

# PLANNING BOARD MEETING MINUTES

**Regular Meeting: January 11, 2022 – 6:00PM**

**City Council Chambers, 60 Court Street**

1. **ROLL CALL:** Riley Bergeron, Mathieu Duvall - Presiding, Brian Dubois (Associate Member acting as Regular Member for this meeting and Darren Finnegan. Currently 2 vacant positions.
2. **MINUTES:** December 14, 2021, Meeting Minutes - Unanimous consent to approve 5-0-0
3. **DISCUSSION:** Public Hearing to the proposed Amendment to Phosphorous Ordinance Section 60-1070 This change addresses utilization of the most current design standards set forth by Maine Department of Environmental Protection to treat phosphorus export for a project or projects over 575 square feet of ground floor area within the Taylor Pond and Lake Auburn watershed. The technical guide for design standards of Phosphorus Control Best Management Practices will be updated from the May 1990 to the March 2016 version. *Workshop Overview: The comprehensive plan update adopted on December 6, 2021, identified zoning map and text amendment needed to implement the goals of the plan updates. We have been given an ambitious effort to have changes under consideration going forward. Below are three changes that council suggests we start discussing by having this workshop in development of a recommendation pursuant to Chapter 60, Article XVII Division 2 of City Ordinances. These discussions will help draft the recommended amendments for presentation to the Planning Board for a public Hearing and recommendations back to the Council at the February and March Meeting.*
4. **WORKSHOP:** Zoning Update Gracelawn Area; 148 acres from Agriculture and Resource Protection to Commercial Development District (CDD). Approximately, 37 acres are not shown as CDD in approved FLU mapping, but the council did approve utilizing the Auburn Lake Watershed Study. In that study they suggested moving the watershed boundary out and from that we are suggesting moving the proposed CDD boundary out to match the new watershed boundary another 37 +/- acres.
5. **WORKSHOP:** Zoning Update Washington Street Area; 716 acres from General Business to Commercial Formed Based Code Gateway development District. Approximately 9.63 acres were not included in the FLU mapping. But approved in the order by the council for the approval of the specific lot PID 199-052.
6. **WORKSHOP:** Zoning Update Court Street/City Core of Urban Residential Area; 1,687.41 acres of Urban Residential to Traditional Neighborhood Development District Areas.

*Staff reports for above agenda items 4, 5 & 6 were read and then circled back for further discussion as needed. See discussion notes below:*

#5 – Idea is to make a more attractive gateway when coming off the Turnpike. Staff noted a transportation upgrade would be needed to make this possible. Brian questioned where this would start as Washington St is a large area, is this ready to go? Staff pointed out traffic would need to be observed.

Question if the Planning Board would zone this area all at once/ now.

Staff response: Planning Board would draft Zoning Standards.

#6 – Brian asked if there would potentially be a new bridge from Lewiston into Auburn up Court St. Staff reports there is desire to slow down traffic coming over the current bridge.

Staff and Planning Board members discussed the set up for the meeting in February, idea of two different time frames or potentially schedule two different days due to the potential attendance of the public. All in agreement that the agenda will have to be clear.

**7. PUBLIC COMMENT**

- a. Public comment closed seeing none.

**8. PLANNING BOARD ITEMS FOR DISCUSSION**

- a. Upcoming income standards proposed under State Statute. Staff reports they are expected to learn more and will talk to the council to see if they want to do a separate committee for this with the Conversation Commission and Ag Commission.
- b. Mathieu inquired about Tiny Homes
  - i. Staff: Council gave attention to other priorities therefore Tiny Homes has not been added to agenda yet.

**9. MISCELLANEOUS:**

- a. Upcoming items for February.
  - i. No projects yet. There is talk of Five Guys coming in to the old bank building on Center Street there would be no Drive Thru
  - ii. Pack Gen – Purchased Cascades Drive wanting to put up a building
  - iii. Harriman Drive – Agren Appliances has many appliances that need to be stored longer due to the Pandemic, needing more Warehouse space for this purpose.

**10. ADJOURNMENT:**

- a. Next Planning Board Meeting is on February 8, 2022

# **Auburn Planning Board Meeting Minutes**

## **February 8, 2022**

### **1. ROLL CALL:**

**Regular Members present:** Darren Finnegan, Toni Ferraro, Riley Bergeron, Mathieu Duvall - Presiding, Brian Dubois and Stacey LeBlanc

**Regular Members absent:** Evan Cyr

**Associate and other Members present:** Joshua Daigle

**Also present representing City staff:** Eric Cousens, Director of Planning & Permitting and John Blais, Deputy Director.

Chairperson Duvall called the meeting to order at 6:00 pm and asked for a roll call. He stated that because there was a full member absent, Joshua Daigle's status would be elevated to Full acting membership for this meeting.

### **2. MINUTES: Approval request of the January 11, 2022, meeting minutes.**

A motion was made by Brian Dubois and seconded by Riley Bergeron to approve the January 11, 2022; meeting minutes as presented. After a vote of 7-0-0, the motion passed.

Chairperson Duvall asked for consensus from the Board to switch the order of items 8 and 9 on the agenda. There were no objections from Board members.

**3. Planning Board Chair Timeline Explanation:** *The Planning Board meeting is following the public notice to keep public attendance to a manageable number for public process and COVID precautions that breaks the meeting up into two formal sessions to cover four (4) topics. First session 6:00 p.m. to 7:30 p.m. phosphorous ordinance amendment and Gracelawn area zoning amendment, followed by a 10-minute break. Second session 7:40 p.m. to 9:30 p.m. Court Street area zoning amendment and Washington Street area zoning amendment.*

**4. PUBLIC HEARING: Phosphorous Ordinance Section 60-1070 Amendment; This change addresses utilization of the most current design standards set forth by Maine Department of Environmental Protection to treat phosphorus export for a project or projects over 575 square feet of ground floor area within the Taylor Pond and Lake Auburn watershed. The technical guide for design standards of Phosphorus Control Best Management Practices will be updated from the May 1990 to the March 2016 version.**

Staff report presented to the board. Staff answered questions from Board members.

