

# Auburn Planning Board Meeting Minutes

## November 12, 2013

(04:10 on DVD)

### Roll Call

**Full Members present:** Robert Gagnon, Evan Cyr, Emily Mottram, Robert Bowyer Presiding, Dan Philbrick, Dan Bilodeau and Marc Tardif.

**Associate Member present:** Kenneth Bellefleur

**Associate Member absent:** Mia Poliquin Pross

**Also present representing City staff:** Douglas Greene, City Planner.

### Minutes

A request to approve the October 8, 2013 meeting minutes was made by staff.

A motion was made by Marc Tardif and seconded by Robert Gagnon to approve the October 8, 2013 meeting minutes as presented. After a vote of 7-0-0, the motion carried.

(05:55 on DVD)

### Public Hearings:

**Christopher C. Branch, P.E., from Sebago Technics, Inc., agent for the Lewiston Auburn Water Pollution Control Authority is seeking an amendment to the existing special exception and site plan approval to modify the conditions of approval for the property located at 230 Penley Corner Road (PID# 137-032), pursuant to Sections 60-172 (b) 12, 60-1305 and 60-1335 (c) of the City of Auburn Ordinances.**

(06:16 on DVD)

Chairperson Bowyer explained the procedure that is used for Public Hearings.

(08:03 on DVD)

Douglas Greene, City Planner presented the staff report and showed photos of the plant and surrounding property on the projector.

(17:28 on DVD)

Chairperson Bowyer pointed out that letter E of the Findings in the staff report speaks about improved onsite parking but there is no proposal to change the onsite parking. Douglas agreed and stated he will remove that portion of the sentence.

(19:52 on DVD)

Clayton (Mack) Richardson, Superintendent at LAWPCA and Christopher Branch, P.E. from Sebago Technics, Inc. presented documents to the Board members and described the proposal.

(28:38 on DVD)

Dan Bilodeau asked about the relationship with surrounding farmers. Mr. Richardson said that when the facility was built, it was pretty controversial as other compost facilities at that time had been shut down predominately for emitting odors. He said they've done their best to work with the neighbors and admits that sometimes odors are emitted but very minimally. He added that the compost product that they produce is very popular and is sold for \$7.00 per cubic yard to local residents.

(31:00 on DVD)

A lengthy discussion ensued amongst the Planning Board members and the applicants regarding the transporting of bio-solids and the routes that the suppliers would be traveling to and from the facility. Also discussed was the Lewiston Auburn ratepayer fees verses income generated from new customers and leaf processing for the sale of compost material.

(57:40 on DVD)

### **Open Public Hearing**

Barry Skilling of 1425 Riverside Drive spoke about having to endure some odor from the plant and said the amendments were put in place to protect the neighbors. He said Mack has done a fantastic job running the plant but asks that the amendments remain unchanged.

(1:03:54 on DVD)

Mr. Richardson explained that they are not asking to change any of the odor control requirements. Mr. Skilling was provided a copy of the amendments and a copy of the staff report to review.

(1:06:25 on DVD)

Mr. Branch said the change they are requesting is that the annual testing for odor control may be waived upon written request to the City Manager and approved by the City Manager. Mr. Branch then went through the list of amendments that were requested and explained their purpose.

(1:16:38 on DVD)

Mr. Skilling stated his concerns about trucks traveling on Penley Corner Road and said he preferred the odor testing be conducted in January instead of in the summer. He reiterated that Mr. Richardson is doing a great job running the facility.

Chairperson Bowyer stated that if Penley Corner Road was already in existence when the facility was built, it was probably to the standard of a back country road and would not have been built to carry excessively weighty vehicles, so he suggested that Public Works take another look at whether some specific weight limits should be included in this approval. He also spoke about updates in technology since this facility was built in terms of odor control testing and would like to see if there are more contemporary odor control standards that would give us better protection.

(1:21:30 on DVD)

Mr. Branch stated that the odor control standards that are in this condition of approval are the ones enforced by the DEP today in the State of Maine. Mr. Richardson spoke about the various kinds of odor control testing verses what the DEP is currently using. He said the reason the language was written up the way it was is every year the test results are sent to the City Manager

and generally, we don't hear anything. So if it isn't being useful to people, why continue paying \$5,000 for nothing. He added that he will do whatever testing the City wishes, but within reason.

(1:27:00 on DVD)

Mr. Branch suggested having all traffic coming to the facility proceed up Penley Corner Road from Route 136 and to get to Route 136 they need to be on either collector roads or arterial roads as defined by the Federal Highway Administration and MDOT within the City of Auburn. He added that LAWPCA would need to communicate this with the haulers.

(1:30:07 on DVD)

A motion was made by Dan Bilodeau to close the public hearing.

The discussion continued amongst the Board members and applicants about the hauler's routes and number of trips to and from the facility.

(1:35:00 on DVD)

The motion to close the public hearing was seconded by Evan Cyr. After a vote of 7-0-0, the motion carried.

Evan Cyr asked how standard a procedure it was to remove conditions completely from a site plan during an amendment process. Robert Gagnon replied he has never seen this done before in all of his time serving on the Board but understands where the applicants are coming from as many of the original conditions have been met. The Board members continued to discuss at length the rewording of the conditions verses their removal as was requested by the applicants.

(1:52:40 on DVD)

Emily Mottram suggested that the Board make a note that they read through it and agree that these lettered conditions have been met and are no longer included in the 2013 approval. This way, it references back to the 1992 document.

(1:54:27 on DVD)

Chairperson Bowyer stated that this needs to go back to staff and follow Emily's suggestion that there be notation of earlier conditions having been met so we don't lose any of the reference to the earlier conditions which are no longer applicable but that they are duly noted in the decision as having been complied with.

Evan Cyr said he agreed, with the exception of condition letter K which he suggested should be rewritten to state that LAWPCA shall maintain a stop sign at the intersection of the compost facility and Penley Corner Road.

(1:57:15 on DVD)

Chairperson Bowyer mentioned a few pet peeves that he would like to have corrected. 1) The use of standardized language that has been in our ordinances and our tradition over the years referring to a Master Development Plan which should now read Comprehensive Plan, 2) since there are no physical changes to the site plan, it should not be referred to as an amended plan but said he would like to see a reference to the title and date of the plan that was submitted to the Board so they know which one is the correct one, and 3) the wording that states "shall comply

with all applicable Federal, State and local....” Whether this is stated or not, they are still obligated to comply so this wording is not needed.

(2:00:10 on DVD)

The Board members continued to discuss the wording of odor control testing and truck routes.

(2:08:40 on DVD)

A motion was made by Evan Cyr and seconded by Dan Philbrick to table this pending City staff developing amended conditions as per the Planning Board recommendations.

After a vote of 5-0-2, the motion to table carried. Marc Tardif and Robert Gagnon opposed

**OLD BUSINESS:**

None at this time.

**MISCELLANEOUS**

None at this time.

(2:11:08 on DVD)

**ADJOURNMENT**

A motion was made by Evan Cyr and seconded by Dan Bilodeau to adjourn. After a vote of 7-0-0, the motion carried