

Auburn Planning Board Meeting Minutes July 11, 2017

ROLL CALL:

Regular Members present: Robert Bowyer, Samuel Scogin, Evan Cyr, Dan Philbrick Presiding, Nathan Hamlyn, Mia Poliquin Pross and Marc Tardif

Regular Members absent: None

Associate Members present: Dustin Boutin and Christopher Lewis

Associate Members absent: None

Also present representing City staff: Eric Cousens, Deputy Director of Economic & Community Development and Zach Mosher, Auburn City Planner.

Chairperson Philbrick called the meeting to order at 6:00 pm and asked for a roll call from the members. He stated a quorum was present and then asked for a motion on the previous month's meeting minutes.

MINUTES:

June 13, 2017 Meeting Minutes Approval Request

A motion was made by Evan Cyr and seconded by Samuel Scogin to approve the June 13, 2017 meeting minutes as presented. After a vote of 7-0-0, the motion carried.

Chairperson Philbrick presented former Chairperson to the Planning Board, Kenneth Bellefleur with a plaque recognizing him for his many years of dedicated service on the Planning Board and other committees in the City of Auburn. Kenneth Bellefleur accepted his plaque to a round of applause.

Chairperson Philbrick welcomed Bilal Hussein to the Planning Board and introduced him as the Student Representative to the Board.

PUBLIC HEARINGS & NEW BUSINESS:

A. Major Subdivision (13 residential lots) – Woodbury Heights Phase III (PID: 110-009) at 113 Woodbury Road and Danville Corner Road, pursuant to Chapter 60, Division 4 Subdivision; Sections 1359 Subdivision and 1362 Major Final Subdivision Plan of the Auburn Code of Ordinances.

Zach Mosher, City Planner went over the staff report and presented slides via PowerPoint.

(08:25 on DVD)

George Bouchles, Land Surveyor and agent for B & M Developers explained the reasons why a cul-de-sac road is preferred rather than a thru street. He spoke briefly about the area being proposed for the open space that is required per the Ordinance.

Mr. Bouchles and Staff answered questions from Board members.

Robert Bowyer asked Mr. Bouchles what the developer's position was on perhaps contributing to the improvement to Woodbury Road and Mr. Bouchles responded that it's not the responsibility of the developer to help repair/maintain a City owned street. Mr. Bowyer stated that he wanted it to be on record that it was suggested that the developer make a voluntary contribution toward the improvement of that road but they are choosing not to.

Kim Visbaras, Attorney representing the developer spoke about their position. He said this phase has no impact on Woodbury Road and re-iterated that it isn't the responsibility of the developer to do this under the subdivision statute. He said it was inappropriate for Mr. Bowyer to imply that the developer is shirking their responsibilities.

(20:01 on DVD)

Open Public Input

A motion was made by Sam Scogin and seconded by Marc Tardif to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

No comments.

A motion was made by Mia Poliquin Pross and seconded by Sam Scogin to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

Evan Cyr said he would like to see the entirety of the proposal before a motion is made. Chairperson Philbrick asked Mr. Bouchles where it would put them as far as going forward with their plan if the Board did not rescind their requirement for the emergency access road. Mr. Bouchles replied that he's made his position perfectly clear that the developers really are not interested in the emergency access road. He said it doesn't fit the terrain and impedes the view which, one of the amenities of the site is the view to Mount Washington. But he said if our hands are tied and the Board insists on the emergency access road then it is something we will have to seriously consider.

Zach completed going over the staff report via PowerPoint. Mr. Bouchles described the proposed foot path and answered questions from Board members. A discussion ensued regarding the public access easement.

(34:35 on DVD)

Open Public Input

A motion was made by Sam Scogin and seconded by Evan Cyr to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

Dave Rogers of New Gloucester said he was looking to build in the 3rd Phase and would not change plans to build if the easement were not available. He thinks it would be a wasted space and more stuff for people to have to maintain.

A motion was made by Evan Cyr and seconded by Mia Poliquin Pross to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

Zach listed the staff recommendations via PowerPoint.

Chairperson Philbrick stated the Board would be voting on 3 separate items and the 1st would be the waiver request to eliminate the requirement of having an emergency access road. Procedural questions were raised by Board members and a recap of the previous meeting was made by Evan Cyr.

(48:45 on DVD)

A motion was made by Robert Bowyer and seconded by Marc Tardif that the Planning Board approves the waiver of the length of dead end street requirement in the ordinance and approves the proposed layout as shown on the plan dated (Mr. Bowyer did not specify a date) showing a length of dead end street of 1,450 feet. Once the motion was made, Mr. Bowyer stated he was voting against the motion as he still had safety concerns regarding the length of the proposed dead end street. After a vote of 5-1-1, the motion passed. Robert Bowyer opposed and Mia Poliquin Pross abstained.

Chairperson Philbrick asked if there was a motion to approve the Final Subdivision plan. A discussion ensued regarding open space requirements and whether or not a waiver was required when the motion was made.

