

Auburn Planning Board Meeting Minutes December 11, 2018

ROLL CALL:

Regular Members present: Evan Cyr – Presiding, Robert Bowyer, Dustin Boutin, Samuel Scogin, Marc Tardif and Nathan Hamlyn

Regular Members absent: Mia Poliquin Pross

Associate and other Members present: Stephen Martelli and Brian Carrier

Associate and other Members absent: None

Also present representing City staff: Audrey Knight, Auburn City Planner

Chairperson Cyr called the meeting to order at 6:00 pm and asked for a roll call. He stated due to Mrs. Mia Poliquin Pross being absent, Stephen Martelli's status would be elevated to full voting rights for this meeting.

MINUTES:

October 9, 2018 Meeting Minutes Approval Request

A motion was made by Sam Scogin and seconded by Robert Bowyer to approve the October 9, 2018 meeting minutes as presented. After a vote of 7-0-0, the motion carried.

Chairperson Cyr explained the process of Planning Board meetings and asked Ms. Knight to present the Staff report.

PUBLIC HEARINGS & NEW BUSINESS:

- 1. Becket Family of Services is seeking Special Exception approval to convert a former school building located at 31 Holbrook Road, to a children's residential treatment program serving twelve (12) children, in the Low Density Rural Residential zone (PID 387-028).**

Audrey Knight went over the staff report and presented slides via PowerPoint.

Michael Gotto, representing Becket family Services and Justin Gifford, Executive Director of Children Residential Services, Maine added to the presentation.

(11:40 on Recording)

Open Public Input

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

A motion was made by Sam Scogin and seconded by Marc Tardif to approve the request by Becket Family Services for a Special Exception to convert a former school building located at 31 Holbrook Road, to a children's residential treatment program serving twelve (12) children, in the Low Density Rural Residential zone (PID 387-028) as it meets the Findings as listed in the Staff Report and with the following Condition: That an emergency operations plan (EOP) be created within one year of operations. The EOP should address a variety of scenarios, including a continuity of operations component, and could be developed with input from City Police and Fire Departments. While this is always a necessary item, protocols should be in place if response times can't bring help when needed. After a vote of 7-0-0, the motion carried.

(14:50 on Recording)

2. SME Engineers on behalf of Bangor Savings Bank, is seeking Site Plan and Special Exception approval for a one-story 5,600 square foot building with 3-lane drive-thru at 170 Turner Street (PID 250-195) in the General Business zoning district.

Audrey went over the staff report and presented slides via PowerPoint.

(23:15 on Recording)

David Latulippe with CJ Developers, representing Bangor Savings Bank introduced Jeff Reed from Sevee & Maher Engineers. Mr. Latulippe commented that the City of Auburn planning process for developers is very well done. He spoke about the proposal and answered questions from Board members.

Open Public Input

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

Christine Bosse from Sabattus explained why she felt Bangor Savings would be a good neighbor in the City and said she is excited to see them come to Auburn.

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

Audrey brought up the fact that the City of Auburn did not have a lighting standard for developments and that the lighting plan that was submitted for the Bangor Savings project may or may not be acceptable to the neighbors.

(35:00 on Recording)

A motion was made by Sam Scogin and seconded by Marc Tardif to approve the Site Plan and Special Exception request for a one-story 5,600 square foot building with 3-lane drive-thru at 170 Turner Street (PID 250-195) in the General Business zoning district as it meets the Findings for approval of Sections 60-1277 and 60-1336 and including the following 3 conditions: A) No development activity until any

bonding or inspection fees are determined by the Auburn Engineering Department, B) The Planning Board requires a no-left turn sign at the intersection of Troy and Turner Streets which is to be provided and paid for by Bangor Savings and C) Any other items raised during the Public Hearing that the Planning Board deems appropriate. After a vote of 7-0-0, the motion carried.

(36:45 on Recording)

3. The Taylor Pond Association is seeking to amend Article IV, Zoning District Regulations, Division 2 Agriculture and Resource Protection District, Sec.60-145 (b) Special Exception Uses (17) to prohibit industrial use, including the manufacture, assembly and maintenance of recreational or agricultural equipment in the watershed areas of Lake Auburn and Taylor Pond.

Audrey proceeded to go over the staff report and presented slides via PowerPoint.

Chairperson Cyr apologized for interrupting the presentation and stated there were a couple assertions that should be declared before moving on.

Marc Tardif declared that he would step down because he is a Board member of the Taylor Pond Association. Chairperson Cyr stated Brian Carrier's status would be elevated to a Full voting member for this portion of the meeting.

Chairperson Cyr stated that his residence is within the Lake Auburn Watershed and that he often visits relative's properties that are in the Taylor Pond Watershed. He said he didn't think he needed to recuse himself but wanted it on the record for full disclosure.

Audrey continued on with the presentation of the staff report.

(47:50 on Recording)

At the conclusion of the staff report presentation, Chairperson Cyr asked if the Board members had any questions for City staff.

