

Auburn Planning Board Meeting Minutes May 14, 2019

ROLL CALL:

Regular Members present: Evan Cyr – Presiding, Dustin Boutin, Brian Carrier, and Samuel Scogin

Regular Members absent: Marc Tardif, Stephen Martelli and Nathan Hamlyn

Associate and other Members present: Katherine Boss and John Engler

Associate and other Members absent: None

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

Chairperson Cyr called the meeting to order at 6:00 pm and asked for a roll call.

MINUTES:

March 12, 2019 and April 9, 2019 Meeting Minutes Approval Request

A motion was made by Brian Carrier and seconded by John Engler to approve the March 12, 2019 and April 9, 2019 meeting minutes as presented. After a vote of 6-0-0, the motion carried.

Chairperson Cyr stated that several of the full voting members were absent so both Associate members, Katie Boss and John Engler would be acting as full members for this meeting.

NEW BUSINESS and PUBLIC HEARING:

Draft proposed zoning text amendments to the Agriculture and Resource Protection district, Section 60-2, 60-145, and 60-146

- Presentation of proposed text and text goals – Mayor Levesque
- Discussion & Public Comment

Chairperson Cyr explained the process of Planning Board meetings and asked Audrey to present the staff report.

Audrey went over the staff report and presented slides via PowerPoint. She presented the current language in the ordinance and then what was being proposed.

Chairperson Cyr asked for the Chairperson of the AG Committee to come forward and share some information.

(20:30 on Recording)

Mayor Jason Levesque gave a brief history of the original Mayor's Ad Hoc Committee. He said most of their recommendations were for the most part vague except one; they recommended that a permanent standing committee be created on Agriculture. He said other recommendations they made were to address key items like the 10-acre minimum rule and the 50% income rule. He also said the following:

- Everybody agreed on the previous Ad Hoc Committee that those rules created in the 1960's were archaic
- He formed the most recent Ad Hoc Committee with support of the City Council to look at specifically modernizing the current ordinance as it stands (specifically the 10-acre rule and the 50% income rule to find some sort of common ground)
- Committee met for approximately 35 to 40 hours and came to pretty much what is being presented today with one vote that passed unanimously and then had some more dialog and a second vote
- Can't conjecture why the meetings themselves broke down. Tried to regain order but there were a lot of emotions involved versus facts so as the Chair and per the responsibilities he had when he formed an Ad Hoc, he disbanded the committee.
- When this was presented to the City Council the goals were simply to modernize the ordinances, to be fair in our application and to recognize a modern farming that has changed and evolved.
- Several members from the State Department of Agriculture came to the previous Planning Board meeting to talk about what a modern Maine farm looks like – it's smaller, it's high yield, high production
- Reviewed many case studies around the country with similar latitudes
- Both Ad Hoc Committees came to the conclusion that looking at someone's income was not fair
- The IRS defines a farmer as someone who submits a Schedule F – meeting a minimum threshold of \$1,000 in annual income or donated product/goods of \$1,000.
- Seeing small farms occur around the region which holds a great deal of interest to potential residents of Auburn.
- There's a lot of land that has been passed down through generations which were under 10 acres in size and some of that land is being farmed today but individuals can't build a farm dwelling on it. Spoke about fairness.
- Can we be fair to small and large farms simultaneously without favoring one over the other? Hope this addresses that problem by a one-time exemption for lots between 3 and 10 acres so they can apply and farm that land if they so wish or sell to someone who does want to build a farm residence and start farming
- The permanent Council formed Agricultural Advisory Committee, which is referenced in the ordinances, is being worked on right now and hopefully will happen simultaneously with the enactment of the future Ag ordinances of the City Council
- Wanted to stay away from committee that judged based of how they felt
- The advisory portion is important. Need to have a check and balance and this is where we could really use the Planning Board's help in the recommendations– want to avoid conflict with the Comprehensive Plan – don't want to cause sprawl
- We can almost real-time track permitting, track building development so if something happens that is an unforeseen consequence of actions, we can turn it around and stop it. There are mechanisms in place.