### **Open Public Comment**

A motion was made by Riley Bergeron and seconded by Brian Dubois to open the public comment.

### **Close Public Comment**

*Motion to send a favorable recommendation to the City Council to adopt the proposed Zoning Amendment made by Brian Dubois seconded by Toni Ferraro*

- 5. PUBLIC HEARING: Zoning Update Gracelawn Area; 148 acres from Agriculture and Resource Protection to Commercial Development District (CDD). Approximately, 37 acres are not shown as CDD in approved FLU mapping, but the council did approve utilizing the Auburn Lake Watershed Study. In that study they suggested moving the watershed boundary out and from that we are suggesting moving the proposed CDD boundary out to match the new watershed boundary another 37 +/- acres.**

Staff Report presented to the board members. Staff answered questions of board members. Questions asked regarding monitoring and boundary lines. Staff explains that requests for new development are reviewed and have possibility to add conditions to ensure protection of Watershed.

**Open Public Comment** A motion was made by Brian Dubois and seconded by Toni Ferraro

Steven Beal Johnson Rd owns 55 Acres suggested there was missing information regarding drainage.

Spencer Dunn 530 Court St – Concerned about this Zoning change, if more fill is brought in, does this put the Watershed at risk? Understands the appealing idea, does not feel this is a good spot to develop, wanting to continue to protect the Lake.

Mike Gotto from Stoneybrook Land Use here representing JIG Aggregates which owns 108 Acres in this area. Mr. Gotto explained the history of the pits and desire to do more with it.

Maryanne Norcross 47 Woodlawn Ave – Expressed concern about drinking water. Urges Water District to be involved.

Ryan Smith 11 Harris St – Encourages using this as an opportunity to develop a recreational area instead of other types of developments in that area of the City.

Mike Gotto – speaks again more in-depth description of the history. Notes that his client (property owner) has been trying to change the zoning since 2003 with readiness to design recreational and residential uses.

Steven Beal – speaks again reading information from watershed study in October

Spencer Dunn – speaks again, asking to increase density in other areas highlighting this area is not a prime spot.

### Zoom participants

Lori Lewis: Wanting to bring in more visitors and make easier access to the lake.

Pam Rousseau: “Ditto”

**Close Public Comment** A motion was made and seconded by Josh Daigle to close the public input.

Deliberation amongst Staff and Board Members. Staff reiterated that any new development would have conditions in response to concerns about drainage and development/ monitoring concerns. Noting for example Traditional Subdivisions have a recreational requirement. There has been talk of making a trail connection from that location through to the boat launch for Lake Auburn.

*Riley makes a motion for a favorable recommendation to City Council which is seconded by Stacey*

*Brian proposes adjustment to the recommendation to include that any development in the area needs to maintain drainage from the lake. Seconded by Toni*

All in favor – motion passes

7:45 Adjournment – 10-minute break

### **6. PUBLIC HEARING: Zoning Update Court Street/City Core of Urban Residential Area; 1,687.41 acres of Urban Residential to Traditional Neighborhood Development District Areas.**

Staff Report presented to Board Members

Riley Bergeron asks questions about the packet of information

Toni Ferraro asks about timeframe and points out this proposed zone change is to help current property owners.

Staff suggests this change would give opportunity to fix current homes.

Stacey asks approximate percentage of land that can be developed, Staff responds with estimated 30%

### **Motion to open public comment, seconded by Toni**

Mark Chasse – Auburn

Elizabeth Dunn 530 Court St – Shares that traffic on Court St already dense and there are concerns for safety with these changes. Suggested more Police monitoring of speed.

Dan Labrie 326 Lake St. – Spoke in favor of this change, he shared a personal story of his family and needed to expand their home or be forced to move, possibly out of Auburn. This change would have a positive impact on his family.

Ryan Smith 11 Harrs St. – Pointed out other areas that could benefit from these types of changes. Does not support changes for this area.

John Cleveland 185 Davis Ave – Shared concern as he does not see a lot of vacant lots.

Spencer Dunn 530 Court St. – Shared concerns about units per acre and the traffic.

Nancy Green 134 Granite St. – Shares Lake St. area has small lots and some homes that share driveways, family friendly neighborhood. Urges the Planning Board to not make a decision today.

Sharon Bergeron 23 Dexter Ave – Shares concern for the 400% increase in the units allowed in the area with this change.

Judy Tyler 200 Davis Ave. – Opposed to the change. Concerned about parking in these historic neighborhoods.

Dennis Bergeron 23 Dexter Ave. – Shares he is a previous member of the Planning Board, thanked all for their work and states he fully supports form based code. Shares concern for increasing the density.

Scott Shapiro – Owns land on Court St. approx.. 5 acres he is in favor of this change as he has been looking to develop for a while and this change he would be able to do something with land . Stresses this creates flexibility for everyone.

Jessica Klimek resident of Amberly Way / Briarcliff neighborhood also owns a property on Court St. She has 5 children also in the Auburn school system. She speaks in favor noting the housing shortage and this zoning change can help with this.

Spencer Dunn speaks again questioning the affordability of these new homes.

### **Zoom Participants**

Margaret Myer 27 Hillcrest St. 41 yr. resident of Auburn, shared feedback regarding the notice sent out (maps too small) Opposed of this change stating it will drastically change the dynamic and property value will drop. Urging Planning Board to delay voting on this change.

Pam Rousseau 745 West Auburn Rd. – Asks about the Grandfather Clause

Kate Jacobs 88 Coburn St -owns a double lot and shares concerns the density permitted with new change is too high and she does not want light industrial or commercial in that area.

In audible public comment

Jessica Klimek speaks again and points out the role of Planning Board, any big projects and development will be monitored and reviewed.

Judy Tyler speaks again with concerns of construction impacting neighbors.

9:10pm A motion to close public comment

Board members discuss:

Riley questions the housing crisis and if there are specific numbers to share

Staff indicates there is no way to see exact numbers however there are fewer houses available as well as units to rent, additionally the prices have increased.

