

Auburn Planning Board Meeting Minutes August 8, 2017

ROLL CALL:

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

Regular Members absent: Samuel Scogin, Nathan Hamlyn

Associate Members present: Dustin Boutin and Christopher Lewis

Associate Members absent: None

Also present representing City staff: Doug Greene, Urban Development Specialist, Zach Mosher, Auburn City Planner and Bilal Hussein, Planning Board Student Representative.

Chairperson Philbrick called the meeting to order at 6:00 pm and asked for a roll call from the members. He stated there were 2 full members absent so both Associate members, Dustin Boutin and Christopher Lewis would be acting as full voting members for this meeting.

MINUTES:

No minutes to vote on at this time.

PUBLIC HEARINGS & NEW BUSINESS:

A. Special Exception and Site Plan Review for a Child Day Care Center (Annette's Day Care) within the Rural Residential District (RR), located at 2020 Hotel Rd pursuant to Chapter 60, Sec. 60-229 (b) (4) Rural Residential use regulations; Chapter 60-1336, Special Exception Conditions of Auburn Code of Ordinances.

Chairperson Philbrick explained the process of the Planning Board meeting.

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

Annette Hatch, applicant spoke briefly about the proposal and answered questions from Board members.

Open Public Input

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

A motion was made by Mia Poliquin Pross and seconded by Marc Tardif to approve the Special Exception and Site Plan request for a Child Day Care Center (Annette's Day Care) within the Rural Residential District (RR), located at 2020 Hotel Rd pursuant to Chapter 60, Sec. 60-229 (b) (4) Rural Residential use regulations; Chapter 60-1336, Special Exception Conditions of Auburn Code of Ordinances. The motion includes approval of the waiver request pursuant to Chapter 60, Sec. 60-1302. Mia amended the motion to include Condition #1 listed on the Staff report which reads "No development activity until any bonding or inspection fees is determined by the Auburn Engineering Department". Mr. Tardif seconded the amended motion. After a vote of 7-0-0, the motion passed.

B. Joy and Hamilton Architects, Inc., an agent for John F. Murphy Homes is seeking approval of a Special Exception and Site Plan Review application to construct a new, 14 bed, 14,000 s.f. nursing home for people with intellectual disabilities near the corner of Summer St and Mayfield Rd (PID: 270-007) pursuant to Chapter 60, Sections 60-255 (b), (1) Suburban Residential District use regulations; Chapter 60, Sec. 60-1300 and 60-1336 of the Auburn Code of Ordinances.

Zach presented the staff report via PowerPoint.

Bill Hamilton of Joy and Hamilton Architects spoke about the proposal and answered questions from Board members.

A discussion ensued regarding the possibility of postponing Planning Board action on this proposal due to the absence of storm water management material as required.

A motion was made by Robert Bowyer and seconded by Evan Cyr to postpone the hearing until an adequate storm water management plan has been received and evaluated by the City staff. Board members stated their concerns regarding the way this proposal was presented and the possibility of procedural issues in the future.

Mia Poliquin Pross commented since this was presented as a Public Hearing, the people in the audience should be given the chance to voice their opinion if they wished to do so. Chairperson Philbrick asked if anyone in the audience wished to speak regarding this issue and a couple of people indicated they did.

Mr. Bowyer deferred action on his motion to allow the opening of public input on this hearing.

Open Public Input

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

Rodney Gagnon of 504 Turner Street said he was concerned about sewerage and asked about possible expansion to the operation. Mr. Hamilton explained how the sewerage issue would be handled and stated that the 14 bed unit would never be expanded.

Donna Kassa of 55 Mayfield explained this was a quiet residential neighborhood and said there was a concern of the impact of extra traffic, noise and lighting from the property. She asked several questions which were answered by Mr. Hamilton.

A motion was made by Marc Tardif 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.

The motion to postpone the hearing was back before the Board. After a vote of 6-0-1, the motion to postpone carried. Chairperson Philbrick opposed.