- Doesn't believe this is "development" in the negative sense of the term – believes these are farm dwellings. These are people who want to live and work their land in harmony with their neighbors who currently live and work their land. Raise their families on existing roads who aren't going to be serviced by water or other infrastructure that doesn't already exist so looking at costs and other factors, we are a city and we're blessed with this great agricultural resource that we're not using.
- In summary, it's about using it for its intended purpose which is agriculture
- Recently, Lake Auburn Watershed Committee talked about not putting forth this ordinance and having it find the watershed. There are farms currently in our watershed.
- Currently owns property in both the Lake Auburn Watershed and the Taylor Pond Watershed and half is in the Ag Zone. Nothing can stop him currently from farming on his land so finds it a little odd and possibly a little disingenuous.
- How do we all coexist naturally? Having one special interest over another special interest is not the community he grew up in and not the type of community he wants to raise his family in. Wants the opportunities to be here just like they are in every other part of the country.

(31:40 on Recording)

Sam Scogin said that after looking at the press release from the Lake Auburn Watershed Protection Commission, he noted their primary concern was not agricultural in nature, it was the potential that the development will cause unwanted impacts to the watershed area and asked Mayor Levesque to respond.

Mayor Levesque replied that development is being misused and being thrown around. Developments that are commonly thought of in a negative connotation are hotels, marinas and condos, etc. and can be sprawl. Looking at the number of lots that surround Lake Auburn that could comply to potential farming activities over the course of a generation based upon how the ordinance is written, and how it could be divided over a course of time is not development. It's about turning current agricultural land that's being protected as a resource into agriculture. It's about using the land as it's been zoned. So that's the bigger cultural question we have to answer as a community; what is development, how do we use the zone as it was designed to be used and does one special interest trump another? He said he doesn't want phosphorous run-off, it's very expensive and damaging. We need to protect our drinking water. If it's a problem, then we need to look at getting rid of agricultural land in the watershed and turning it into conservation land. He's not saying that's his proposal but need to have that honest dialog about that.

Mr. Scogin asked what were the mechanisms that could stop development which had been mentioned earlier by Mayor Levesque. Mr. Mayor responded that if we started seeing a trend of abuse, then the City Council could do a moratorium on a building in the Ag Zone or we could just change the ordinance.

Brian Carrier asked what City agency takes care of the 50% income rule? Mayor Levesque replied Code Enforcement. Mr. Carrier asked if there's been any enforcement in the last 60 years? Eric responded that we've had limited development for single family homes in the Ag Zone. He said he doesn't think we've ever had to go back and tell someone to tear down their home and doesn't think we've found definitively, that we've permitted one and that they've stopped meeting the 50% standard either. Mayor Levesque added that's because the ordinances that are in place have prevented anyone from even starting a home.

Chairperson Cyr asked how many properties or percentage of properties currently in the Ag Zone actually meet these criteria – that were built after this ordinance was enacted and currently are required to meet these criteria? Eric replied he does not have that number but in the last 10 or 15 years, there's only been 3 permitted that were tied to agriculture either as farm labor or as a farmer meeting the 50% income standard.

Katie Boss asked what is the City's current capacity to actually enforce or to review that people are meeting the criteria? Eric replied because there's so few, we can review them fairly easily. He said we don't do it on an annual basis. Just driving by and seeing that the activity has ceased as it was originally proposed.

John Engler asked what was the process the Ad Hoc Committee used to determine the income requirement criteria? Mayor Levesque replied that they looked at different communities and how enforcement could be done. He spoke about people's privacy and not wanting to show income to a board of peers. So that's why a minimum threshold of \$1,000 was put in place so we could protect anonymity of people's income and preserve a little bit of privacy.

Katie Boss commented that the intent of the zone is not to protect privacy but to protect agriculture and natural resources so thinks it's an important distinction to make.

Ms. Boss said she worries that 3 acres is not enough space for farmers to have enough land to be able to diversify their crops and asked Mayor Levesque to respond. He said they looked at small 3-acre or less farms in up-state New York and found that they were extremely profitable and highly diverse. He spoke about how marketing in a concise and diverse way could help.

Mr. Engler asked how many unbuilt 3 to 10-acre parcels existed in the Ag Zone that could be impacted? Eric replied there were approximately 87 lots but not all met the road frontage requirement, and some were cemeteries and utility owned lots.

Mr. Scogin asked Mayor Levesque to speak about the projected economic activity in dollar amounts that this would bring to the City of Auburn in the next 10 to 20 years. Mayor Levesque replied it's all conjecture. He said he would love to see 20 or 30 small scale growing farms throughout Auburn with a home on each one. He said he didn't believe this was about direct economic benefit to the City of Auburn's municipal side but believes it's about economic and lifestyle benefits to the entire region.