Josh had questions regarding setbacks, different examples displayed on screen.

Additional deliberation amongst board members, compared T 4.1 & T 4.2

*A motion is made by Riley Bergeron to table this change to the next meeting*

*Seconded by Stacey LeBlanc*

*Vote 5-2-0*

9:45pm Motion to continue meeting made by Brian Dubois and seconded by Toni Ferraro

**7. PUBLIC HEARING: Zoning Update Washington Street Area; 242 acres from General Business to Commercial Formed Based Code Gateway development District. Approximately 9.63 acres were not included in the FLU mapping. But approved in the order by the council for the approval of the specific lot PID 199-052.**

Staff report – displayed images on screen

**Open Public Comment** A motion was made and seconded by Josh Daigle

Mike Gotto – Stonybrook Land Use representing JIG Investments PID 199-052 speaks in favor of this change and supporting Staff's comments.

Carol Lane 30 Arbania- concerns about retaining the green space and that PID 199-052 serves as a buffer for the noise.

**Motion to close public comment**

Motion made by \_\_\_\_ for favorable recommendation to City Council

All in favor – the motion passes

**8. PUBLIC COMMENT:** None

**9. Election of Chair and Vice Chair**

- a. Stacey nominated Evan Cyr as Chair – voted all in favor, Confirmed Evan was aware he was being nominated and he does accept the position.
- b. Stacey nominated Riley Bergeron as Vice Chair; he accepted the nomination.
  - i. Voted all in favor.
- c. Riley nominated Mathieu Duval as Vice Chair; he declined the nomination.

**10. MISCELLANEOUS:**

- a. Upcoming items for March. (Septic Systems & Petition for Bob Gagnon Parcel)
- b. Stacey requested to discuss AgZone income standards at some point
  - i. Voted to bring it to next meeting as a discussion – all in favor
- c. Brian brought up the notices, asking if there was a way to make the information larger (specifically the maps) Staff will work on making the images better for next round of notices.

**11. ADJOURNMENT:**

**Next Planning Board Meeting is on March 8, 2022**



# **Auburn Planning Board Meeting Minutes**

## **March 8, 2022**

### **1. ROLL CALL:**

**Regular Members present:** Darren Finnegan, Toni Ferraro, Riley Bergeron, Mathieu Duvall, Evan Cyr- Presiding, Brian Dubois, and Stacey LeBlanc

**Regular Members absent:** None

**Associate and other Members present:** None

**Associate Members Absent:** Joshua Daigle

**Also present representing City staff:** Eric Cousens, Director of Planning & Permitting and John Blais, Deputy Director.

### **2. MINUTES:** Reviewed February 8, 2022, meeting minutes, two changes proposed on page 1 change Joseph Morin to Joshua Daigle. Page 4 first name was blank and should be Sharon Bergeron of 23 Dexter Ave.

A motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_ to approve the February 8, 2022, meeting minutes with changes.

Mathieu Duval made a request to switch items #4 & #5 on the agenda. Approved by unanimous consent.

Chairperson Cyr provided a review of Public Hearing process.

### **3. PUBLIC HEARING: Amendment to the Site Plan 10 Subaru Drive-Proposed Olive Garden PID 280-013-000-001**

Staff Report presented, included slides displaying maps.

Mathieu Duval questioned the small bump out on the map if this was the only change. Applicant confirmed.

Motion to open public comment. Chairperson Cyr explained the process, 3 minute maximum, state Name and Address for the record.

Seeing none, a motion to close made by Brian Dubois and seconded by Riley Bergeron

Chairperson Cyr made a unanimous consent motion to reopen Public Comment for Zoom Participants

Jason Lerman 285 Park Ave – questioned if these changes were up to code.

Chairperson Cyr made a unanimous consent motion to close Public Comment

Mathieu Duval made a motion to approve amendment bas on acceptance of waiver

Seconded by Brian Dubois.

**4. PUBLIC HEARING: Zoning Update Court Street/City Core of Urban Residential Area;  
1,687.41 acres of Urban Residential to Traditional Neighborhood Development District Areas.**

Mathieu Duval made a motion to move this item from the table.

Seconded by \_\_\_\_\_

Staff Report – reviewed information on slides and in packets passed out to board members.

Riley Bergeron expressed concerns with Proposal #3 on the Staff Report in relation to parking.

Stacy LeBlanc had questions on parameters for office space

Mathieu Duval questions about Subdivisions/ Multi Family, asked for clarification on what needs  
Planning Board approval

Riley Bergeron asked if take away food, with no seating would be considered a restaurant or a  
store.

Continued deliberation amongst board members

Evan reviewed guidelines again for Public Comment.

A motion to open Public Comment made by Mathieu Duval and seconded by Riley Bergeron.

Ralph Harder of Sheridan Ave is a long-term resident of Auburn. Concerned about permitted uses  
as they are substantially different and will change the character of the neighborhoods.

Ryan Smith of 11 Harris St. started by saying he appreciated the work done by Staff & Planning  
Board. He points out this change would allow him to make changes to his home. He mentioned  
concerns with units per acre and specifically brings up 3 property addresses that have larger  
acreage.

Mark Chasses of 55 Mayfield Rd. spoke against this change and shared concerns

Jay Brenchick of 58 Louise Ave (Lewiston) shared his role with the City of Auburn, shares he was  
searching for homes to live in Auburn and unable to due to the housing shortage. States there are

other employees of the city who are unable to live in Auburn. References Auburn Housing Authority statistics regarding the supply and demand of housing. Local government can help make housing more attainable with this proposed Zoning change.

Bob Hayes of 172 Allen Ave Thanked members of the board for their work. Mr. Hayes discussed the different zones. Spoke against the change and did offer other ideas to modify the zones.

Daniel King 526 Court St states he has spent his life developing properties, does have concerns about losing green space and water runoff. Also makes a point regarding traffic as it is already unmanageable and unsafe.

