

# Auburn Planning Board Meeting Minutes

## February 12, 2013

### Roll Call

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

**Full Members absent:** Robert Bowyer

**Associate Members present:** Mia Poliquin Pross and Kenneth Bellefleur. Mia Poliquin Pross participated as a Full Member for this meeting due to Mr. Bowyer being absent.

**Also present:** Director of Planning and Permitting Eric Cousens represented City staff.

### Minutes

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

Dan Bilodeau commented that there was a typo in the last paragraph of the 2<sup>nd</sup> page. He said LAWPCA should be spelled LAWPC.

A motion was made by Dan Bilodeau and seconded by Robert Gagnon to approve the January 8, 2013 meeting minutes as amended. After a vote, the motion carried 7-0-0.

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

Robert Gagnon stated he would be abstaining from voting on this public hearing due to a conflict of interest. Kenneth Bellefleur was then appointed as a full voting member.

### Public Hearings:

The City of Auburn received a petition to amend the Zoning Map in the area of Blanchard Road from Low Density Country Residential (LDCR) to Low Density Rural Residential (LDRR) to reduce the minimum lot size from 3 acres to 1 acre and for conformance with the City of Auburn Comprehensive Plan. The proposed changes include a strip of land 450' deep from the centerline of and parallel to Blanchard Road on the parcels at 16 Blanchard Road (PID # 367-035), 2527 Turner Road (PID 345-025), 117 Blanchard Road (PID# 345-024), 96 Blanchard Road (PID# 345-016) , 120 Blanchard Road (PID# 345-017), 145 Blanchard Road (PID# 345-023), 170 Blanchard Road (PID# 345-018), 48 Hathaway Street (PID# 345-032-001).

Based on the Comprehensive plan, staff recommends that the Planning Board and City Council consider applying the change to a larger area to include the existing areas within the LDCR zoning district along Turner Road, Hathaway Street, Stone Road and a portion of Oak Hill Road. Changing any Agricultural zoning to residential is not recommended and not supported by the Comprehensive plan.

Eric read the staff report.

William Saucier of 145 Blanchard Road and applicant explained why he was petitioning for the zone change.

Eric stated that a majority of the area is located in the Lake Auburn Watershed which means that all of the properties within that area are still subject to all of the standards in the Lake Auburn Watershed. If those standards are met, the impacts to the watershed should not be a substantial concern.

Eric used the projector to show a map of the area depicting the watershed boundaries. The next screen showed a list of all of the uses allowed in the LDCR and the uses allowed in the LDRR.

Dan Bilodeau commented that current property owners in the Lake Auburn Watershed should be aware that there will be possibilities of review and revise septic requirements, strategy to adopt low impact development standards and update of the phosphorous control plan. He said these are all additional restrictions that people need to be made aware of.

### Open Public Hearing

Britny Anderson of 2175 Turner Road asked for clarification on how the zoning change might affect the following:

- Taxes
- Tree management
- Hunting / Target shooting
- Mobile homes / Trailer parks allowed
- Apartment buildings allowed
- Would speed limit be reduced if more driveways are built

Eric replied the following:

- Taxes would not change unless the property owner chose to split the property. The tax value is set based on a neighborhood code and the neighborhood code would not change based on the zoning.
- Shooting is not affected by this proposed change other than for a commercial organized shooting range.
- Timber management is allowed in any zoning district.
- Trailer parks and mobile homes are allowed in the rural residential zoning district with approval of the Planning Board with a criterion that they have to be within 1,500 feet of municipal sewer. Very little of this area is within that distance of municipal sewer.
- There are some limitations to what people can have for access out there that are controlled by the state. Does not foresee a lot of additional driveways being built because of this proposed change.

Deborah Desjardins of 2768 Turner Road said she was not opposed, just concerned. Realizes that the Water District is very strict when it comes to adding septic systems as she had to jump

through hoops to replace her septic. She said she is concerned that if this goes through, more people will be driving down a blind road trying to cross north bound traffic on Turner Road.