Mr. Scogin asked about the potential rising of phosphorous levels in Lake Auburn and how much a new filtration system could cost the City. Mayor Levesque said he recently flew down to Washington and had meetings with the EPA about this. He spoke about the various funds that are available and that it could cost anywhere from \$22,000,000 to \$35,000,000 which would be split between Poland, Lewiston and Auburn.

Ms. Boss commented that the Ag Zone supports the preservation of farmland but doesn't actually support farming. She said there are many other things that our community could do to be supportive of having small farms like providing more infrastructure and more markets for those farmers. She asked Mayor Levesque what he or the City could do to promote that. Mayor Levesque replied that it's already there. Auburn has the location down in droves. He spoke about proximity and the rich soils in south

Auburn which is co-located with rail and the airport. He spoke about cold storage, farm to table and marketing locally sourced food.

(48:10 on Recording)

Open Public Input

A motion was made by Sam Scogin and seconded by Brian Carrier to open the public input part of the hearing. After a vote of 6-0-0, the motion carried.

Michelle Malaragno, owner of property on Trapp Road spoke about the following:

- Concerned only a small percentage of people are really aware of what's going on
- Should have had a direct mailing for this public hearing
- Making a formal request that it is of utmost importance that no changes be made to the Ag and Resource Protection Zone until after the permanent Ag Commission is in place
- Why do we want to put it in place after we make sweeping changes to the Ag Zone
- A 2nd formal request, as opposed to making multi-focused changes to the Ag and Resource Protection laws, would be to focus on only 1 change initially
- Let's look at the 50% rule which is the most difficult one to meet; look at reducing that income requirement and designating that it's attached to only 1 person in the household as opposed to the entire household income.
- If after 3-5 years we haven't seen that change allowing people to build their residence, then let's look at another thing to change
- Why were the original recommendations of the 1st Ad Hoc committee completely ignored? There didn't need to be a 2nd group formed afterwards to sort of rehash everything all over again. What should have happened was the formation of the permanent Ag Committee.
- Those recommendations were a result of a properly followed process and those are the ones that should be up for review.
- It's important for everyone to understand that this proposal before you isn't about protecting agriculture, forestry, recreation or open space, it's about development
- A quick search of land in real estate in Auburn yields pretty staggering numbers; 34 listings totaling more than 400 acres. If that isn't selling, why do we want to open up more land to subdivide and sell in an area that should be protected. There is plenty of land available for young farmers to purchase in rural areas if they really want to farm.

Jan Philips who resides on West Shore Road spoke about the following:

- Agrees with Ms. Malaragno about forming a permanent Ag Commission
- Strongly urges the Planning Board to return to the starting point suggested in the final report recommendations of the Ad Hoc Committee
- Their shared understanding that the AGRP area comprising 45% of the City's total acreage is an important resource that requires (and emphasized) prudent and responsible future decisions based on sound long term planning.
- Now and into the future, recognize the essential need to protect Auburn's 2 major water bodies and supporting watersheds – does not see that as another special interest
- Spoke about great ponds and watersheds
- We want to avoid at all costs, destroying these irreplaceable surprisingly fragile gems through poor diligence or stewardship

- Work through the issues. Slow down and take the time, all of us to carefully research and consider the tradeoffs. Quoted the earlier Ad Hoc Committee's report "With an eye to long term consequences and fairness"

(59:30 on Recording)

Jane Costlow who resides on Fourth Street spoke about the following:

- Echoed what the 1st 2 speakers had said and also what Ms. Boss said when she was responding to the Mayor
- Looking at the AGRP District, the AGRP is not about protecting anonymity or even about encouraging modernization or development, it's about something really fundamental. She then proceeded read the AGRP section of the ordinance and said it's a charge that everyone needs to take seriously.
- Encourages the Planning Board to look back at the information and wealth of detail and research in the original Ad Hoc Committee report.
- Spoke about the Mayor's conjectures
- Planning Board is charged with planning, so Planning Board assembles all the relevant information, consults with experts, looks at the data and the land that's currently available; so you do absolute due diligence to the best of your ability to find all relevant information – So this isn't about conjecture
- Can't undo trees that have been cut down, don't undo soil that has been ruined, don't undo impacts to the habitat of the place we are living
- Is confident that the Planning Board can live up to these serious charges but there will be a lot of people in the community keeping an eye on you