Several questions were asked by the Board members relating to the following:

- Overlays of the zoning district
- Referring to watershed boundaries
- Describing light industries vs Home based business
- DEP standards for water pollution and environmental control

(61:55 on Recording)

Dana Little of 585 Garfield Road spoke about the following:

- Wants to see Lost valley and the City of Auburn thrive
- Special ordinance passed by this board was a mistake and if allowed to stand could potentially harm Taylor Pond
- Representing Taylor Pond Association, has been president for over 15 years
- Okay to correct the original amendment in some way as long as it protects Taylor Pond
- 130 members in the Taylor Pond Association and 210 people live around Taylor Pond
- Described Association actions to monitor and protect Taylor Pond
- Spoke about algae growth and mitigating phosphorous

- Spoke about the Kassbohrer proposal coming to Lost Valley
- Conflict between 2 Engineering reports
- One of the concerns the Association had was that the inspection by Kassbohrer was to be done by Kassbohrer and not a 3rd party
- Described and passed around to Board members a photo taken on 9.10.17 where Kassbohrer started opening a road into their area – shows the area with hay on it, bare soil, and bare soil washing across the road. In the distance is Taylor Brook which feeds right into Taylor Pond. Should have been prevented but wasn't.
- Hoping to see projects like these prevented in the future.
- Asked Barbara Mitchel to join him to help answer any questions from Board members

(69:45 on Recording)

Chairperson Cyr said he would like to make the following point of clarification before any questions are asked: There have been several points at which the previous amendment to the Zoning ordinance was described as being done for a particular project. He said it's important for people in the room to understand that the Planning Board does not make decisions like this lightly particularly when we amend Zoning Ordinance that affects roughly 40% of the City's land mass. It's important to understand that the Board did not make an amendment in order to allow a singular industry into a singular spot. The Board made an amendment that, while it was instigated by a specific group, made a decision that affects all City wide agriculturally zoned land. The previous amendment was not made solely for property around Lost Valley so was not a project specific decision.

Several members of the Board stated because the photo and other findings from outside agencies mentioned were not submitted as public record prior to the meeting that they shouldn't be entertained by the Planning Board.

Barbara Mitchel said Eric Cousens told her specifically that the amendment was written to accommodate that project. Chairperson Cyr responded that the Board would not do something so foolish as to allow for something in one area that then has ramifications across 40% of the City and not take that into account.

Dana Little re-iterated that he wants to see Taylor Pond protected and said any project that comes up, the Taylor Pond Association is going to look at it very carefully.

(75:35 on Recording)

Sam Scogin commented that the proposed amendment seemed redundant to current City code and asked why the need to reference back to the Maine DEP?

Ms. Mitchel replied it's because the City was trying to find areas where they could mitigate phosphorous run-off to compensate for the additional phosphorous that was going to be put in and the DEP specifically says that the MP's can only be allowed on a property of which the off-site mitigation is taking place and the project parcel are in common ownership which they were not going to be so they had overlooked that. Also, it has to be a permanent entity such as a town or school district and Lost Valley is not a permanent entity. The reason we are bringing this forth is because this wasn't being followed.

The discussion continued amongst all parties regarding the redundancy of the language referencing the DEP standards, watersheds in other Zoning Districts, the vulnerability of Taylor Pond, the Planning Board's responsibilities and charges, impacts from additional run-off, definition of light industry, etc.

(91:20 on Recording)

Audrey stated there are about 4 other Special Exception categories that do specifically address the watersheds in the Agriculture and Resource Protection Ordinance and proceeded to read them. More discussion ensued regarding, among other things, trusting the Planning Board process.

(103:50 on Recording)

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

Jan Philips of West Shore Road said she too is a member of the Taylor Pond Association and spoke about the following:

- September 11, 2017, the previous City Council voted 5-2 during a final reading to implement this amended zoning ordinance.
- The DEP standards weren't caught at that level
- The project came in conjunction at that meeting
- We brought this forward to start, not with an exemption already in place, but opens the door for a development with a lack of impact; it restarts what the default is
- Goal A-2 of Auburn's 2010 Comprehensive Plan: protecting the water quality of Taylor Pond to maintain both the environmental and economic value of the pond is emphasized extremely well
- Concerned not just about phosphorous, but petroleum product run-off and a host of other things that those projects would have made it impactful
- City Assessor's Office is currently undertaking a 2-year revaluation study of Taylor Pond so likely that we will see tax increases – important economic engine
- Water quality obviously is not easy to maintain

(109:55 on Recording)

Michael Gotto, representing Lost Valley, spoke about the following:

- Represented Kassbohrer
- Apologized to Mr. Little for the cost they went through but said they did offer on multiple occasions to meet with the opposition to the Kassbohrer project
- Held the project so issue could be reviewed and resolved but resolving added too much cost, so the project went elsewhere in Auburn
- City's ordinance has everything it needs to have to protect exactly what these folks want it to
- Because of the wording of the proposed amendment, it's a problem for Lost Valley
- Lost Valley is just as concerned about the pond as the Association is and does not want to do anything to cause a problem for that pond
- Spoke about how the proposed amendment could prohibit Lost Valley with any expansion of the maintenance shed or work on a snow cat or installation of a 3rd ski lift. Severely hurts Lost Valley the way it's worded