C. A proposed zoning map amendment from General Business Zoning District to T 5.1-Downtown Tradition Center for parcels on Library Ave, Troy, Hampshire and Union Streets including 31 Library Ave (PID: 240-201), 35 Union St (PID: 240-215), 39 Union St (PID: 240-214), 43 Union St (PID: 240-213), 52 Hampshire St (PID: 240-211), 50 Hampshire St (PID: 240-210), 29 Library Ave (PID: 240-202), and Troy St (PID: 240-212).

Doug Greene presented the staff report via PowerPoint and answered question from Board members.

A motion was made by Robert Bowyer and seconded by Marc Tardif to forward a favorable recommendation to the City Council on a change to the locations as identified in the staff report the Zoning District from GB to T-5.1 without inclusion of Condition #3 and in addition to the language in the staff recommendation we would add “the Planning Board is aware that there could be some potential for inconsistencies between the Land Use Plan as expressed in the Comprehensive Plan and the Form Based Code Districts and the Planning Board will be developing some amendments to the Land Use plan to be submitted to the Council in the near future”. After a vote of 7-0-0, the motion carried.

The Board members took a 5 minute break and Chairperson Philbrick called the meeting back to order at 8:00 pm.

OLD BUSINESS:

A. Request for approval of Updated findings for existing project at 62 Spring St., pursuant to Chapter 60, Division 4 Subdivision regulations of the Auburn Code of Ordinances; and Maine Revised Statutes, Title 30-A: Municipalities and Counties, Chapter 187: Planning and Land Use Regulation, Section 4401.

Doug explained why this was back before the Board and after a short discussion the following motion was made:

A motion was made by Evan Cyr and seconded by Marc Tardif to amend and accept the Special Exception granted to the property at 62 Spring Street containing 51 dwelling units as originally accepted at the August 9, 2016 meeting of the Planning Board to include the Findings #'s 1 thru 7 as presented in the Planning Board staff report dated August 8, 2017. After a vote of 7-0-0, the motion carried.

Robert Bowyer presented the following related motion:

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A motion was made by Robert Bowyer that the City of Auburn initiate a request for action at the next session of the Legislature to amend 30-A M.S.R.A. Section 4401 to remove the requirement about subdivision as it relates to dwelling units or sections of a building and that the subdivision regulations deal with division of land into lots. That be submitted to the Legislature, and that appropriate action be taken subsequently to amend the City of Auburn ordinances.

Mr. Bowyer added for the record that the Planning Board could explore the possibility within our own ordinances, define this as a minor subdivision which would be reviewed by staff and therefore eliminating the need to come before the Planning Board.

The motion by Mr. Bowyer was seconded by Dustin Boutin.

Mia Poliquin Pross commented that this was complicated and would prefer to know more about this state law and other areas in state law where subdivisions are implicated. She said she would be more comfortable forwarding a recommendation that we amend the City of Auburn Zoning Ordinance to make it clear that we are referring to a division of land as defined in 30-A M.S.R.A. Section 4401 and disregarding the rest of the definition that is referring to a division of a structure into more dwellings.

Mr. Bowyer replied that he phrased it that way because he assumed we cannot be in conflict with state law. After a short discussion, Mr. Bowyer withdrew his motion and submitted the following motion:

A motion was made by Robert Bowyer and seconded by Mia Poliquin Pross to request that the staff discuss with the appropriate City officials an amendment to either or both the City Zoning Ordinance and the Maine State Statute to relieve us of the current requirement of processing subdivision with site plan review of the division of a building into condominium units. After a vote of 7-0-0, the motion carried.

MISCELLANEOUS:

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

Zach Mosher explained the situation and after a brief discussion said staff would come back next month with proposal for a text amendment.

ADJOURNMENT

A motion was made by Marc Tardif and seconded by Christopher Lewis to adjourn. After a vote of 7-0-0, the motion carried.