Beverly Johnson who has lived in Auburn for 18 years said she was concerned about the proposed changes and what it might do to the quality of Lake Auburn and the quality is an interest for all of us to preserve. She spoke about the following:

- Proposed changes in the Ag Zone will increase housing stock and development in the watersheds of Lake Auburn and Taylor Pond and we know that development is bad for water quality
- Removing trees and vegetation increases impervious surfaces which increases storm water runoff and erodes and transports sediments and nutrients into the lakes
- Failed septic systems and excessive use of fertilizers can also increase nutrient levels in lakes causing released toxic compounds into the water
- Mentioned Environmental Studies Professor at Bates College, Holly Hewing and implored the Board to invite her to come talk to them about her knowledge of lake Auburn
- The idea that a filtration plant would address these concerns in the future raises some issues such as the cost which she has read could be upwards of \$35,000,000 to \$45,000,000 but the additional cost of \$1,000,000 annually was not mentioned earlier. A significant increase in rates would be passed on to the consumer
- Lake Auburn is vulnerable and needs additional study and does not need any development so please do not pass this.

Joan Macri of Waterview Drive spoke about the following:

- This past winter spent some time working on the natural resources sub-committee of strategic planning.
- Primarily here because she cares about the watersheds and cares about government
- Planning Board has 3 actions tonight; 1) can decide not to do anything, leave things as they are, wait, do some more study and planning but do nothing tonight, 2) Can pass the proposal, 3) Or can change it a bit
- At the very least, split off Lake Auburn Watershed and Taylor Pond Watershed. There's no need to go there, leave the watersheds alone
- Could make one change which is change the income requirement
- Proceed with enormous caution
- There's no rush, could simply table or turn it down

(1:10:25 on Recording)

Mike Pelletier from Pownal Road spoke about the following:

- City did an Ag study spending \$40,000 - \$50,000.
- After 2 committees didn't get far because everyone had their own opinion and now we're right back to this
- Everyone wants to live in a bubble and it just can't happen.
- He is in favor of this proposal
- Hope it passes tonight because he's been working on a project for 8 years

Mary Sylvester of 208 Maple Hill Road spoke about the following:

- Was a member of the 1st Ad Hoc Committee that worked with Crossroads Research Center
- Encourages everyone to read their final report
- Voted unanimously that 50% income rule needed to be updated
- Spoke about state and federal income guidelines needing to be updated to meet inflation
- Is a trustee of the Auburn Water District which is charged with providing pure drinking water for the citizens of Auburn
- Moral responsibility to safeguard public drinking water
- Separate the watershed issues from the rest of the agricultural resource zone so that as we proceed with the watershed and the lake issues that we are really up to date with all of the science
- Spoke about Dr. Hewing's findings that once we start to see permanent algae it's too late
- \$1,000 is not much of a threshold so even the Department of Agriculture is going to use their multipliers with the CPI and hopes we do the math on that too so we are truly supporting the agricultural environment

Matt Duvall of Sunderland Drive said after reading the proposed amendments and looking at the Board's non-negotiable issues would find it impossible for the Planning Board to be able to approve these amendments because numbers 2 and 3 are violated

Karen Bolduc of 310 Sopers Mill Road stated she had the following concerns about the proposed changes:

- Reduction of standards for the definition of a farmer basically could possibly be anyone – might as well call it a residential zone

- In regards to gaining the system, concerned that existing non-farmer land owners and their families who don't have any intention of farming could build a home. They might be tempted and even encouraged to build a home
- The way that this has been presented and structured creates a vacuous, insipid permanent agriculture board
- The 2017 Ad Hoc Committee of which she was a part of, recommended an unbiased, policy making framework that could stand the test of time and cultivate agreed upon food system and agriculture outcomes with big picture perspective. Went over some suggestions.