(116:03 on Recording)

Mary Sylvester of 209 Maple Hill Road spoke about the following:

- Currently the Chair of the Mayor's Ad Hoc Committee on Agriculture that was convened in the fall of 2017 to work with Crossroads Research Center, consultants hired by the City.
- Also a Trustee of the Auburn Water District so understands that water protection is very important
- Definition of industrial can be found on any farming operation in the City
- Applauds the discussion amongst all groups and as the updating of the ordinance occurs, we must be aware that there's a lot of potential for economic development in agriculture here as well as the protection of these important natural resources

(118:55 on Recording)

John Herrick of 216 Fletcher Road stated that on behalf of Lost Valley, wanted everyone to know that Lost Valley is an outdoor based organization company and appreciates protecting the environment because that's where we play in. Wanted to remind the Auburn Community that a lot of great things have come out of Lost Valley and said snow making today all over the world has its roots in Auburn, Maine along with snow grooming. He said that adding that language would reduce our ability to innovate and make Auburn and Lost Valley great again.

(121:13 on Recording)

Tizz Crowley of 35 University Street stated the following:

- She also serves as an Auburn Water District Trustee and is a Commissioner of the Lake Auburn Watershed Protection Commission.
- Commented that she learned about this at the last minute and had difficulty getting information until Chairperson Cyr helped direct her to the agenda and supporting documents on the City's website.
- Encourages the Board to reach out to the Lake Auburn Watershed Protection Commission, the Auburn Water District, and the City of Auburn's own Water Conservation Commission which had met last night and could have participated in the conversation.
- The City is very busy both with the past program and the accelerated Mayor's Action Group on the Agricultural Zone, yet this information has not come forward under their part
- Concerns her gravely that we do not have a transparent system here and asks that before any action is taken, particularly since it does affect a great percentage of our City, that the Board reaches out to the various committees and organizations to participate
- Commended Mr. Bowyer for his statements and said there were rules put in place that today are not being enforced and the answer from the City is we'll change them
- Particularly to the Taylor Pond sitting here, when they spoke, they did not mention the Lake Auburn Watershed Protection Commission, it was very focused on their community and their neighborhood. They sort of inferred that we don't want to see more industrial or more risk to the water and yet the City of Auburn, the Auburn Water District and the residence of Taylor Pond each put up \$3,000 for a total of \$9,000 to have a study done to expand the sewer system so that more development, more conversions from camps to year round homes could happen.
- Finds that troublesome because it seems like we're spending money on both sides of the fence for a competing thing
- Before anything is done, maybe we look at our strategic plan and focus on Taylor Pond
- Does not believe that the activities around Taylor Pond have really met watershed protection things. We heard a little bit about phosphorous, but the Lake Auburn Watershed Protection Commission has a full-time person dealing with outreach and education.

- Taylor Pond has a privately-owned public beach and when the municipal beach was having problems, they did not even want to test the water for safety
- Concern is that she is seeing 2 different messages here. 1 side in one room she hears we want to develop Taylor Pond, we want to invest there, we want you to put some money to raise the water rates for others to do that investment and on the other side she hears we want to protect our neighborhood

(125:30 on Recording)

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

A lengthy discussion ensued amongst Board members regarding the proposal and there being a number of protections already in place.

(138:15 on Recording)

A motion was made by Robert Bowyer and seconded by Sam Scogin to forward to the City Council the recommendation that the proposed amendment not be approved for the reasons that have come forward tonight.

Robert Bowyer commented that he hoped members of the audience leave with the understanding that there are a number of good protections already in place and if they were to continue in their zeal to protect the quality of water, we will need a different approach than what this amendment has produced.

Brian Carrier agreed with Mr. Bowyer and thanked the Association for bringing this forward.

Sam Scogin commented that he would encourage members of the Taylor Pond Association as well as everyone else in the watershed to come before us as we want to hear your concerns and you can trust that we will be fair in our assessment of your concerns.

(140:50 on Recording)

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

Chairperson Cyr reemphasized to the members of the audience that this does not mean that other solutions cannot be developed and said Ms. Crowley's points were correct about involving all stakeholders to help find solutions to protect our great ponds and watersheds and keep our water ways as pristine as they can be.

(143:00 on Recording)

Chairperson Cyr called for a 5-minute recess and the meeting was reconvened approximately 12 minutes later.

(155:30 on Recording)

OLD BUSINESS:

a. Mayor's Action Group on Agriculture & Resource Protection – update

Brian Carrier updated the Board on the MAG-ARP committee's proposed text amendment.

Mayor Jason Levesque commented that this was his first time sitting through a Planning Board meeting and said he was impressed with the process. He then proceeded to go over the time line for the potential adoption of the language and answered questions from Board members.

(167:20 Recording)

MISCELLANEOUS:

a. Updates from Planning Board members on projects and communications

No updates at this time

(171:00 Recording)

ADJOURNMENT

A motion was made by Sam Scogin and seconded by Stephen Martelli to adjourn. After a vote of 7-0-0, the motion carried.

DRAFT