John Cleveland of 183 Davis Ave long time Auburn resident. Spoke in favor of increase in housing however there are concerned with some parts of this proposed change as it substantially impacts the current neighborhoods.

Sharon Bergeron of 23 Dexter Ave thinks growing the city from the inside out is smart. Points out increasing to 8 units per acre is more comparable, not 16 units.

Nancy Green 134 Granite St. has been a resident for 30+ years does agree additional housing is needed. Concerns about the increase in children. Concerned for new housing to be placed in an already crowded area and the increase traffic.

David Briggs shared he agrees to the change to make lots conforming.

Glenn Holmes Buckfield Resident described his role with the city. Spoke about the housing crisis, compares housing (rent) in 2019 to now and it has increased 41%

Spencer Dunn of 530 Court St shared statistics speaking against the proposed changes.

Judy Tyler of 200 Davis Ave shares that the title of this agenda item being "Court Street" is misleading.

Dennis Bergeron 23 Dexter Ave suggested additional workshop for this proposal to discuss further

Jessica Klimek of the Amberly Way / Briar Cliff neighborhood also own acres on Court St. speaks in favor of the proposed changes stating she wants to open housing opportunities for others. Ms. Klimek is a 41 yr. resident of Auburn.

(Next person is in audible)

(Next person, resident of Court St. in audible)

*Zoom Participants*

Kate Jacobs of 88 Coburn St gives thanks to board members for their work, she indicates despite all the deliberation amongst staff and board members she is not “swayed”. Expressed concern for 16 units per acre, why aren’t we talking about 8 units per acre.

Jason Lerman 285 Park Ave asked a clarifying question about setbacks, specifically on Park Ave. where the setback starts (i.e. sidewalk or middle of the road)

Margaret Meyer 27 Hillcrest St. speaks in agreement with Judy Tyler that the label of “Court Street” was misleading. She did appreciate the map was bigger this time on the notice. Pointed out that the neighborhoods are already dense.

End of Zoom participants and back to public comment in person

Elizabeth Dunn 530 Court St. a 32-year resident of Auburn and shares her concerns regarding the volume and density.

Bob Hayes spoke again indicating he is resistant to these changes

John Cleveland spoke again sharing the proposed zoning change is too large at 16 units per acre.

Ryan Smith spoke again wondering about equity in his current property with these changes

Spencer Dunn spoke again bringing more statistics speaking in opposition to proposed changes

Riley Bergeron made a motion to close public comment and seconded by Brian Dubois

Mathieu Duvall has questions regarding density 16 units vs 8 units

Staff clarified – Brian Dubois brought up 133 Lake St, Staff pulled up on the map and explained that even though this was a large parcel, due to the type of land and other regulations not much of the land was buildable.

Mathieu Duval spoke about traffic, Stacey questioned if the setbacks would help to slow traffic.

Staff answered the question regarding setbacks, begins at the property line.

Riley asked for more clarification regarding parking private vs public

Matt Duval makes a motion for a favorable recommendation to City Council to amend the proposed boundary be adjusted from Urban Residential to Traditional Neighborhood Development District; T-4.2 (concerns about overall density and how that would impact the characteristic of the neighborhoods) Supported as it follows the Comp Plan perhaps increase density by 8 units instead of 16 units. This change is essentially eliminating Urban Residential and Multi Family Residential. Brings houses into conformity.

Seconded by Toni Ferraro

Amendment proposed by Riley Bergeron to change to 8 units per acre instead of 16 units.

Seconded by Matt Duval

Voted 4-3-0 – Amendment passes

Brain asks procedural question regarding if this main motion fails, what happens next. Evan explains different scenarios

Brian would like to make a motion to revert to the recommendation written in packets without the amendment about Units.

*I make a motion to recommendation to City Council to amend the proposed boundary be adjusted from Urban Residential to Traditional Neighborhood Development District; T-4.2 the total amendment includes 1,687.41 acres shown on the map as Exhibit C. 2.) Define building front setbacks in all formed base code as accessways and parking areas. 3.) Utilize public parking in all formed based code.*

Seconded by Toni Ferraro

Matt Duval would like to make a secondary amendment to include “or Multi Family Suburban” in the description of the area to be rezoned

Seconded by Brian Dubois      Vote 6-0-1

Back to motion for the recommendation to read exactly like the staff packet to include “Multi Family Suburban” in the description

Vote 4 -3- 0 motion carries

Motion to table workshop - Vote 5 -1-0

Motion to adjourn

**5. PUBLIC COMMENT:** None

**6. MISCELLANEOUS:** None

**7. ADJOURNMENT:**

**Next Planning Board Meeting is on April 12, 2022**

# Auburn Planning Board Meeting Minutes

## April 12, 2022

### 1. ROLL CALL:

**Regular Members present:** Darren Finnegan, Toni Ferraro, Riley Bergeron, Mathieu Duvall, Evan Cyr- Presiding, and Stacey LeBlanc

**Regular Members absent:** Brian Dubois will arrive late until his arrival Joshua Daigle will be elevated to a regular member.

**Associate and other Members present:** Joshua Daigle & Paul Jacques (late arrival)

**Associate Members Absent:** None

**Also present representing City staff:** Eric Cousens, Director of Planning & Permitting, Katherine Cook, City Planner and John Blais, Deputy Director.

### 2. MINUTES: Reviewed March 8, 2022, meeting minutes. No amendments

A motion to accept the minutes was made by Mr. Bergeron and seconded by Mr. Finnegan.  
Vote 6-0-1 – the motion passes

### 3. WORKSHOP: Proposed Lake Auburn Watershed Ordinance: Updating Sec 60-952 (f) (1-5) and (c) Subsurface wastewater systems in the Lake Auburn Watershed; and Sec 60-1066 (1) Phosphorous control for any new building or structure with more than 200 sq. ft. of ground floor area.

Evan Cyr explained the process of a workshop, for this topic public comment will be held later this evening.

Staff Report Presented, including slides and presentation by David Rocque, Soil Scientist

Mathieu Duval asked clarification on the current ordinance vs what is being proposed.

