

Auburn Planning Board Meeting Minutes

April 10, 2018

ROLL CALL:

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

Regular Members absent: None

Associate and other Members present: Dustin Boutin

Associate and other Members absent: Christopher Lewis and Bilal Hussein, Planning Board Student Representative

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

Chairperson Cyr called the meeting to order at 6:00 pm. He explained the process of the Planning Board meeting and asked for a roll call from the members.

MINUTES:

None at this time

PUBLIC HEARINGS & NEW BUSINESS:

- A. Sebago Technics, LLC an agent for Auburn Memory Care, LLC is seeking approval of a Special Exception and Site Plan Review application to construct a new, 60 unit, 47,606 s.f. assisted living facility immediately adjacent to 200 Stetson Rd (PID: 291-009) pursuant to Chapter 60, section 60-45 (a) Projects requiring Site/Plan and Special Exception review and Chapter 60, Section 60-499 (b), (5) General Business use regulations.**

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

(11:00 on Recording)

Dan Maguire of Sandy River Company introduced several associates in attendance here on behalf of this project. He explained the proposal and presented slides via PowerPoint. Other associates from Sandy River Company, Sebago Technics, Inc. and Auburn Memory Care, LLC added to the presentation. Questions asked by Board members were answered by City staff and agents for the applicant.

(43:45 on Recording)

Open Public Input

A motion was made by Samuel 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.

No comments.

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

A couple of questions were raised by Board members regarding the condition of Stetson Road and fire hydrants which were answered by City staff.

A motion was made by Robert Bowyer and seconded by Samuel Scogin to approve the amended site plan for Schooner Estates located on PID# 291-009. After a vote of 7-0-0, the motion carried.

A motion was made by Samuel Scogin and seconded by Robert Bowyer to approve the Special Exception and Site Plan Review application to construct a new, 60 unit, 47,606 s.f. assisted living facility immediately adjacent to 200 Stetson Rd pursuant to Chapter 60, section 60-45 (a) Projects requiring Site/Plan and Special Exception review and Chapter 60, Section 60-499 (b), (5) General Business use regulations. After a vote of 7-0-0, the motion carried.

OLD BUSINESS:

1. Major Final Subdivision Plan for Woodbury Heights Phase IV. George Bouchles, Surveyor and agent for Bouffard and McFarland Builders, is seeking approval for 7 residential lots and a new 668 ft cul-de-sac street at the corner of Woodbury Road and Danville Corner Road (PID: 110-009) and a portion of an adjacent lot (PID: 110-011), pursuant to Chapter 60, Division 4 Subdivision; Sections 1359 Subdivision and 1362 Major Final Subdivision Plan of the Auburn Code of Ordinances. (This item was tabled at the March 27, 2018 Auburn Planning Board meeting).

A motion was made by Marc Tardif and seconded by Samuel Scogin to remove the item from the table. After a vote of 7-0-0, the motion carried.

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

(58:00 on Recording)

A lengthy discussion ensued amongst Board members and City staff regarding the waiver request, fire hydrants, sidewalks, and questions regarding who in the City determines that the project conditions put forth by the Planning Board have been satisfied by the applicant.

(74:25 on Recording)

Kim Visbaras, attorney representing the applicant spoke about a letter he sent to the Planning Board addressing several concerns that had been brought up at the last meeting. Mr. Visbaras then answered questions from Board members.

Open Public Input

A motion was made by Samuel 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.

Shawn Dube of 760 Old Danville Road spoke about the following:

- Appreciates gesture about the buffer but would have been easier to leave some of the trees

- Does not feel a waiver should be granted for the sidewalks due to safety reasons
- Received an email from CES and read a couple of sentences regarding the run-off
- Granting the waiver for the extension of the road is a horrible idea
- The applicant has totally failed his obligation to do what was supposed to be done and mentioned the nature trail
- Still no specs for what will be done around their properties to avoid stormwater running down that hill
- Already seeing run-off issues around his property and has never had that happen in the past
- Only way to solve problem now is to have a designed engineering plan – not a trench
- Asked if Phase IV was the 1st phase that is requiring a Home Owner’s Association and if so why? Mr. Visbaras answered that there were no facilities in the 1st 3 phases that anybody needed to maintain whereas this one will have a stormwater facility that will require maintenance along with the trail maintenance which will be mentioned in the bylaws. Chairperson Cyr added that this will be a condition on the site plan and the City will have authority to take legal action against the Home Owner’s Association if they do not provide the storm water plan or upkeep of the trails.
- Wants it on record in the minutes that he is not endorsing this subdivision – feels 29 lots are way too many.
- Definitely not endorsing a waiver for extending the road because it will create more run-off down that hill.
- For safety sake, definitely not endorsing the waiver requested for no sidewalks
- Suggested Board members drive by the property
- Reiterated that he appreciates gesture about the buffer
- Mentioned a letter by Woodard & Curran being hired by the City to make sure they met the standard but didn’t see anything about the run-off to their properties
- Concerned CES did not have a plan to divert the water coming down the hill – clearcutting on the hill that was created by the developer makes it a whole different situation now. It may meet the standard for this size of development, but you aren’t controlling the run-off coming down the hill - especially with extending the road which will create more of a run-off situation.