(1:22:00 on Recording)

Kathy Shaw of Sopers Mill Road and owner of Valley View Farm, spoke of the following:

- Regarding Section 60-144, the first sentence of that section reads this zone district deals with conservation of natural resources
- All of the conversations they had in the Mayor's Ad Hoc group, broke down time and time again to development
- Many discussions were very productive but always got back to development
- Takes exception (in a mild way) of creating 2 different zones – Water protection in north Auburn and not in south Auburn
- Where she lives in the southern part of Auburn is very wet so should not be separated. That water is just as important as the Lake Auburn Watershed. Needs same protection.
- Very unique situation. No other municipality in the State of Maine has this much protected land
- We have preserved this for over 60 years and that is very important
- This amendment despite what Mayor Levesque said, is not suitable for what we need to have happen with our agricultural conservation protection district in Auburn
- Agrees in changing 1 thing (50% rule) and seeing what happens in 5 years
- More people are wanting local food and we're seeing that in the popularity of farmer's markets
- Urges Planning Board to discard or table this amendment

Dan Herrick of 470 Hatch Road spoke of the following:

- Thinks we've gone off track quite a bit – If you're a dedicated farmer, the NRCS office regulates us on when, where and what time of year we can spread our fertilizers. Regulations are all ready in place and monitored by the State.
- Agrees with earlier comments that people want to know where their food comes from and want to meet their farmer.
- Has no problem with people wanting to build a home on their land but has a problem with the tax base.
- Explained that big land parcels will have multiple house lots, therefore be taxed as potential house lots down the road like a PUD.
- His biggest complaint of how this is written is the tax base. You cannot grow enough product on 5 acres of land to pay the value of the house lot.
- Spoke about the parcels that are split zoned, residential in the front and Ag in the back.
- The person that wrote this amendment owns 800 acres in the City and has something in it for himself

(1:35:50 on Recording)

Richard Whiting of 24 Beaver Road spoke about the following:

- Was Chair of the Comprehensive Committee in 2010 and just realized that the City is due for another one next year so at this point doesn't see that there is any hurry to take any action on this
- Read a small piece from the stacks of paperwork from that Comp Plan Committee regarding the Future Land Use plan.
- Mentioned that at 62 Spring Street, there are 41 apartments with some commercial space and have 187 applicants already for those 41 units. People are also showing interest in the new market rate housing being built on Turner Street.
- What we're seeing, is interest in being in walkable places that are convenient with lots of amenities.
- Maybe the idea that we need to greatly widen our territory for development isn't quite right not to say that we don't need change. The discussions during the Comp Plan meetings about the Ag Zone was often about income
- Planning Board can take the option of doing nothing until after the new Comp Plan is completed

Tina Nichols of 85 Qual Run said she does make 50% of her income from farming and is self-sufficient by producing the hay to feed the horses on her farm. She spoke about the following:

- Owns 200 acres
- Land is in a Maine Farmland Trust Easement
- Recommends that the Board take some time to contact Maine Farmland Trust
- Also is in the watershed and gets a call every year from the watershed regarding the manure being produced on her farm so agrees with earlier comments about the issues with more development in the watershed
- Property fronts 2 roads so able to create 14 house lots on her 200 acres
- Currently pays just under \$9,500 in property taxes and wonders how much more it will be with potential house lots so may be forced to develop her 200 acres in order to be able to pay her taxes

Joe Gray of Sopers Mill Road spoke about the following:

- Very frustrated listening to all of this.
- Said that Eric has said tonight and on many occasions, that there's no big push to build houses in the Ag Zone.
- There are currently houses available in the Ag Zone. Mentioned: MaineListings.Com if anyone wanted to buy one.
- Don't need more houses in the Ag Zone. If people meet the rules of the Ag Zone, they can build a house
- This whole thing that the Mayor is trying to do is build houses because he erroneously thinks that it's going to increase the value of the City. On paper it would but it would also increase the cost to run the City
- Would have to build 2 more fire stations to meet the response times which would be costly.
- That's why the first Ad Hoc Committee suggested an Agricultural Commission to study this in great detail and not just do a knee jerk reaction and allow people to build houses.
- A lot of what the Mayor said tonight twisted things which was very frustrating to sit there and listen to it.

- What is also disappointing is that there are 4 members of the Ad Hoc Committee here in attendance and 5 people from the original Ad Hoc Committee are also here and no questions were asked of them
- The Mayor is not a farmer but a lot of the committee members are, so those are the people the Board needs to talk to and not just those who are advocating their position of build, build, build because if there were an actual need, it would have already been done.
- If there was an actual need, the City Council has the tools to do it by changing the Zone along the road frontage to a rural residential or country residential zone as they've done in the past.
- Regarding the Mayor's statement that we can address it if there's a problem, why do it that way, why don't we wait until the need actually arises and let the City Council use the tools that they already have in conjunction with public opinion and build in a more orderly fashion.