Evan Cyr clarified the current system is pushed into the ground.

Deliberation continued amongst staff and board members, current vs proposed ordinance. Questions about monitoring the new systems.

Motion to close

### 4. UPDATE/DISCUSSION: Capital Investment Plan (CIP); City of Auburn's yearly outlook on

**capital projects by City Manager, Phil Crowell and CIP Director, Dan Goyette.**

City Manager reviewed spreadsheet. Discussion about projects phasing out and some discussion on road repair, city responsibility vs state responsibility.

*\* Brian Dubois enters the meeting via Zoom, Joshua Daigle now back to an associate member and not able to vote.*

**5. WORKSHOP: Michael S. Malloy Legal Counsel; Overview of Planning Board duties.**

Introduction asked for specific questions from the board.

Evan Cyr asked for further explanation of conflict-of-interest VS bias and when a member should abstain or recuse themselves.

**6. PUBLIC HEARING: Proposed Lake Auburn Watershed Ordinance; Updating Sec 60-952 (f) (1-5) and (c) Subsurface wastewater systems in the Lake Auburn Watershed; and Sec 60-1066 (1) Phosphorous control for any new building or structure with more than 200 sq. ft. of ground floor area.**

Evan explains the procedure for Public Comment, each person is allowed 5 minutes to speak and members of the community are asked to stay on topic to the public hearing.

7:45pm Toni requests 5-minute break, granted.

Return from break, Riley and Mathieu ask clarification before Public Comment is opened.

Motion to open Public Comment made by Mathieu and seconded Riley

Stan Tetenman, Resident of Poland, and a member of the Poland Select Board. Spoke in opposition to this change. Concerned by potential need for a filtration system.

Ben Lounsbury of 505 W. Auburn Rd. States his plan to have his septic system updated. Expressed concern for more development along Lake Auburn or in the watershed/

Sam Boss of Morse St. is in support of septic standards being changed as proposed

Bruce Rioux of 85 Mary Carroll St. Introduced himself as a previous city counselor. Shared thoughts about Septic System changes proposed

Pam Russo of 745 W. Auburn Rd spoke in concern of accountability which maintenance of the septic systems.

Bonnie Lounsbury of 505 W. Auburn Rd shared opinion and concerns of Planning Board process

Mike Adler of 82 Loring Ave. indicated the new proposal for Septic System changes is good however does not speak in favor of new development

Steve Milks of 82 Alderwood Rd

Fred Haller of W. Auburn Rd shared his thoughts of the Water District meeting indicating displeasure with the outcome.

No zoom participants

Motion to close Public Comment made by Mathieu and seconded Riley

Questions from Board Members regarding cost, upkeep, and monitoring of these new systems.

Motion from Mathieu Duvall, that we recommend that city council adopt this ordinance change with the following conditions:

First is that approval of this must coincide with the adoption of the zoning change that reduces the housing density in all parts of the watershed to one dwelling unit per three acres as recommended in the comprehensive plan.

Second, that the city establishes a monitoring of the lake and the watershed with reports on a biannual basis based on a plan developed in collaboration with the Auburn Water District and other stakeholders. If it's discovered that degradation occurs through that monitoring program, that the city enacts a moratorium on the development until it can assess what needs to happen to stabilize conditions within the lake.

And then three, that we require inspection at the point of sale and on an ongoing five-year basis for all systems within the watershed

Seconded by Riley Bergeron

Purposely ambiguous on who performs that inspection

Approved unanimously

- 7. EXTENSION/ SPECIAL EXCEPTION: BD Solar Auburn LLC and BD Solar Lewiston Junction LLC is requesting a one-year extension for approval under Sec. 60-1308 for the construction of a solar project of 14.6MW on a 142.74-acre parcel (PID 142-007), Lewiston Junction Road. Timing for the start of the project was delayed from power integration and approval from CMP.**

Staff provided a reason for this request from the applicant.

A motion made by Mathieu Duvall to grant 1 year extension seconded by Toni Ferraro

Vote – Motion passes



- 8. PUBLIC HEARING/SPECIAL EXCEPTION: 555 Court Street-Stable Ridge Apartments; American Development Group out of Naples, Maine is proposing five (5), twelve (12) unit apartment buildings for a total of 60-unit apartment complex that was designed under Sec.60.549-.3 and 60-554 in the Formed Base Code T-4.2 zoning district. The site is approximately 13.25 acres and is depicted on PID 229-007.**

Staff Report presented, including a video to show a virtual tour of proposed site plan.  
Project will be 5 buildings

Riley asks about development in the future.

A motion to open Public Comment made by Riley Bergeron and seconded by Mathieu Duval

Ryan Smith of 11 Harris St. Speaks in opposition to this project, references Comp Plan as he questioned compatibility. Mr. Smith also questioned the motive of a Planning Board Member due to their profession in Real Estate.

Elizabeth Dunn of 530 Court St speaks in opposition, labeling traffic as a large concern

Bob Hayes of 172 Allen Ave speaks in opposition to the project.

Carol Deroy of 68 Aquamarine Ct speaks in favor of the project stating that the city needs additional housing, and this would bring benefits to the city.

In audible name – has concerns about traffic

Elizabeth Clark of Pinnacle Dr. speaks in opposition to the project stating traffic is her main concern.

Bill Evans of 609 Court St. speaks in opposition to the project sharing he feels this project seems rushed and shared concern for traffic.

Zoom Participant Sharon Bergeron of 23 Dexter Ave speaks in opposition to the project. Specifically, the characteristics of the neighborhood and value of surrounding homes.

A motion to close Public Comment made by Riley Bergeron and seconded by Toni Ferraro.

Motion passes

Evan Cyr brings up previous discussion about conflict of interest. Asks if there are any members of the board who wish to disclose a conflict of interest or possible bias.

Brian Dubois speaks and shares he is offended by comments about his motive. He did not list the property as a local Real Estate Professional, he did represent the buyer of this parcel when

it was for sale. To imply that his investment of time on the Planning Board is for personal gain is offensive. Mr. Dubois will defer to the board for discussion/ determination is there is a conflict.