Chairperson Mottram asked if traffic was taken into account when a lot is divided and Eric replied no.

Evan Cyr asked if Eric was aware of the number of lots that were currently located on Blanchard Road that were 500 feet or wider in terms of road frontage. Eric replied there were between 2 and 4 depending on house locations besides the farm on the corner that could be split into more. Eric added that if there was ever a proposal for a subdivision, the creation of 3 or more lots, then we would have to look at traffic but we don't have a mechanism to consider traffic for the individual one-lot-at-a-time split.

Dan Bilodeau commented that we all know Route 4 is a busy road with many accidents occurring and asked if there was some sort of capacity schedule for it. Eric replied that the City was looking at trying to get funding through our legislators for a comprehensive look at the Route 4 corridor to address safety concerns. The Maine Department of Transportation does not consider any one location to have a high enough accident rate to be a high crash location even though many accidents occur all along the corridor.

Luis Feliciano of 16 Blanchard Road stated his property was located at the corner of Route 4 and Blanchard Road and comprised of 104 acres of farm land. He asked who of the Planning Board members were knowledgeable with farming. 2 of the 7 Planning Board members raised their hands. Mr. Feliciano stated the following:

- The type of farming he does is the type that nobody wants to do. Everyone enjoys the fruits of our labor but nobody wants to think about what we do and how we do it.
- On the property are draft horses, bees, chickens and sheep and all are rotated throughout the fields at different times.
- Considers it a multi faceted operation.
- This change in zoning will drastically affect the way he does his business and will limit how much he can diversify in his operation. In business, the more diversified you are the more resilient and stronger you are.
- Having a corner lot with a proposed zone change and being in the watershed are obstacles in farming.
- More neighbors will increase three-fold the amount of people that he will have to please with his operation in terms of animals defecating and the travelling odor.
- Has a big wood lot and has to harvest his wood which means he has to invest in equipment and in order to be able to pay would need to offer services to other farmers. Mentioned slaughter houses and greenhouses as operations that would be limited.
- By changing the zone, it is bringing him closer to a residential area.
- Asked how many zone changes will need to happen before the area is zoned as moderate as is proposed in the Comp Plan.

Chairperson Mottram commented that it appeared greenhouses are not currently allowed but will be allowed with the zone change. Eric replied greenhouses should be allowed in either zone.

Dan Bilodeau asked Eric to show Mr. Feliciano's property up on the screen and Eric proceeded to do so.

Mr. Feliciano said a total of 8 acres will be affected by the zone change.

Eric clarified that you can have green houses as part of an agricultural use in either zoning district.

Mr. Bilodeau commented that the Comp Plan Committee looked at all of the residential strips and because the properties were in the watershed did not want to change the Agricultural Resource Protection. He said he was not aware that there was a large farm at that location and asked if the abutting parcels were also in farming or woodlots.

Mr. Feliciano said it is not an easy farm to manage because it is not a conventional type of landscape as it is basically rolling hills. He proceeded to show where his farm's boundaries were located on the map.

William Saucier of 145 Blanchard Road stated the reason he was trying to rezone is not to create more lots but to keep the land that he owns. He said he is trying to get the few lots that currently don't conform back to being conforming. He assured the Board that no land up there would pass the restrictions that the Water District has to install a septic system.

Mr. Feliciano said he wanted to talk about the issue of land conservation because he is a farmer and that is what he has to do to protect the land. He spoke about land being protected through a land trust and mentioned several websites that offered information about land preservation.

Robert Gagnon of 160 Stone Road said he probably started the whole problem in the neighborhood when he surveyed one of the lots and found a neighbor's septic system was on the land. He said the gentleman who owns the land wants to give the land to the owner of the septic system but cannot because the land is non-conforming so by going to 1-acre lot sizes, they would both become conforming.

A motion was made by Evan Cyr and seconded by Dan Philbrick to close the public hearing. After a vote, the motion carried 7-0-0.

