. (Robert Gagnon abstained)

A motion was made by Kenneth Bellefleur and seconded by Jeremy Hammond to send a favorable recommendation to the City Council to amend the City Of Auburn Zoning Map in the area of 75 Constellation Drive from Suburban Residential to Industrial pursuant to Chapter 60, Section 1445 – 1449 of the Ordinances of the City of Auburn.

Dan Bilodeau commented that he would be voting in favor of the amendment but wanted to say on record that the owner of this parcel, numerous times went before the airport board to get the exact type of operation that the airport is now proposing.

After a vote, the motion carried 4-0-1. (Robert Gagnon abstained)

Subdivision Review – Kittyhawk Business Park Amendment - Joe Casalinova of Building Solutions, LLC., Agent for Hartt Transportation Systems Inc is seeking Final Major Subdivision Review/Amendment for the proposed Kittyhawk Business Park Commercial Subdivision, a seven (7) Lot Subdivision of 30+/- acres, to be located at 565 Kittyhawk Avenue and an amendment to divide lot three (3) into two parcels creating an eighth (8) lot, (PID # 120-015), Pursuant to Chapter 60, Article XVI, Division 4, Subdivision of the City of Auburn.

Eric read the staff report.

Robert Gagnon asked if lot 1 was being changed along with lot 3 and Eric replied yes. Mr. Gagnon then commented about the subdivision plans not having numbers and Eric replied that the applicant will have to supply staff with stamped plans containing bearings and distances.

Brian Casalinova of Building Solutions said he had nothing further to add.

Chairman Bowyer said he was confused about some of the property lines in Drawing A1 and asked for an explanation.

Jeanette Chappell, Project Engineer for Building Solutions said the set of plans before the Board was conceptual and needed to be completed and stamped by a licensed surveyor once one of the lots gets purchased.

Eric explained that this is a review of an amendment to a subdivision plan. We do have a subdivision plan on file with the older lot line changes so there are a lot of reference points that are already established by a surveyor to use in finalizing the plan for this change but the applicant will still need to get bearings and distances for the new lot lines that are showing on this plan.

Open Public Hearing

Roland Miller, Director of Community & Economic Development said he would recommend moving forward positively with this as a slight amendment to the original plan and recommends allowing the developments to continue.

Scott Riccio of 2760 Hotel Road said he was supportive of the proposal but as a conscious effort to public safety asked that the entrance on Kittyhawk be closed and that vehicles use the easement onto First Flight Drive as is proposed by the applicants.

A motion was made by Robert Gagnon and seconded by Dan Bilodeau to close the public hearing. After a vote, the motion carried 5-0-0.

Chairman Bowyer stated he was very comfortable with this as a concept but was uneasy having a subdivision plan that wasn't stamped and lacked dimensions, bearings and bounds. Eric accepted responsibility for the lack of information on the plans. He said it's always a tough balance to try to fit in projects on a time table that works for investment.

A motion was made by Dan Bilodeau and seconded by Jeremy Hammond to approve the Final Major Subdivision Review/Amendment for the proposed Kittyhawk Business Park Commercial Subdivision, a seven (7) Lot Subdivision of 30+/- acres, to be located at 565 Kittyhawk Avenue and an amendment to divide lot three (3) into two parcels creating an eighth (8) lot, (PID # 120-015), Pursuant to Chapter 60, Article XVI, Division 4, Subdivision of the City of Auburn subject to conditions 1 through 6 of the staff report and the additional condition that Lot 1 and Lot 3A can still have access as identified by staff.

Robert Gagnon asked what happens now. Eric gave the Board a couple of options on how they could proceed.

Dan Bilodeau amended his motion to include that surveying metes and bounds be provided on the subdivision plan. Jeremy Hammond was ok with the amendment. After a vote, the motion carried 5-0-0.

OLD BUSINESS: None at this time.

MISCELLANEOUS

534 Stevens Mill Road Dog Daycare discussion

Eric explained that the ordinance does not specify a minimum lot size required for dog daycares except that it states at least 3 acres must be made available. The owners of 534 Stevens Mill have written agreements with 3 abutting neighbors which would bring the available acreage to just over 4 acres. Eric discussed with the proponent of this that any approval is conditioned on the continued existence of the neighbor's land area and would have to cease the business if the land area went away.

Some of the Board members were concerned that future neighbors may not want to make their land available to the dog daycare. The Board preferred that the proponent of this get the neighbors to sign a deed restriction to be able to use the land as long as there is a dog daycare. Another option the members discussed was to prorate the amount of dogs per acre.

Mayor Appointed Comprehensive Plan Working Group

Eric mentioned a Comprehensive Plan Working Group was appointed by the Mayor to help the City Manager and staff keep track of what's being done in the Comprehensive Plan. The goal of the committee is to help push those initiatives forward and help guide the City Council and Planning Board on which things are due based on the timeline laid out in the Comprehensive Plan and let the policy makers decide which ones to pursue.

ADJOURNMENT

A motion was made by Robert Gagnon, seconded by Kenneth Bellefleur and all voted unanimously to adjourn. (5-0-0)

Auburn Planning Board Meeting Minutes
April 10, 2012

ROLL CALL - Present:

Evan Cyr, Robert Bowyer, Emily Mottram, Jeremy Hammond, Kenneth Bellefleur, Dan Bilodeau, Robert Gagnon and City Planner Eric Cousens who represented City staff.

The Auburn and Lewiston Planning Board members met for a workshop at the start of this meeting. Daniel Stockford and Anne Torregrossa of Brann & Isaacson presented the Board members with a training session regarding the Legal standing of the Planning Board.

The following action took place at the conclusion of the Joint Auburn / Lewiston Planning Board Workshop:

A motion was made by Robert Gagnon and seconded by Dan Bilodeau to nominate Robert Bowyer as Chair of the Planning Board. After a vote, the motion carried 5-0-2. (Robert Bowyer and Evan Cyr did not vote)

PUBLIC HEARINGS: None at this time.

OLD BUSINESS: None at this time.

MISCELLANEOUS: None at this time.