Evan Cyr asks clarification to Mr. Dubois; do you believe your commission represented a 10% interest in this project?

Mr. Dubois responds No I do not... this was a separate transaction|.

Evan Cyr clarifies that it could be a perceived conflict of interest. Asks clarification of Staff regarding Associate Members voting if Mr. Dubois should recuse himself from further discussion.

Vote: Should Mr. Dubois recuse himself based on a perceived conflict of interest.

All those in favor of finding that Mr. Dubois has a perceived conflict of interest and should recuse himself from this item, please raise your hand. None

All of those who believe that Mr. Dubois should be allowed to continue discussion and action on this item please raise your hand. 8 members

Any abstentions -None

**Mr. Dubois will continue to act as a full member.**

Evan Cyr clarification on setbacks.

Mathieu Duval inquired about a public comment regarding the late notices.

Staff replied that deadlines have not been missed. Unable to look specifically at the address/ homeowner in question as the mailing list is not available in this meeting.

Questioned the length of the meeting, many items on the agenda, creates a long meeting.

Staff clarifies there is a timeline to approve projects that are presented. Additionally, there were agenda items added after the agenda was created due to budget deadlines etc.

Traffic concerns were also discussed amongst staff and board members.

Brian makes a motion in favor of developing the parcel that is in T-4.2 zoning district and is shown and seen in the GIS system as Parcel ID 229-007 with an address of 555 court street as presented at today's meeting. Seconded by Toni Ferraro

Clarification: A motion and a second to accept essentially as written in the staff report, based on the findings and subject to the conditions of the staff report.

(Public makes comment from the audience, Mr. Cyr reminds that public comment is currently closed)

Vote 4-3-0 Motion passes.

Planning Board Policy indicate the meeting cannot start new items after 9:00pm.

A motion to table agenda item #9 until next meeting made by Mathieu Duval and seconded by Riley Bergeron.

Passes unanimously.

A motion to adjourn made by Mathieu Duval and seconded by Riley Bergeron.

Passes unanimously

**9. ADJOURNMENT:**

*Next Planning Board Meeting is on May 10, 2022*

# PLANNING BOARD

**Special Session: May 3, 2022 – 6:00PM**

**1. ROLL CALL:**

Board Members present: Riley Bergeron, Mathieu Duvall, Toni Ferraro, Stacey LeBlanc, Evan Cyr, Paul Jacques, Joshua Daigle, Darren Finnegan, and Brian Dubois.

Staff Present: John Blais, Deputy Director of Planning and Permitting and Katherine Cook, Planning Coordinator

**2. MINUTES:** 4/12/22- Mathieu Duvall asked for correction on the spelling of his last name in the minutes

**3. WORKSHOP: PART II; T-4.2B A-D** Consider changing four areas of the City from Rural Residential, Urban Residential, Suburban Residential, and Multi-Family Suburban areas to the Traditional Neighborhood Development District as defined in the Comprehensive Plan. **Area A:** includes 936 acres of Urban Residential, Multi-Family Suburban and Rural Residential within the New Auburn Urban Residential areas and to Broad Street; **Area B:** includes 19 acres of Urban Residential within the Vickery Road area; **Area C:** includes 148 acres of Suburban Residential and Urban Residential within the Poland, Manley, Hotel Road Residential area; and **Area D:** includes 288 acres of Urban Residential and Multi-Family Suburban within the Bates, Bradman, Stetson Road Residential area.

Deliberation amongst staff and board members. Some points/questions listed below:

- Explain why we are including or excluding the NB districts as a few single parcels within the otherwise proposed T-4.2 areas. As it stands it appears as though it is spot-zoned.
- Area D does not seem to jive currently with the characteristics of T-4.2
- Is contract zoning an option?
- Where would the Turnpike exit attach to Vickery Rd? South Main St VS Broad St?
- Are there any old, unrealized plans that could guide how and where to increase density near the urban core(s)?
- We should think about expanding the T-4.2 definition to exclude some areas or decide which areas the description of this zone could apply to.
  - We could use an additional tool representing increased neighborhood density incorporating some changes
- Is this like strip zoning because the identified spots grow in separate areas, not all stemming out from the downtown core?
  - Evan believes area A and B should be connected because they are close together
  - What would incorporating more land (in the AG zone in this case) look like to connect these spots?
- What would it look like to extend the new zone down South Main Street in Area A instead of into the RR area as proposed?
- What does it mean for something to be "consistent with the character of the neighborhood"?

- One area is taken up largely by the YMCA. What are the implications of changing this?

4. **WORKSHOP: Lake Auburn Watershed Zone Change** with the adoption of a zoning change that reduces the housing density in all parts of the Lake Auburn Watershed to one dwelling unit per three acres as recommended in the comprehensive plan. Considered changes include changing three separate areas of Rural Residential to Low Country Density Residential for a total of 1038 Acres.

5. **PUBLIC COMMENT:**

Bruce Rioux of 85 Mary Carroll concerned about development around the lake

Maureen O'Brien of 42 Winter St Concerned about increase in density (Inaudible)

Elizabeth Dunn of 530 Court St concerned about citizens having a voice and opportunity for education as well as time to ask questions to staff and receive answers.

Jason Levesque 205 Youngs Corner Rd discussed fact checking, trends for zoning across the country and line items in the budget. Highlighted Comp Plan and Lake Auburn topics.

6. **PLANNING BOARD ITEMS FOR DISCUSSION:**

Meeting Schedule: CC Chambers are NOT available June 14<sup>th</sup> and November 8– elections. Consider new location or modify schedule.

*June meeting moved to June 28<sup>th</sup> & November meeting moved to November 15<sup>th</sup>*

7. **MISCELLANEOUS:**

- a. Upcoming items for June

8. **ADJOURNMENT:**

Next Planning Board Meeting is on May 10, 2022

# PLANNING BOARD MEETING MINUTES

## Regular Meeting: May 10, 2022 – 6:00PM

Minutes from the May 3<sup>rd</sup> meeting and the May 10<sup>th</sup> meeting will be reviewed at the next Planning Board Meeting on June 28<sup>th</sup>.