(1:49:20 on Recording)

A motion was made by Sam Scogin and seconded by Brian Carrier to close the Public Input part of the hearing. After a vote of 6-0-0, the motion carried.

Chairperson Cyr stated that in the spirit of full disclosure, he had spoken to the City Manager and the Mayor just prior to the meeting, about the Ag Commission. Eric commented that it looks like they would be meeting May 22nd for a group of residents to start working on forming the Agricultural Commission.

Chairperson Cyr said he received information which he passed along to the Board members that the State Department of Forestry and Agriculture is close to giving the Board their final review of the proposed text amendment and that currently, a land use lawyer is also reviewing the text. He asked the Board which of the following 2 options they wanted to move forward with: 1) Discuss what has been heard tonight, ask questions and then table until the next meeting when the Board would have information from the State and the lawyer; 2) Review the text amendment that's in front of the Board and provide policy suggestions to the City Council with the understanding that anything the Board sends to them would need to be reviewed by legal counsel. After some discussion, the majority of the Board stated they would like to make a recommendation tonight.

Chairperson Cyr explained to the audience that at least 4 Board members would have to vote in favor of a decision in order to carry the vote.

Chairperson Cyr listed what the Planning Board had previously decided were the goals of the Comp Plan which they felt they were responsible of upholding as a Planning Board. He said he asked Audrey to split it out into the following 4 basic sections; 1) Definition of a farm, 2) Description of a farm with the 5 criteria, 3) Use Regulations and 4) Dimensional Regulations

Chairperson Cyr commented that he had asked the Board members to note, because we don't have specific feedback from the state and legal counsel, not to specifically word smith this. The Council really asked for our opinions on how to move forward with this and doesn't think that micromanaging the text amendment that has not yet been drafted as the best way to allow the Council to move forward. It's in everyone's best interest for the Board to provide feedback about whether or not we believe each one of those sections meets the goals and criteria the Board has set forth with findings as to why we believe that.

Chairperson Cyr, for Section 1 of the Board's review, read the definition of a farm portion of the ordinance. After some discussion regarding the text reflecting the goals and objectives of the Comprehensive Plan the following motion for Section 1 was made:

(2:03:25 on Recording)

A motion was made by Brian Carrier and seconded by Sam Scogin to recommend that section 1 (paragraph that starts with "Farm means" and ends with "products") of the review remain as is. After a vote of 6-0-0, the motion carried.

Chairperson Cyr, for Section 2 of the Board's review, read Section 60-2 Definitions. A lengthy discussion amongst the Board members and some members of the audience occurred regarding the merits of each of the five criteria. It was expressed that overall this section doesn't meet board goals 2 and 3 of not promoting sprawl or homes as primary use. Comments regarding the invasiveness and variability of using a percentage of a households' income or tax forms as a basis for conformance with the zone and recommendations to abandon the 50% income rule were stated. That the verification process would not hold water, and that this change in definition proposed a significant lessening of the standards. Criteria 4 and 5 were discussed as a means of "buying-your-house-lot", and that criteria 3 threw in an arbitrary acreage figure that they didn't want to get into. It was generally felt that criteria 1 and 2 could continue to be entertained but the verification process and enforcement could be problematic in the ~~long run~~long run. The following motion for Section 2 was made:

(2:30:25 on Recording)

A motion was made by Sam Scogin and seconded by Brian Carrier to recommend that Criteria 1 and 2 have merit and do meet the criteria we set forth, but that the City Council ought to consider choosing a more stringent either state or federal form. Numbers 3 and 4 we believe do not meet the specific criteria of avoiding sprawl and not promoting residential use. Number 5 has no merit and that the verification paragraph should also be considered in conjunction with 3 and 4 and amended appropriately. After a vote of 6-0-0, the motion carried.

Chairperson Cyr, for Section 3 of the Board's review, had the Board members read Section 60-145 Use Regulations to themselves. A lengthy discussion amongst Board members, staff and some members of the audience occurred concerning the timing of land division, (at what rate can each new land owner split their land and who would be tracking that because it would done through the county?), increased taxation due to the creation of "developable home lots" and new sales, potential unintended consequences, and various scenarios were discussed with concern. The impact of changing standards on tax value and increased tax rates for farmers was stated as a concern as well, and that the board wants to avoid increasing taxes for farmers. Comments included: each of the four use bullets should be fully modeled to see what the outcomes could be; bullet D was considered to have no teeth; and small changes could have big impacts. The following motion for Section 3 was made:

(2:47:28 on Recording)

A motion was made by Sam Scogin and seconded by Brian Carrier to forward feedback to the City Council regarding the Section 3 that's been reviewed, that it appears to try to meet the goals of avoiding sprawl and not promoting residential use. The Board also stresses that the City Council pay special attention going forward, and that careful consideration be given such that we avoid unintended consequences like, the creation of internal roads to create subdivision or the subdivision of land under false pretenses. After a vote of 6-0-0, the motion carried.