(93:40 on Recording)

Kim Dube-Bustamante, owner of 784 Old Danville Road spoke about the following:

- Agreed with everything her brother (Shawn) just spoke about and wanted to go on the record that she also did not endorse this.
- Feels there is no commitment to divert the run-off to the 2 properties at the bottom of the hill
- Not getting concrete information from the City about whose responsibility it is to make sure Chapter 500 is adhered to.
- Wants the Planning Board to be specific in their motions so they become part of the minutes
- Feels discussion items don’t go anywhere
- None of Acorn Engineering’s suggestions are being implemented
- Did not ask Acorn to review just to meet code but to make the run-off issue was being addressed
- Wants to see something specific done to identify ways that they divert or redirect the water flowing down the hill away from the two properties

- For the large size of the development and the revenues generated to the developer and to the City in taxes, feels it is negligent of the City to not have them address run-off issues for the 2 homes in relation to the 29 homes in the development.
- Is concerned that she doesn't see anything in the conditions about addressing the issues for the abutting property owners. That no burden is added to the 2 abutters down the hill.
- Developer is diverting the responsibility on to the Home Owner's Association, but they will not have money to remedy any run-off situation.
- Wants specific language about erosion control in the Conditions of approval
- Very frustrated about conversations that don't amount to anything and don't see that there's any responsibility for any follow through.
- Only have to take action on the motions that are made so make your motions clear or just don't approve anything at all.
- Put the buffers in writing so that it happens and extend them to my property as well.

Board members asked questions which were answered by Ms. Dube-Bustamante and City staff. Also speaking and answering questions was Sean Thies of CES Engineering. A lengthy discussion ensued regarding Chapter 500, run-off, trenching, pre and post conditions, etc.

(124:30 on Recording)

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

The discussion continued amongst Board members, City staff and the applicants regarding the grading of the road, elevations, conditions of approval, and storm water plan.

(133:00 on Recording)

A motion was made by Samuel Scogin and seconded by Dustin Boutin to accept a waiver request for the length of the cul-de-sac street. After a vote of 4-3-0, the motion carried. (Evan Cyr, Robert Bowyer and Sam Scogin opposed)

(136:40 on Recording)

A motion was made by Samuel Scogin and seconded by Mia Poliquin Pross to accept a waiver request regarding construction requirement of sidewalks. After a vote of 5-2-0, the motion carried. (Robert Bowyer and Sam Scogin opposed)

(139:40 on Recording)

A motion was made by Samuel Scogin and seconded by Dustin Boutin to approve the Woodbury Heights – Phase IV subdivision which includes the major subdivision plan of 7 additional lots (lots 23-29). This approval is subsequent to 13 lots approved in July 2017 and 10 lots that were approved by the Planning Board in 2015, pursuant to Chapter 60, Division 4 Subdivision; Sections 1359 and 1362, Subdivision of the Auburn Code of Ordinances with the following findings and conditions:

FINDINGS OF APPROVAL:

The Auburn Planning Board approved the Final Subdivision for Woodbury Heights, Lots 23-29 with the finding that it meets the requirements of Chapter 60, Sections 1359, 1362, 1365 and 1367 of the Auburn Code of Ordinances.

CONDITIONS OF APPROVAL:

This approval is subject to the following conditions being completed prior to the recording of the Subdivision Plan:

1. No development activity until any bonding or inspection fees as required by ordinance are determined by the Auburn Engineering Department and paid by the developer.
2. The applicant shall secure approval from the tax assessor for a lot numbering sequence to ensure compatibility with the existing tax system. Prior to issuance of building permits, the application for the new cul de sac street name and house/drive locations shall be submitted to the City Planner.
3. The developer shall fulfill the requirements of the open space provisions for residential subdivisions as per Chapter 60, Sec. 60-1367 and Section I (C) of this report and a note shall be added to the site plan regarding the construction and maintenance of stormwater systems and the open space/trails through the establishment of a homeowner's association as noted in the application.
4. Areas designated as Buffers must be protected from disturbance by deed restrictions and covenants and submitted to City of Auburn.
5. The developer shall plant two rows of evergreen trees, each row being 8' on center and staggered in relation to the other row. Trees shall be at least 2" diameter and planted along parcels located at 784 Old Danville Rd (PID: 110-011-001) and 760 Old Danville Rd (PID: 110-011-004) which abuts lots 23, 24, and 25 of the Woodbury Heights subdivision.
6. The Applicant shall provide the Engineering Department with more detailed grading and drainage plans prior to construction, including a more detailed erosion control plan to ensure that no sediment leaves the site.
7. The developers engineer shall incorporate the construction of a trench, as referenced on the stamped plan by James W Potter dated 12/15/2017, into the overall stormwater plan and verify if the culvert at Old Danville Road can accommodate the anticipated stormwater.

(161:20 on Recording)

A lengthy discussion ensued and after a vote of 6-1-0, the motion carried. (Robert Bowyer opposed)

MISCELLANEOUS:

Chairperson Cyr spoke about agenda setting and the following items were voted on:

Member reports (7-0-0)

Sub Committee reports (7-0-0)

Current events, development projects and permitting reports (7-0-0)

(174:25 on Recording)

ADJOURNMENT

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