ADJOURNMENT

A motion was made by Robert Gagnon, seconded by Kenneth Bellefleur and all voted unanimously to adjourn. (7-0-0)

Auburn Planning Board Meeting Minutes
May 8, 2012

Roll Call - Present:

Evan Cyr, Daniel Bilodeau, Emily Mottram, Chair Robert Bowyer, Kenneth Bellefleur, Robert Gagnon, and City Planner Eric Cousens who represented City staff.

A request to approve the March 13, 2012 meeting minutes was made by staff.

Chairman Bowyer mentioned that on page 5, metes and bounds was spelled incorrectly.

Dan Bilodeau requested to have a portion of a sentence on page 3 removed.

A motion was made by Robert Gagnon and seconded by Kenneth Bellefleur to approve the March 13, 2012 Planning Board meeting minutes with the above corrections. After a vote, the motion carried 4-0-2. Emily Mottram and Evan Cyr abstained.

A request to approve the April 10, 2012 meeting minutes was made by staff.

A motion was made by Dan Bilodeau and seconded by Kenneth Bellefleur to approve the April 10, 2012 Planning Board meeting minutes. After a vote, the motion carried 5-0-1. Evan Cyr abstained.

Public Hearings:

Michael Gotto is seeking approval of an amendment to the Site Plan and Special Exception for 755 Turner Street to add a third pad site for Nobility LLC (PID 280-011), pursuant to Chapter 60, Article XVI, Division 3. Special Exception of the City of Auburn Ordinances.

Robert Gagnon disclosed that he had worked with the applicant on other projects but not on this particular one. It was decided that he did not have to abstain from this hearing.
City Planner Eric Cousens pointed out that the Board was absent a couple of members so requested that Kenneth Bellefleur and Robert Gagnon function as full members for this meeting.

Eric read the staff report.

Michael Gotto, applicant, explained the time line for the project and added to the staff report.

There was a discussion regarding the pedestrian walk area, landscaping, pedestrian bike rack and bike lanes, timeline for development of other pad sites, and delegated review process.

Open Public Hearing

No comments.

A motion was made by Dan Bilodeau and seconded by Emily Mottram to close the public hearing. After a vote, the motion carried 6-0-0.

A motion was made by Chairman Bowyer and seconded by Robert Gagnon to approve the amendment to the Site Plan and Special Exception for 755 Turner Street to add a third pad site for Nobility LLC (PID 280-011), pursuant to Chapter 60, Article XVI, Division 3. Special Exception of the City of Auburn Ordinances subject to the conditions enumerated starting on page 3 and ending on page 4 of the staff report with the added condition that a more detailed landscaping plan be submitted with authority to approve it given to the City staff.

After a vote, the motion carried 6-0-0.

Election of a Vice Chairperson.

A motion was made by Dan Bilodeau and seconded by Robert Gagnon to elect Emily Mottram as the Vice Chair of the Planning Board. After a vote, the motion carried 5-0-1. (Emily Mottram abstained).

OLD BUSINESS:

Dan Bilodeau asked if the Members could get a letter to the City Council requesting that they designate sitting Planning Board members to full membership without having to go through the whole selection criteria. Eric replied that it would be helpful also to encourage them to appoint members to the vacancies. He added that it was difficult to get on the City Council agenda but would be good coming from the Board to make that request.

Chairman Bowyer said he accepted that from Mr. Bilodeau as a form of a motion.

A discussion amongst the Board members ensued regarding the charter, number of full verses associate members on the Board and possibly enlisting student members to the Board.

Evan Cyr seconded the motion to send a letter to the City Council requesting that they move the associate members of the Planning Board to full membership and filling the vacancies as associate positions and appointing a non-voting student member to the Planning Board.

MISCELLANEOUS

Eric said he had provided each Planning Board Member a paper copy of the Comprehensive Plan. He also provided each member a memo from the Maine Inland Fisheries and Wildlife to the State Planning Office. He explained they are looking for some changes to the Comprehensive Plan before they can find it consistent. He said they were going to email some maps that they would like

incorporated into the Comprehensive Plan and that he would be bringing to the Board some recommended changes at an upcoming meeting.

Chairman Bowyer asked what the process was to implement changes to the Comprehensive Plan and Eric explained the process.

Dan Bilodeau asked if the letter could be added as an appendix and Eric said they want the map included in the actual Plan but certainly could add Agency Comments as an appendix so that people see these as we are going through the implementation process.

ADJOURNMENT

A motion was made by Chairman Bowyer, seconded by Robert Gagnon and all voted unanimously to adjourn. (6-0-0)

Auburn Planning Board Meeting Minutes
June 12, 2012

Roll Call - Present:

Evan Cyr, Daniel Bilodeau, Emily Mottram, Chair Robert Bowyer, Kenneth Bellefleur, Robert Gagnon, and City Planner Eric Cousens who represented City staff.

A request to approve the May 8, 2012 meeting minutes was made by staff.

Evan Cyr clarified that he was present at the May meeting but could not vote as he had not been sworn in yet so had not abstained as was mentioned in the minutes.

A motion was made by Kenneth Bellefleur and seconded by Dan Bilodeau to approve the May 8, 2012 Planning Board meeting minutes with the above correction. After a vote, the motion carried 6-0-0.

Eric stated that Ken Bellefleur and Bob Gagnon could function as full members at this meeting because of the current vacancies and the Board agreed.

Public Hearings:

Special Exception and Site Plan request of David Langevin, to allow a small trucking facility, Garwin Express, to occupy the existing building at 508 Washington Street (PID 199-072) pursuant to Chapter 60, Article IV, Division 13, Section 60-499(b)(13) of the Ordinances of the City of Auburn.
Eric read the staff report.

David Langevin, applicant, said he had no further comments to add.

Open Public Hearing

No comments.

A motion was made by Robert Gagnon and seconded by Emily Mottram to close the public hearing. After a vote, the motion carried 6-0-0.
Dan Bilodeau said he was in favor of approving this proposal but was concerned about the closeness of the neighboring residence and asked if any consideration had been made to shield the neighbor in order to prevent any mishap in case children were playing in the area. Mr. Langevin said he would work with staff to come up with some type of barrier.