Chairperson Cyr stated that regarding the Special Exception Use #7, “Rifle, pistol, skeet or trap shooting ranges, public or private”, he’s not giving the Board an option on this because, he said, if its removed this from this zone, it will be removed from every single zone in the City. He asked if anyone was opposed to that and most of the Board said they wanted to keep that as a Special Exception Use.

A motion was made by Sam Scogin and seconded by Brian Carrier to forward a recommendation to the City Council that Rifle, pistol, skeet or trap shooting ranges, public or private not be removed from the Ag Zone because it does not have a negative impact to the zone. After a vote of 5-0-1, the motion carried. (Katie Boss abstained.)

Chairperson Cyr, for Section 4 of the Board’s review, read Section 60-146 Dimensional Regulations for the record. A lengthy discussion occurred among Board members, staff and some members of the audience regarding where the three-acre lot size came from. There was concern with the different numbers presented to the different committees regarding the number of lots impacted. It was expressed that there are farmers currently working land less than 10 acres and cannot build a home and that was where this number came from. Chairperson Cyr asked for a straw poll from Board members and asked the following: How many Board members feel they cannot make a specific recommendation as to whether or not this meets one of the goals or objectives because they do not feel they have enough information. Every Board member raised their hand, so Chairperson Cyr said that its very clear more information is needed. After more discussion, the following motion was made:

(3:03:08 on Recording)

A motion was made by Sam Scogin to forward feedback to the City Council that the Planning Board did not feel it had the required information to make a meaningful recommendation on this section that is imperative for the City Council to decide whether or not 3 acres in area is appropriate with the finding as to why or why not.

Katie Boss suggested that they import that motion and specifically request that the City Council look back at the Crossroads report and what was included as recommendations in that report.

Mr. Scogin accepted Ms. Boss’s amendment to the motion and was seconded by Brian Carrier. After a vote of 6-0-0, the motion carried.

Audrey asked if the Board had any broad sweeping recommendations to send to the City Council regarding the Ag Zone. Chairperson Cyr stated that it sounds like the Board would support that they forward a recommendation that the City Council strongly consider putting the Ag Commission in place prior to making any decisions so that they can see feedback from the commission. Another recommendation is that special consideration be taken into the effects of changing the Ag Zone on the diverse watersheds within Auburn, both in North and South Auburn.

Ms. Boss recommended pursuant to Mr. Whiting’s comments regarding the Comprehensive plan being renewed in a year, and since the Comprehensive Plan is the foundation upon which our zone and our code is built, and that this proposed change would impact 40% of our city’s land mass, it might behoove us to wait to make any decisions until the new one is in place so members of the community can weigh in.

Chairperson Cyr commented that his personal opinion would be to not do that because the last Comprehensive Plan was a 3-year process. He added that this whole entire process began approximately 6 years ago and then we had to wait for the funding of the Ag study and so on and so forth. He said he absolutely sees the merit in what Ms. Boss suggested but would prefer not to wait for the next Comp Plan because it won't happen soon enough. Other Board members agreed that they should not wait.

Ms. Boss recommended that the City Council look for ways to increase communications and participation from individuals in the Ag Zone.

Chairperson Cyr asked for a motion from the Board to send the 3 recommendations just discussed (Ag Commission, Watersheds and Continued outreach to Ag Zone property owners) to the City Council;

A motion was made by Katie Boss and seconded by John Engler to forward those 3 recommendations to the City Council.

(3:08:00 on Recording)

Proposed text amendment to Article XIII, Environmental Performance Standards, Section 60-1038. Odors.

Due to the late hour of this meeting, the following motion was made:

A motion was made by Sam Scogin and seconded by Brian Carrier to table this public hearing until the next Planning Board meeting on June 11.

MISCELLANEOUS:

None

ADJOURNMENT

A motion was made by Sam Scogin and seconded by Katie Boss to adjourn. After a vote of 6-0-0, the motion carried.