1. **ROLL CALL:** Planning Board Members Present: Evan Cyr; Chair, Mathieu Duvall, Toni Ferraro, Stacey Leblanc, Riley Bergeron, Paul Jacques, Darren Finnegan, and Josh Daigle

Planning Board Members Absent: Brian Dubois \*\* Paul Jacques will be an active member due to this absence

Staff Present: Eric Cousens and Katherine Cook

2. **PUBLIC HEARING/SPECIAL EXCEPTION: RJF Morin Brick, LLC (Morin Brick)**  
*seeks to develop a 50± acre lot on Penley Corner Road: Morin Brick proposes a clay extraction pit at PID 113-015. The project is pursuant to ARTICLE XVI, DIVISION 2 and 3, ARTICLE IV DIVISION 2 and ARTICLE VIII. The 50± acre lot is currently undeveloped land with a mixture of field and forested areas. Morin Brick plans to excavate approximately 19 total acres. The current zoning is Agriculture and Resource Protection (AG).*

Staff provided their report and explanation of this proposal.

Evan & Stacey both have questions about reclaiming the road and what the plan is for this to happen.

Mathieu Duvall has questions about page 3 and the process if they do not follow practices.

Kyle Jacobson, Project Manager from St. Germain spoke and assured Planning Board members they would be following best management practices.

Motion to open Public Comment by Mathieu Duvall and seconded Riley Bergeron

No public comment at this time. Motion to close Public Comment by Mathieu Duvall and seconded Riley Bergeron

Mathieu Duvall makes a motion to approve the development of approximately 19 total acres as a clay excavation pit within the approximately 50.1-acre site identified on the tax map as Parcel I.D. 113-015 as a special exception with the following conditions:

- 1.) No construction will occur prior to receiving an excavation permit from Department of Public Works.
- 2.) No construction will occur prior to receiving a Permit by Rule (PBR) from Maine Department of Environmental Protection (DEP).
- 3.) In addition to the proposed rock entrance apron, a 3-foot-wide paved apron at the entire entrance width of the site at the same thickness of the existing pavement.
- 4.) If vehicles traveling between Morin Brick and the site will exit right and travel to the corner of Penley Corner Road and Riverside Drive (RT136) then the applicant shall place

“Trucks Entering” signs at the intersection to warn traffic on Riverside Drive of truck movement.

Above motion is seconded by Paul Jacques

Vote 7-0-0; the motion passes.

3. ***PUBLIC HEARING: Zone Change Request 278 Poland Road (Hammond Lumber):*** *The requested zone change is pursuant to ARTICLE XVII Amendments, is for an approximately 1.75+/- acre parcel located at 278 Poland Road and identified by the City of Auburn as lot (PID 199-041) and is within the City’s Suburban Residential (SR) Zone and borders Auburn’s Industrial (ID) Zone. The zoning on the property is proposed to become Industrial.*

Staff report, clarification this does not approve any site plans, this Public Hearing is strictly for zone change only

Jim Seymour, Sr. Project Manager from Sebago Technics spoke, sharing if the zone change is granted, there will be enhancements to the current building to be in ADA Compliance as well as updates to the parking lot organization.

Mathieu Duvall made a motion to open public comment, seconded by Toni Ferraro

Carol Lane of 30 Arbania St, and co-owner of 240 Poland Rd shared concerns from 2019 where she indicates the Hammond Lumber cleared the buffer of pine trees creating noise and making things louder. Also speaks concerns about the bright lights and lack of visual barrier.

Rena LaRose of Bennet Ave concerned about the industrial zone encroaching on the residential zone. Concerned about Hammond Lumber not replanting trees from 2019 incident.

Marcel LaRose owns a parcel that is soon to be part of a zone change. Confused about different zone changes.

Tim Allen of 194 Pride Rd shares concerns of idle trucks in the parking lot

Michael / Ann Nyberg of 5 Arbania St is concerned about encroachment

Douglas Snell of 321 Poland Rd shares concerns of tractor trailers parking overnight in the parking lot if this zone change happens. Concerns of speed and traffic patterns

Caroline Teves 269 Poland Rd lives directly across the lot with the proposed change. Lights shining into her home, tractor trailer trucks running all weekend, noisy. Concerned about property values.

A letter was read on behalf of Roberta Lane, co-owner, and resident of 240 Poland Rd shared concerns of the noise pollution and loss of the buffer back in 2019 due to clearing of trees allegedly done by Hammond Lumber.

A motion was made by Mathieu Duvall to close public comment, seconded by Toni Ferraro

Riley brings up the concern surrounding the cutting of trees in 2019

Mathieu questions if there is no plan, then why are we making a zone change now  
Staff indicates a zone change needs to happen before a plan could be presented.

Toni and Stacey both speak opposed, feels impact of changing the zone of an acre of land.  
This change and reducing buffers impact the neighborhood.

Mathieu also brings up concerns about removing buildable area headed towards the city.  
Evan questions infill, if this would happen due to it being so close to Hammond  
Lumber as it sits.

Mathieu makes a motion against the rezoning proposal presented today, forward a  
recommend to City Council they should not adopt this change. For reason of encroachment  
of industrial into existing residential neighborhood.

Seconded by Stacey

Vote 5- 2- 0 Evan then explains next steps to the public. This will next go to the City Council  
and members of the public can speak and share concerns.

4. **PUBLIC HEARING/SPECIAL EXCEPTION: 499 KW Electric Generation Novel Energy Solutions:** The solar PV project is located on Rt. 202, (PID 053-004) with project access on Washington Street, the current zoning is Agriculture and Resource Protection (AG). This project is proposed pursuant to Chapter 60, ARTICLE XVI, DIVISION 2 and 3, ARTICLE IV DIVISION 2 and ARTICLE XVIII This proposed site will be constructed to produce just less than a half megawatt (499 KW) of electric generation.