Emily Mottram asked about the lighting. Eric replied there is motion sensor lighting and said he has spoken to the applicant about making sure that the lights are focused on the commercial area of the property and not an adjacent parcel or residence.

Robert gagnon asked about the financial aspect and their ability to get an extension should they not be able to pave the driveway within 12 months. Chairman Bowyer replied that because it would be included in the conditions that it was binding and would require an extension after the 12 month period.

A motion was made by Evan Cyr, and seconded by Robert Gagnon to approve the Special Exception and Site Plan request of David Langevin, to allow a small trucking facility, Garwin Express, to occupy the existing building at 508 Washington Street (PID 199-072) pursuant to Chapter 60, Article IV, Division 13, Section 60-499(b)(13) of the Ordinances of the City of Auburn subject to the conditions as stated in the staff report.
After a vote, the motion carried 6-0-0.

Subdivision Amendment to Martindale Estates - Consider the request of Martindale Estates Condo Association to amend the approval at Clubhouse Lane (PID 168-012) to allow for acceptance of the private street as a public street.

Chairman Bowyer explained the procedure of the Planning Board Hearing.

Eric read the staff report. He stated that staff recommends denying the request for the following reasons:

1. The original approval of the development was consistent with the Zoning Ordinance and Comprehensive Plan and remains so today.
2. The original approval was very clear that: *"All recreational areas / amenities, parking lots, landscaping, etc. will be privately owned and maintained by the Martindale Estates Condominiums Homeowner's Association. It should be noted at this time that the City would not take ownership or maintenance of the private streets /drive aisles or parking areas if petitioned in the future. Therefore, the homeowner's association will be required to maintain, repair, clear, etc. all private drives / parking areas. The Homeowner's Association will also be the responsible for the removal of all refuse / recycling of the development."*
3. The request will create a setback violation, require reduced right-of-way width, or a setback modification by the Board to comply with the ordinance.
4. The homeowners documents clearly state that maintenance of the private roads is a responsibility of the Association on Page 6 (attached to the petition) and all owners accepted that responsibility and the higher level of service provided when they purchased property within the development. The associated costs (association dues) are commonly considered at the time of purchase and may affect the purchase price within a development.
5. The request is a financial one, asking the general taxpayers to take on additional costs for service to a smaller group that knew the responsibilities and benefits of the private residential community when they chose to purchase property there.

Questions were asked regarding the turn-around, stormwater drainage, curbing, 50 ft right-of-way setback modification, the layout of public way, refuse disposal and recycling by members of the Planning Board.

Jim Roberts who resides on Clubhouse Lane spoke on behalf of the property owners in the Martindale Estates Condominium Association. The following comments were made:

- Clubhouse Lane is only 6/10 of a mile
- Homeowners will not be able to afford to repair the street in the future and property values will decrease
- The tax assessment of 13 homes in 6/10 of a mile is almost $3,000,000.
- City receives cable TV fees from the development.
- There are no homeowners in the development with children in the school system
- Development does not get any property tax discounts even though the taxes are the same as other people in the community that get services such as snow plowing and trash removal.
- Part of Carriage Estates does get trash removal from the City so there are no guidelines in this whole situation
- In the past, every development in the City had a different set of guidelines depending on the developer
- All conditions of original site plan were never implemented as per a letter from David Galbraith dated January 11, 2005
- Most of the homeowners did not know what they were getting into when they were buying their homes – small paragraph which did not specify Clubhouse Lane, only says street, driveways, etc…
- All homeowners of Martindale Estates feel they are not being treated fairly by the City

David Hamilton, new resident of Clubhouse Lane said he was just finding out about all of this. His main concern was trash pick-up. He said they have to pay to have someone pick up their trash and for snow removal, however, they pay the same taxes as everyone else. He spoke about the size of the road and surveying and appreciated the City not requiring a survey before this meeting. He stated there were 2 factors: 1st is the public service being the same as with other communities and 2nd as having a City road as opposed to a private way.

Mr. Roberts commented that there is no reason the street cannot be accepted as is.

John Haynes of Clubhouse Lane said this was an issue of fairness and depended on who was negotiating at the time of development. He said if Mr. Turner were living in the development for any length of time, he would not have negotiated what he did. He mentioned an older development on Hotel Road that did receive City services. He said in the real world, no one reads the whole legal document so unless the developer is sitting right there at the closing explaining everything that's involved with the development, you just don't find out until it's too late.

Chip Larley of 33 Clubhouse Lane said he did not have anything new to add but hoped the Board would vote positively.

Evan Cyr asked when did new owners read the CC&R's or bylaws of the condo association. Mr. Roberts replied usually after the closing or not at all.

Chairman Bowyer asked if the Condo Association had a reserve of funds set up for future repairs. Mr. Roberts replied that they pay $160 per month and cannot put any money into the reserves because the monthly dues go toward expenses. He said the future of the development is in jeopardy because they cannot afford to maintain the street.

Eric clarified that Clubhouse Lane was a private road and could be gated if the Condo Association chose to do so.

Kenneth Bellefleur asked if Mark Turner was in the audience as he noticed that Mr. Turner had signed the petition. Mr. Roberts replied that Mr. Turner owned 2 properties in the development.

Dan Bilodeau explained that as a member of the Comprehensive Plan Committee, he and others on the committee were encouraged by planners and staff not to accept any more streets because it had become burdensome to the City.

Mr. Hamilton commented that he understood but asked shouldn't there be an adjustment in their taxes for services not being rendered in the development?

Chairman Bowyer explained that the homeowners in the Condo Association are getting a level of taxation because willing buyers set the price and that's what the Assessing Department relies on. He added it is the interaction of the real-estate market, not who has what services.

A motion was made by Robert Gagnon and seconded by Evan Cyr to close the public hearing. After a vote, the motion carried 6-0-0.