Dan Bilodeau asked if it would be less difficult for City staff if the Board approved only what was proposed by the applicant and not the whole area as is recommended by the Comp Plan. Eric replied that the way he looks at any of these proposed changes is as an opportunity to implement more of the comprehensive plan in one shot. He said the Board's options were recommending approval of what was petitioned, or a portion of that area and or the Board can exclude the actively farmed properties from that recommendation so they stay Low Density Country Residential or include more than the petitioned land. He mentioned the point about greenhouses was well taken and if that's an important part of that agricultural operation, maybe the time isn't right for the change on that parcel.

Mia Poliquin Pross asked if there was any process in place for grandfathering a business or a lot that might span 2 different zones. Eric replied there is. He said existing greenhouse buildings that are there could continue to be there even if they were no longer allowed in the new zoning district but they would be limited as far as expansion would go. He said agriculture is difficult to keep in our community and if there is a way to modify the proposal to try to preserve it is certainly worthwhile.

Evan Cyr asked if there were only 2 nonconforming lots on Blanchard Road and stated even though this is not an ideal solution, asked if the Board could decide to only recommend those 2 lots for a zone change. Eric replied yes but encouraged the Board to look at recommending rezoning on a larger area. He said because it would be consistent with the Comprehensive Plan, it would not technically be considered spot zoning. He said the Board could decide to implement a portion of the change and still be consistent with the Comprehensive Plan.

A motion was made by Mia Poliquin Pross to forward a favorable recommendation of a portion of staff's proposed change to amend the Zoning Map in the area of Blanchard Road from Low Density Country Residential (LDCR) to Low Density Rural Residential (LDRR) to reduce the minimum lot size from 3 acres to 1 acre and for conformance with the City of Auburn Comprehensive Plan but to exclude all of the active farming area on the northern corner of Blanchard and Turner Roads and the east side of Turner Road. The motion was seconded by Marc Tardif.

After some discussion, the Board members asked for some clarity of the original motion.

Eric read the following motion as he understood it to be: to recommend approval of the amendment as shown on the map to rezone the West side of Turner Road which includes the Stone Road area, but excluding the areas on the east side of Turner Road down to Blanchard Road and all of the active farming area (Mr. Feliciano's property) within the Low Density Country Residential. All of the other areas outlined in red would still be included in that recommendation for the change.

Ms. Poliquin Pross and Mr. Tardif were in favor of and agreed with the clarification of the motion.

After a vote, the motion carried 7-0-0.

Eric explained that the recommendation would go to the City Council within the next 4 weeks and mentioned if anyone wanted to be kept informed of upcoming meetings to leave their name and email address so staff could notify them of upcoming discussions. He also mentioned that everyone who received a notice this time would receive a mailed notice of the future public hearing but would not get a notice for the initial workshop.

**OLD BUSINESS:** None at this time.

**MISCELLANEOUS**

**1) Discussion on complete streets with LA Bike Ped Committee representative.**

Jeremiah Bartlett of 107 Shepley Street and representative of LA Bike Pedestrian Committee explained the proposed complete streets policy. He presented a PowerPoint presentation and a discussion ensued.

A motion was made by Marc Tardif, seconded by Robert Gagnon to forward a favorable recommendation to the City Council.

After a vote, the motion carried 7-0-0.

Ken Bellefleur did not vote as he was now back as an Associate Member.

**2) Comprehensive Plan implementation update**

Eric gave an update on the status of the Comprehensive Plan implementation to date.

**3) Lake Auburn TRC update.**

Eric mentioned that the Lake Auburn Watershed Protection Commission will be giving their update on the Lake Auburn Watershed Diagnostic study in Lewiston City Council Chambers at 5:00 pm on Wednesday, February 13, 2013. He said Auburn's City Council had appointed the Auburn Planning Board as the Technical Review Committee and gave a brief explanation as to what that involved.

**ADJOURNMENT**

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