(1:04:20 on DVD)

A motion was made by Evan Cyr and seconded by Sam Scogin to approve the major subdivision of 13 additional lots numbered 10 thru 22 located at Danville Corner Road in the City of Auburn pursuant to Chapter 60, Division 4, Subdivision sections 1359 and 1362, specific to a 57 acre parcel of land located on Danville Corner Road and Woodbury Road, PID# 110-009 for a total of 22 lots for the project, with the Findings that the subdivision plan meets the requirements of Chapter 60, Division 4, Subdivision sections 1359, 1362 and 1365 of the Auburn Code of Ordinances and subject to Conditions 1-3 on the staff report dated July 11, 2017 with the 4th additional condition that we accept an amended site plan dated May 10, 2017 and revised on July 11, 2017 to show a walking trail through lots 11, 19, 18 and 17 and to include a parcel of land interior to that trail that will meet the public recreational open space as required in city ordinance under Chapter 60, Section 60-1367. After a vote of 5-1-0, the motion passed. Robert Bowyer opposed.

Robert Bowyer said he had a couple of points to make that were reflecting on this recent experience but not determining the approval or disapproval of this proposal. Chairperson Philbrick said he would grant Mr. Bowyer some time to make his points toward the end of the meeting and stated they would be taking a 5 minute recess.

The Planning Board meeting reconvened at 7:14 pm.

B. Planning Board initiated text amendment to allow dog kennels in the Agricultural and Resource Protection (AGRP) pursuant to Chapter 60, Sec. 60-145 (b) of the Auburn Code of Ordinances.

Eric Cousens and Zach Mosher presented the staff report via PowerPoint. A discussion ensued between Board members and staff regarding the definition of a kennel.

(1:19:00 on DVD)

Open Public Input

A motion was made by Sam Scogin and seconded by Mia Poliquin Pross to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

Terry Dailey of 1054 North River Road said he was the person who submitted a letter to City staff to look at kennels in the Ag zone. He said things keep changing and the definitions he has are different than the ones the Board members were given. Eric replied that it is important that everyone is looking at the correct definitions in the ordinance. Zach said he did provide an incorrect definition to livestock which was one of the 4 terms discussed in the May meeting. A long discussion ensued amongst Board members, City staff and Mr. Dailey.

(1:41:15 on DVD)

A motion was made by Sam Scogin and seconded by Robert Bowyer to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

Another long discussion followed between Board members and staff.

(1:51:35 on DVD)

A straw poll was taken to determine if any Board member believed that keeping dogs in a kennel format constituted a farm. No Board member raised their hand.

More discussion ensued.

A motion was made by Evan Cyr and seconded by Sam Scogin to recommend approval of the text amendment under Sec 60-145 to add # 16 under Special Exception to read: licensed kennels subject to the following condition: A) minimum lot size of the zoning district or 3 acres, whichever is greater, B) No residential dwelling unit will be allowed as an accessory use of kennels.

Mia Poliquin Pross said she was torn about this motion because it was premature to the Ag study that was coming up. Evan Cyr asked if the Board members wanted to eliminate day time doggy day cares from this approval in order to avoid added traffic to a site. Eric Cousens suggested addressing traffic specifically by limiting the number of trips per day. Board members went over several options for the wording of the motion.

(2:09:35 on DVD)

After several amendments to the original motion, Board members agreed to the following amendment: Condition C: A kennel for the sole purpose of overnight boarding or long term care of animals or breeding. After a vote of 5-0-2, the motion carried. Mia Poliquin Pross and Marc Tardif opposed.

MISCELLANEOUS:

A. Discussion of Proposed Zoning Changes by Lewiston-Auburn Airport Board.

Rick Lanman, Director of the Auburn/Lewiston Municipal Airport presented slides via PowerPoint and explained the proposal.

Robert Bowyer informed the Board that he lives approximately 1 mile from the airport and that it may appear as a potential conflict of interest if he were a voting member on this proposal when it returned before the Board. Board members all agreed that they were comfortable letting him sit as a voting member when it returned.

After a long discussion, staff said they would prepare the language for Public Hearing and have the documents ready for an upcoming meeting.

(2:38:30 on DVD)

B. Discussion of Planning Board Initiated Text Amendment for Livestock.

Eric Cousens explained the situation and gave a brief history of how it all transpired. He said he was looking for a definition of livestock from the Board. After a brief discussion, Eric said staff would prepare the language for Public Hearing and place on the agenda for an upcoming meeting.

C. Discussion of Ag Study & Crossroads Proposal.

Eric spoke about the Ag Zone study and the Crossroads proposal and gave an approximate timeline of when the study would get started.

Chairperson Philbrick granted Mr. Bowyer time to make his comments. Mr. Bowyer stated that the Board should have learned from the experience with Woodbury Heights that we need to revisit subdivision regulations. He said he was shocked that the Fire Department didn't have a problem with the 1,400 ft dead end street. He said there are reasons why there are limits to the length of dead end streets and if it isn't going to be honored and if everyone thinks it's an automatic waiver, then why have it in the ordinance at all. He spoke about city policies for public and private ways and about open space regulations in the ordinance. Lastly, he said he had a personal issue with the truculence of these applicants being completely unwilling to make any kind of contribution to the improvement of Woodbury Road. He said he was looking for a goodwill gesture on the part of the developers but they weren't willing to do that.

OLD BUSINESS:

None

(2:56:10 on DVD)

ADJOURNMENT

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