There was a discussion amongst the Board members. The following are some of the comments that were made:

- The developer possibly gained an additional 2 to 3 units by keeping the roadway as private and including it in the overall density calculation.
- There was also contemplated, an extension to the road that does not exist today for additional units at the time of original approval and which the Association could still explore to generate some revenues and increase the number of people that share in those expenses.
- Could request that Public Works look at providing trash pick-up.
- There are adjustments and/or modifications that would need to be made to the prior zoning approval and the prior subdivision approval. The City Council is ultimately responsible to approve a private road as public.
- The Association would have to meet the street design and acceptance standards in order to become an accepted street.

- Need to stop negotiating private roads. This is a clear example where the developer who received the benefit is signing the petition to have the road become a public road.
- Opening the door to other developments coming forward and wanting the same benefit.
- Many communities have chosen that they will not accept any more streets. That, as a policy will only allow development along existing roads or on private streets.
- Difficult to face residents that we feel for and stick to that policy.
- We are in a murky area of inequity. We as a Board have to evaluate both sides of the fiscal situation.

A motion was made by Robert Gagnon and seconded by Emily Mottram to deny the request of Martindale Estates Condo Association to amend the approval at Clubhouse Lane (PID 168-012) to allow for acceptance of the private street as a public street and recommend that the City Council not accept the street for the reasons 1 through 5 as outlined in the staff report.

After a vote, the motion for denial carried 6-0-0.

The Board members continued their discussion on this subject.

OLD BUSINESS:

Auburn Business Development Corporation is seeking an extension of approval for a period of six months for the Auburn Industrial Subdivision, an eight (8) Lot Subdivision of 98.85+/- acres, to be located off Lewiston Junction Road, (Parcel ID #'s 118-002, 118-004 and a portion of 130-001).

A discussion amongst the Board members ensued regarding the request.

George Dycio, on behalf of Auburn Business Development Corporation (ABDC) thanked the Board for their consideration and briefly explained the financial situation of the corporation.
A motion was made by Kenneth Bellefleur and seconded by Robert Gagnon to approve the extension of approval for a period of six months for the Auburn Industrial Subdivision, an eight (8) Lot Subdivision of 98.85+/- acres, to be located off Lewiston Junction Road, (Parcel ID #'s 118-002, 118-004 and a portion of 130-001).

After a vote, the motion carried 6-0-0.

MISCELLANEOUS

Eric stated that Jeremy Hammond had resigned from the Planning Board because he will be living outside of Auburn.

Eric spoke about the vacancies on the Board and the up and coming informational meeting that FEMA was presenting in July regarding the Flood Plain and the new designations in the area.

ADJOURNMENT

A motion was made by Emily Mottram, seconded by Kenneth Bellefleur and all voted unanimously to adjourn. (6-0-0)

Auburn Planning Board Meeting Minutes
July 10, 2012

Roll Call - Present:

Evan Cyr, Emily Mottram, Chair Robert Bowyer, Kenneth Bellefleur, Robert Gagnon, and City Planner Eric Cousens who represented City staff.

Public Hearings:
Request of Michael Gotto on behalf of Veterinary Support Services to construct a 9,441 square foot building and operate an animal cremation service at 171 Kittyhawk Avenue (PID#131-002) pursuant to Chapter 60, Article IV, Division 16, Section 60-578 of the Ordinances of the City of Auburn.

Eric read the staff report.

The applicant, Michael Gotto introduced Paul Cutter of Veterinary Support Services, and showed where on the site plans the proposed building would be located.

Robert Gagnon asked if the 10 parking stalls were being required by the City. Mr. Gotto replied that he had looked at the code requirements and came up with 10 stalls based on the building's square footage and the fact that there would be 7 employees. The number of stalls allows for some growth and visitor parking.

Chairman Bowyer commented that he drives by the site frequently and said he cannot see much of the site from the road. He asked if that would remain to be the case. Mr. Gotto answered that they hoped it is the case as they intentionally set the building back. He explained that this type of business does not need visibility and would prefer to be secluded and off to the side. He said they are leaving approximately 75 feet of wooded buffer along the front.

Chairman Bowyer asked about the grading on the site. Mr. Gotto explained that the site was fairly flat and needed to have grading to create movement for drainage. He explained they would be coming in from the road and up into the site where the building would sit up a couple of feet from the current grade. He said they will be grading the lawn area off and create a couple of drainage swales that will make the water flow around to a couple of detention areas that are connected to a control structure and drained to the street.

Mr. Gotto continued saying this site has several things going against it. He said it is flat, has sandy soils and the applicants have to deal with storm water requirements of the State and the City.

Open Public Hearing

No comments.

A motion was made by Kenneth Bellefleur and seconded by Emily Mottram to close the public hearing. After a vote, the motion carried 5-0-0.

Kenneth Bellefleur asked for a change to Recommendation "C" that they strike the word diskette and replace it with CD.

Chairman Bowyer commented about the Findings letter "G" where it refers to the City's Master Development Plan. He said it should be referring to the City's Comprehensive Plan.

A motion to forward a positive recommendation to the City Council was made by Robert Gagnon and seconded by Emily Mottram to construct a 9,441 square foot building and operate an animal cremation service at 171 Kittyhawk Avenue (PID#131-002) pursuant to Chapter 60, Article IV, Division 16, Section 60-578 of the Ordinances of the City of Auburn and that the proposal meets the standards for Special Exception and with conditions A thru F as outlined in the staff report and "G" of the Findings as amended.

After a vote, the motion carried 5-0-0.

OLD BUSINESS: None at this time

MISCELLANEOUS

Ice Arena Informational Discussion. Mike Gotto spoke about the plans for the proposed Turner Street site. Denis D'auteuil, Director of Public Works added to Mr. Gotto's presentation. Several Planning Board members asked questions.

Planning Board Handbook. The Planning Board members went through the first few chapters of the draft handbook. The members discussed the Associate/Alternate membership status and asked for further clarification.

ADJOURNMENT

Auburn Planning Board Meeting Minutes
August 14, 2012

Roll Call - Present:

Mia Poliquin Pross, Evan Cyr, Emily Mottram, Chair Robert Bowyer, Kenneth Bellefleur, Robert Gagnon, Dan Bilodeau, Dan Philbrick, Marc Tardif, and City Planner Eric Cousens who represented City staff.

Chairman Bowyer welcomed and introduced the following new members of the Planning Board: Mia Poliquin Pross (Associate Member), Dan Philbrick (Full Member) and Marc Tardif (Full Member). He added that Robert Gagnon would now be functioning as a Full Member on the Board.

Public Hearings:

Citizen Initiated Zoning Map Amendment – Public hearing for a recommendation to the City Council on a proposal to amend the City Of Auburn Zoning Map in the area of South Witham Road from Low Density Country Residential District to Low Density Rural Residence District. The proposed changes include a strip of land 450' deep from the centerline of and parallel to South Witham Road on the parcels at 336 South Witham Road (PID # 137-024), 386 South Witham Road (PID137-025-001), 349 South Witham Road (PID# 137-014-001) and 275 South Witham Road (PID 137-014 / 137-014-002) pursuant to Chapter 60, Article XVII, Division 2 of the Ordinances of the City of Auburn.

Chairman Bowyer explained the procedure that is followed for Public Hearings.

Eric read the staff report.

Chairman Bowyer asked for clarification on which parcels were requested to be rezoned and whether it would require a separate action if the Board decided to recommend to the City Council a larger area for rezoning. Eric explained the need for a modified public notice if the Planning Board voted to recommend rezoning a larger area than is being requested in the original petition. That can be addressed at the Council Public Hearing and the notice will be expanded for mailing to additional property owners.

Robert Gagnon asked if there were any residents that did not want the zone changed. Eric replied that there were and their properties were intentionally excluded from the petition that was circulated. Mr. Gagnon asked if there is sufficient frontage on the lots proposing a zone change and Eric replied all of the lots have legal frontage under the current zoning as well as the proposed zoning. Mr. Gagnon asked how far up the road did the Comprehensive Plan recommend the zone be changed in this area and Eric replied to where it gets back into the 1 acre Rural Residential zoning district.

Open Public Hearing

Elaine Whickman of 336 South Witham Road explained the reasons behind the rezoning petition.

Robert Gagnon asked how many people from the neighborhood had signed the petition and Ms Whickman replied all of them.

Chairman Bowyer mentioned the need for water and sewer connection and Ms. Whickman said water and sewer would be provided to the site

Dan Bilodeau asked if any recreational trails had been used by the neighborhood consistently and Ms. Whickman said she did not know of any.

John Wheeler of River Road said he was in favor of it.

A motion was made by Dan Bilodeau and seconded by Emily Mottram to close the public hearing. After a vote, the motion carried 7-0-0.

Robert Gagnon said he would prefer to have the zone expanded to include the whole strip. He said he could see the neighbors coming to the Planning Board in 5 years requesting a zoning change.

Dan Bilodeau commented that this might open it up to more subdivisions.

Chairman Bowyer explained that one of the tasks of the Planning Board is to implement the Comprehensive Plan.

A motion to forward a positive recommendation to the City Council was made by Robert Gagnon and seconded by Evan Cyr to change the entire swath that is Low Density Country Residential to Rural Residential along South Witham Road to the northern boundary of the Turnpike as designated on the Comprehensive Plan.

After a vote, the motion carried 7-0-0.

985 Turner Street - Michael Gotto, on behalf of Auburn Plaza, Inc., is requesting approval of a site plan, special exception and delegated Site Location of Development Review to construct a proposed 60,000 square foot, 2-sheet Ice Arena at 985 Turner Street (PID 290-010-001) with associated site improvements, pursuant to Chapter 60, Article IV, Division 13, Section 60-499(a)(19) and Section 60-499(b)(17) of the Ordinances of the City of Auburn.

Robert Gagnon declared that he had done the boundary survey on this site on Turner Street. He stated that he had nothing to do with the design or anything else and did not see any tangible work in the future regarding this project. The Board members discussed the disclosure and agreed that Mr. Gagnon was able to act in an unbiased manner and could participate on this hearing.

Eric read the staff report. Eric mentioned that a letter from Jeremiah Bartlett who was on the Comprehensive Plan Committee should be made as part of the record.

A discussion ensued between some Planning Board members and Eric regarding what constituted the peak travel times for the area.

Mike Gotto, on behalf of Auburn Plaza, Inc., said he appreciated all of the help that City staff had given him in preparing this application. He went over the Auburn Mall Master Plan. Mr. Gotto and Roland Miller, Director of Economic Development for the City spoke about the development in the area. Mr. Gotto spoke extensively about traffic peaks times.

Evan Cyr stated that hockey games already occur at Pettengill Park and asked if the traffic engineers had taken a look at their traffic numbers during games. Mr. Gotto replied that they used as a guide the traffic studies of a new ice arena in Saco and a basketball arena in Portland. He said the specific use of this facility would be driven by high school games so the peak times would be Wednesdays and Saturdays.

Emily Mottram asked if the improvement to Kings Road was taken into consideration when projecting peak traffic numbers. Mr. Gotto explained the process of generating peak travel. Eric pointed out that at a recent traffic scoping meeting it was said that that intersection at King's Road was already not functioning well, and with room for 10 vehicles deep and 2 lanes wide it will function at a higher standard than it did.

Mr. Gotto continued to talk about the area's predevelopment activity that had impacted how this project was approached. He stated that Shaws owns and manages Kings Road and that Auburn Plaza and Auburn Mall have rights to use it.

Dan Bilodeau requested more information on the pedestrian bike improvements. Emily Mottram commented on the location of the pedestrian flow that was being proposed and offered an alternative. Roland Miller explained that the grade on the site made the desired location for pedestrian walks complicated. He said it would be difficult to make them ADA compliant because of the grade. Mr. Gotto explained in detail what was being proposed.

A discussion ensued between the Planning Board members and Mr. Gotto regarding the costs associated with building bike lanes, project budget, taxes, entities involved, landscaping on the site and the lack of specifics regarding landscaping in the ordinance.

Roland Miller spoke about his involvement with the project and the steps it took to get it to this point. He explained that this project was being developed and financed by a private entity. He said the City of Auburn will be leasing this facility as a triple-net lease basis and covering all of the costs. The City will also be responsible for operations and maintenance. He stated that at some point in time, because of the provisions that are being made in the lease, the City of Auburn will have the

opportunity to purchase this facility. He added that he was working with all of the property owners surrounding this site and all were in support.

Dan Bilodeau commented that the business plan that was brought forward by the Parks and Recreation Department seemed very conservative and suggested that the Parks and Rec Department, once they start to make a profit with this venture, put some monies aside to extend the bike lane.

Mr. Miller stated that he was involved with the Mall Area Master Plan and the implementation of that plan. He said a major component of the plan was the inclusion of bike lanes. He said it is the City policy that bike lanes will be incorporated into all new construction projects, especially along the arterial roadways. He said we are implementing a more complete design standard which means accommodating pedestrians, bicyclists and vehicles.

Dan Philbrick commended Mr. Miller and City staff for the location that was chosen for the 2-Sheet Ice Arena. He said this location will bring people from out of town into the City and some will use the area's existing businesses which will help the area tremendously.

Open Public Hearing

A motion was made by Robert Gagnon and seconded by Evan Cyr to close the public hearing. After a vote, the motion carried 7-0-0.

Dan Bilodeau asked for a point of clarification regarding whether or not Associate members of the Planning Board can participate in the discussion of a Public Hearing and Eric replied Associate members can participate in the discussion.

Evan Cyr commented that he liked the idea of the textured crosswalks and asked that it be included in the recommendations when a motion is made.

Several members conversed about the bicycle and pedestrian lanes. Dan Bilodeau and Emily Mottram stated that it would be beneficial if they were made available throughout the Auburn Mall area. Robert Gagnon disagreed, stating the Auburn Mall is private property and bike paths should be kept in the City's right-of-ways.

Mike Gotto said he can make provisions for bike racks now and in future pad sites but doesn't see bike paths going through these private roads. He said Kings Road / Kings Way may get redeveloped in the future between the owners of these projects and bike paths may be put along that road, if it's a road. He commented that if it's part of the parking lot access, it's not likely to have a path on it.

Marc Tardif said he was in favor of the project moving forward.

Mia Poliquin Pross agreed that it was a great project. She commented that students from St. Doms High School and Central Maine Community College may be walking to the arena using Gracelawn Road and Turner Street and some may also be utilizing the access road between the mall to the movie theater. She suggested that safety provisions be made available in future plans to accommodate for these pedestrians.

The Planning Board members and Mr. Gotto continued their discussion regarding the walkways in and surrounding the project area.

A motion was made by Robert Gagnon, and seconded by Dan Philbrick to approve the site plan, special exception and delegated Site Location of Development Review to construct a proposed 60,000 square foot, 2-sheet Ice Arena at 985 Turner Street (PID 290-010-001) with associated site improvements, pursuant to Chapter 60, Article IV, Division 13, Section 60-499(a)(19) and Section 60-499(b)(17) of the Ordinances of the City of Auburn subject to conditions A thru I as stated in the staff report with the added conditions that a bike rack is placed in a location that the developer deems suitable and that textured crosswalks be placed across major roads in the development.

After a vote, the motion carried 7-0-0.

Chairman Bowyer declared a brief recess.
A request to approve the June 12, 2012 meeting minutes was made by staff.

Dan Bilodeau stated there was an error in the middle of the first page of the minutes. He said Ken Bellefleur's name should have been there in place of his as the member that could function as a full member for that meeting. There were a few other items that needed clarification along with a few typos.

A motion was made by Dan Bilodeau and seconded by Evan Cyr to approve the June 12, 2012 Planning Board meeting minutes with the above corrections. After a vote, the motion carried 6-0-0.

A request to approve the July 10, 2012 meeting minutes was made by staff.

A motion was made by Robert Gagnon and seconded by Emily Mottram to approve the July 10, 2012 Planning Board meeting minutes as written. After a vote, the motion carried 5-0-0.

OLD BUSINESS: None at this time

MISCELLANEOUS

Eric asked the Board Members if they thought it was worthwhile to schedule a workshop within the next few months to go over any issues the members may have. He offered that working on the new handbook would be a great way for new Board members to become acquainted with the Board's policies and procedures. Many agreed and it was decided that the workshop would take place immediately following the next Planning Board meeting.

Chairman Bowyer asked each member to introduce themselves, tell everyone a little bit about themselves such as how long they've been in the twin cities and what sort of resources they bring to the Planning Board, etc…

Each Board Member gave a brief depiction of themselves.

A motion was made by Dan Bilodeau and seconded by Emily Mottram to adjourn. After a vote, the motion carried 7-0-0.

ADJOURNMENT

Auburn Planning Board Meeting Minutes
September 11, 2012

Roll Call - Present:

Evan Cyr, Mia Poliquin Pross, Dan Philbrick, Emily Mottram, Chair Robert Bowyer, Dan Bilodeau, Marc Tardif, Robert Gagnon, Kenneth Bellefleur, and City Planner Eric Cousens who represented City staff.

Chairman Bowyer stated that all 7 sitting members and 2 associate members were present. He said they would be deferring action on the minutes until after the public hearings.

Public Hearings:

Chairman Bowyer explained the procedure that is used for Public Hearings.

119 Center Street - Jisel E. Lopez, agent for Cumberland Farms, Inc. is seeking Site Plan and Special Exception approval for construction of a new convenience store and gas station and associated site improvements at 119 Center Street (PID # 261-055), pursuant to Chapter 60, Section 60-499(b)(14) of the City of Auburn Ordinances.

Eric read the staff report.

Chairman Bowyer clarified that while there were 9 members present, it was the 7 full members of the Planning Board who would be sitting on this hearing.

Tom Greer, Civil Engineer from Pinkham & Greer introduced Scott Pinney as District Manager of Cumberland Farms and Jisel Lopez as the attorney overseeing the project.

Mr. Greer showed the Board members plans and sketches of the proposed site and spoke at length about the proposal.

Chairman Bowyer asked about the check dams, the flooding, and if there was a raised median.

Robert Gagnon commented that the proposed site will improve what's currently there by 100%. He listed the removal of the curb opening nearest the intersection, creating a new curb cut on North River Road and relocating the canopy as 3 items that improved the situation at that site.

Chairman Bowyer mentioned the long blank wall facing Wendy's and asked to what extent the landscaping may be softened. Mr. Greer responded that it wasn't as blank as it appeared. He described various items that the developers would be implementing to improve the site.

Chairman Bowyer asked about the hours of operation and what methods they would be implementing to prevent the chance of theft. Mr. Greer answered Cumberland Farms would be

opened 24 hours a day and said preventing theft was a big deal. He mentioned several ways they would be trying to deter would-be thieves.

Open Public Hearing

A motion was made by Robert Gagnon and seconded by Dan Bilodeau to close the public hearing. After a vote, the motion carried 7-0-0.

A motion was made by Dan Bilodeau and seconded by Emily Mottram to approve the Special Exception and Site Plan request of, Jisel E. Lopez, agent for Cumberland Farms, Inc. for construction of a new convenience store and gas station and associated site improvements at 119 Center Street (PID # 261-055), with a front setback modification to not less than 18' for the gas island canopy pursuant to Chapter 60, Section 60-499(b) (14) of the City of Auburn Ordinances and condition A through C as presented by staff.

Chairman Bowyer asked that a date on the plans be added to Condition letter C. Dan Bilodeau agreed to modify his motion to include a date in item C.

After a vote, the motion carried 7-0-0.

292 Court Street - Tim Lachapelle, agent for Chapel Holdings LLC, is seeking approval to convert office space to as many as 15 residential units at 292 Court Street (PID# 240-284), pursuant to Chapter 60, Section 60-499(a)(1) of the City of Auburn Ordinances and State and Local Subdivision Requirements.

Robert Gagnon said he would be abstaining from this Public Hearing. Chairman Bowyer asked Mia Poliquin Pross to serve as a full member.

Eric Read the staff report.

Dan Philbrick asked about the Water and Sewer impact once the number of units increased. Eric replied that there was adequate capacity for the existing 9 units and that the Water District felt it could accommodate the additional 6 units, whether they were offices or residential units.

Mia Poliquin Pross commented that the Comprehensive Plan allowed for 10 to 12 units per acre and asked if 15 units could be allowed on this lot. Eric replied that the zoning ordinance currently allowed for a slightly higher density and stated that the Board could cut it back to be absolutely consistent with the Comprehensive Plan. He said the Comprehensive Plan would also allow for some of the units to remain as office space.

There was a discussion amongst the Board members about what the Comprehensive Plan favored.

Arthur Montana from ARCC Land Surveyors introduced Tim Lachapelle of Chapel Holdings, LLC and said they would answer any questions from the Board.

Chairman Bowyer asked for a breakdown of units and their sizes. Tim Lachapelle replied that currently there were 5 efficiency units, 2 1-bedroom units and 2 2-bedroom units. He said the proposed unit sizes on the rest of the building would be 1-bedroom or efficiencies and that he was aiming for single occupancy.

Dan Philbrick stated that he was an acquaintance of one of Mr. Lachapelle's tenants. He stated that in the winter, she was landlocked because the path she used to exit her apartment was often covered with snow. She was disabled and used a wheelchair, which made it impossible to be able to leave her apartment. He said that Mr. Lachapelle had done everything he could to provide a clear path but could not keep up with the snow plows continuously sending snow onto the path. He asked if there was a way to improve the situation for his friend while they were renovating the building.

Mr. Lachapelle replied that the problem was that the building was located on Court Street which is plowed often during snowstorms. He said it can take a few days before the City can clear the sidewalks after a storm, which he says his tenant understands.

Eric said he would encourage both the tenant and Mr. Lachapelle to contact the Public Works Department and talk to them about these issues and if the problem did not get resolved, to contact their City Councilor.

Emily Mottram suggested that the tenant be moved to a better accessible unit once more units became available.

There was a discussion about the parking spaces in regards to their location, their accessibility and the existing garage.

Chairman Bowyer asked the applicant if he would consider having office tenants in the future which would reactivate the mixed use elements of that building and Mr. Lachapelle responded yes.

Open Public Hearing

A motion was made by Evan Cyr and seconded by Emily Mottram to close the public hearing. After a vote, the motion carried 7-0-0.

Dan Bilodeau asked if it was completely unfeasible to have a walkway on either side of the existing garage to connect to the paved area where the stairs were located. Eric responded that there appeared to be a 6 foot elevation change from the contour just below the paved area at the bottom of the stairs to the face of the garage. He said the distance was approximately 40 feet around the side of that building so it may be feasible. He added that it would not meet ADA standards with the existing stairs or the slope.

Evan Cyr asked if there was a standard in regards to parking and access for a mixed use property. Eric replied as long as it's safe and convenient and there needs to be a pedestrian access way and thinks that using a sidewalk is one option. The discussion continued about the pedestrian access way and the contours of the lot.

A motion was made by Marc Tardif, and seconded by Mia Poliquin Pross to approve the Special Exception and Subdivision Request of the applicant, Tim Lachapelle, agent for Chapel Holdings LLC, to convert office space to as many as 15 residential units at 292 Court Street (PID# 240-284), pursuant to Chapter 60, Section 60-499(a)(1) of the City of Auburn Ordinances and State and Local Subdivision Requirements, subject to conditions A through D as outlined in the staff report and with the added condition that a paved all weather path be provided from the lower parking lot to the upper parking lot.

Dan Bilodeau asked for clarification of "all weather". Chairman Bowyer said it means that it has to be able to be used 12 months out of the year. Evan Cyr said he would prefer that it read something in the effect of the surface being approved by City staff. The members also agreed that the term all-weather should be replaced with year round. Marc Tardif agreed to amend his motion.

Tim Lachapelle said he was concerned about having to remove several trees in order to fulfill the Board's conditions. Chairman Bowyer said it did not appear from the plans that were submitted that more than 1 or 2 trees would need to be removed. He also stated that the Board had not specified which side of the garage the path needed to be placed.

Mia Poliquin Pross asked if there was lighting down by the garage. Mr. Lachapelle replied that currently there was a light on the white building and that he planned on putting one on the garage. There was continued discussion between the applicant and the Board members.

Chairman Bowyer remarked that the motion should be further amended to include adequate lighting. Marc Tardif accepted the amendment to his motion.

After a vote, the motion carried 7-0-0.

A request to approve the August 14, 2012 meeting minutes was made by staff.

Chairman Bowyer mentioned that on the bottom of page 2, where Robert Gagnon is disclosing that he had done the boundary survey on this site on Turner Street but had nothing to do with the design or anything else about the project, that the following statement needed to be added: *The Board discussed that disclosure and agreed that Mr. Gagnon did not have a conflict of interest therefore it would be acceptable for him to sit on that application.*

A motion was made by Emily Mottram and seconded by Robert Gagnon to approve the August 14, 2012 Planning Board meeting minutes with the above correction. After a vote, the motion carried 7-0-0.

Dan Bilodeau asked if the Board members ever received amended minutes. Eric mentioned the amended minutes were available on the City's website and those that had not yet been approved by the board were clearly marked as a draft.

OLD BUSINESS:

Eric spoke about Chapter 7 of the Maine Municipal Association's Planning Board handbook. He said there was more than he was prepared to do training on and mentioned it was best to have MMA come do their standard presentation to boards.

Eric also mentioned there were no projects scheduled for the October Planning Board meeting and asked if the Board members would be in favor of cancelling that meeting and possibly scheduling a workshop for training with MMA. After some discussion, it was decided that Eric would get some training dates from MMA and forward them to the Board in ample time to decide on a date where most members could attend.

MISCELLANEOUS

None at this time.

ADJOURNMENT

A motion was made by Robert Gagnon and seconded by Evan Cyr to adjourn. After a vote, the motion carried 7-0-0.

Auburn Planning Board Meeting Minutes
October 9, 2012

NO MEETING THIS MONTH

Auburn Planning Board Meeting Minutes
November 13, 2012

NO MEETING THIS MONTH

Auburn Planning Board Meeting Minutes
December 11, 2012

Roll Call

Members Present: Dan Bilodeau, Robert Bowyer Presiding, Evan Cyr, Robert Gagnon, Emily Mottram, Dan Philbrick and Marc Tardif,

Associate Members Present: Mia Poliquin Pross, and **Associate Members Absent:** Kenneth Bellefleur

Also present: City Planner Eric Cousens who represented City staff.

A request to approve the September 11, 2012 meeting minutes was made by staff.

Chairman Bowyer asked that future minutes identify who were the Full Planning Board members and who were the Associate members in attendance.

A motion was made by Dan Philbrick and seconded by Robert Gagnon to approve the September 11, 2012 Planning Board meeting minutes. After a vote, the motion carried 7-0-0.

Public Hearings:

Special Exception and Site Plan Amendment request of Susan Moore, agent for Cobalt Properties Inc. to construct a 1,337 square foot addition to the existing Irving convenience store and gas station at 1813 Washington Street (PID # 109-008), pursuant to Chapter 60, Section 60-499(b)(14) of the City of Auburn Ordinances.

Chairman Bowyer explained the procedure that is used for Public Hearings.

Eric read the staff report.

Tammy Fisk, representing Irving Oil, spoke about the proposal.

Dan Bilodeau asked about the 45 year old easements and Ms. Fisk replied that it was a moot point. Mr. Bilodeau mentioned that he was a member of the Community Forestry Board and suggested as they move forward with their expansion that they contact the Mayor's office if they were thinking of adding new seedlings or trees. Ms. Fisk said it would be taken into consideration.

Robert Gagnon asked if the 55 truck parking spaces met the ordinance. Eric said he had not looked at the parking because the applicant was not adding retail space. Mr. Gagnon also mentioned the ADA parking requirements and said he did not know if that applied to tractor trailer trucks. Eric stated that it was something the City could look at before the occupancy permit was issued.

Eric said in reference to Dan Bilodeau's question regarding easements, that he had talked to the applicant earlier and the easement actually benefited the Irving property by allowing them to cross the other property to get in there. Ms. Fisk apologized and clarified stating Irving has allowed the hotel an easement through the Irving property so they could have the back exit for their customers to come out onto Kittyhawk and be able to take the light to go left onto Washington Street.

Open Public Hearing

A motion was made by Robert Gagnon and seconded by Dan Bilodeau to close the public hearing. After a vote, the motion carried 7-0-0.

A motion was made by Dan Bilodeau to approve the Special Exception and Site Plan Amendment request of Susan Moore, agent for Cobalt Properties Inc. to construct a 1,337 square foot addition to the existing Irving convenience store and gas station at 1813 Washington Street (PID # 109-008), pursuant to Chapter 60, Section 60-499(b)(14) of the City of Auburn Ordinances.

Robert Gagnon requested a condition be added that the parking situation be ironed out between the City and the Applicant. Mr. Bilodeau amended his motion to add the condition.

The motion was seconded by Robert Gagnon.

Chairman Bowyer noted that the Board approval letter and decision should include the reference date on the approved plans.

After a vote, the motion carried 7-0-0.

OLD BUSINESS:

Chairman Bowyer asked Eric to give a status report on the search for additional staff. Eric stated that he hoped to have a new City Planner by the February Planning Board meeting.

MISCELLANEOUS

Eric gave a brief overview of the Maine Army National Guard (MEARNG) Mt Apatite Joint Land Use Study (JLUS) that is currently being done at the Mt Apatite property.
Eric provided a basic update on the Lake Auburn Watershed study that is presently going on.
Dan Bilodeau provided the Board members a few documents containing his thoughts and findings on the subject and then proceeded to explain.
Eric mentioned that there was only 1 project at this time going before the Board in January but applicants still had a few more days to submit their proposal before the deadline. He asked the Board members if they were open to having the staff reports emailed to them instead of being delivered as usual to save on staff time and fuel and all said they were open to the idea.

ADJOURNMENT

A motion was made by Marc Tardif and seconded by Emily Mottram to adjourn. After a vote, the motion carried 7-0-0.