Staff Report

Josh Daigle has questions if this would go along with the Comp Plan.

Clarification that this would border the New Gloucester Town line

Brittany Krebsbach, Representative for Novel Energy, reviews the conditions and gives updates on status of each. She spoke with maintenance team regarding gate lighting, and they will remove that from plan and if lighting is needed for safety reasons, maintenance will bring their own.

Motion made by Riley to open Public Comment and seconded by Mathieu

Seeing none propose a Motion to close Public Comment, Mathieu and seconded by Riley

Discussion amongst board members



Motion made by Riley Bergeron to approve the development of Parcel I.D 053-004 during the lease period for a 499kW solar array covering approximately 19 acres with the following **conditions**:

1. Before construction, the City must receive a Determination of No Hazard from the FAA.
2. Before commencing construction, the City must receive the following documents: Certificate of Completion (COC) upon energization, signed Interconnection Agreement (IA) from CMP, and a Customer Net Energy Billing Agreement (CNEBA).
3. Before commencing construction, the City must receive the Solar Decommissioning Permit reviewed by MDEP.
4. An updated plan providing means of shutting down the solar energy generating system will be provided before construction and will be marked on-site as built.
5. The Applicant will provide a more detailed vegetation maintenance and management plan for staff review prior to construction.
6. If there is lighting at the front gate it will have a motion sensor and not be on unless there is activity at the site.

Seconded by Mathieu Duvall

Note: Motion from Mathieu Duvall, second from Riley Bergeron to amend the number from 599kW as written on the staff report to 499kW to reflect the actual number.

**5. PUBLIC COMMENT:** No Public Comment

**6. PLANNING BOARD ITEMS FOR DISCUSSION:**

- a. Evan brings up Joshua's concern about parking & idle vehicles.
  - i. Joshua does recommends having discussion or changing the ordinance for idle vehicles. Possible workshop to discuss the current ordinance.

**7. MISCELLANEOUS:**

- a. Upcoming items likely for June:
  - i. FB Environmental Model on Watershed Findings – Staff projects this report will be ready for June 28<sup>th</sup> meeting
  - ii. Washington Street Housing Project – (Market Rate apartments)
  - iii. Five Guys Burger Drive-Thru
  - iv. Lewiston Junction Road Recycling Facility

**8. ADJOURNMENT:**

- a. Next Planning Board Meeting is on June 28<sup>th</sup>

# Planning Board

## Meeting Minutes

### Special Session June 21,2022

- 1. ROLL CALL:** Riley Bergeron, Toni Ferraro, Stacey LeBlanc, Evan Cyr, Mathieu Duvall, Paul Jacques, Darrin Finnegan, and Brian Dubois  
**Absent:** Joshua Daigle
- 2. MINUTES: May 3rd and May 10th Meeting Minutes – All meetings are also available on YouTube.** Mathieu requested scan in the minutes for correction of his name.  
Motion to accept the minutes made by Mathieu Duvall, Seconded by Toni Ferraro.  
Vote – Motion passes
- 3. PUBLIC HEARING: Text Amendment: Suggested by council with creation of a new Formed Based Code Zone T-4.2B.**

Evan explained the purpose of Planning Board, to make a recommendation to City Council.

Staff shared explanation of proposed changes.

Question from Mathieu RE: Government buildings and age restricted business, asked for clarification.

Stacey has questions regarding office space

Evan has questions of net acre VS gross acre / Staff clarifies this was language from City Council.

Brian has questions about difference of personal services & office space / Staff clarifies Personal Services being salon/barber shop

Staff shared recommendations.

Questions regarding front setbacks

Councilman Dana Staples spoke about the Comp Plan, there was a committee started in November 2020, subgroup including Mr. Staples, Mayor Levesque, Tim McCloud and City Staff, Eric Cousens & Megan Norwood.

Motion to open Public Comment made by \_\_\_\_\_ seconded by \_\_\_\_\_

Scott Barry of 179 Davis Ave – give praise to all members of the Planning Board for their work. Spoke in favor to being able to grow and progress in the city. He is concerned that there could be more signage

Jeffery Harmon of 34 Vista Drive, shares concern there has not been enough planning to come up with T4.2B, expresses the five areas need to be addressed and take into consideration height and size of buildings, setbacks, density & net acres.

Jim Lynch of 80 Shepley speaks opposed, asking the board to think of the practicality of a 14 unit building on an acre of land, need to preserve residential neighborhoods.

Elizabeth Dunn of 530 Court St speaks in frustration, does not feel as though there has been enough public comment. Residents are not happy and have tried to express concerns.

(inaudible) concerned about environmental impact, is there space for alternative housing? Questions vacant mills or other large buildings.

(inaudible) of 42 Winter St wants to see a larger meeting for everyone in the city to attend, everyone invited.

Mona Ervin of 177 Cook St. 40+ year resident, concerned about 14 unit buildings and if the school systems can handle more students. Concerns of traffic congestion on already narrow streets.

John Cleveland of 83 Davis Ave spoke of his interaction with the city and feels not all information is provided.

Ryan Smith of 11 Harris St concerned about units allowed per acre

(inaudible) of 325 Minot Ave questions affordable housing

Kaitlyn (inaudible) of Vickery Rd spoke opposed to this change

Dale Gagnon of 70 East Bates speaking in opposition of a disorderly house located on his street.

Mary (inaudible) Has concerns about traffic & speed as well as group homes and the noise coming from those homes.

Barbara McGivaren of 55 Winter St. wants to see more behind the scenes information, questions what is happening

Motion to close public comment made by Mathieu Duvall and seconded by Riley Bergeron

Deliberation amongst Staff and Planning Board:

Evan asks where the language came from, Staff clarifies this came from City Council and Staff did not change it because it was a directive from City Council.

Mathieu and Riley have questions about process to have public involvement, the different between workshop & public hearing was discussed. Staff explained the reasoning behind

registering for this meeting, to be able to safely hold the meeting and have an idea of how many in attendance to be best prepared to accommodate.

Discussion around lot size and density, looked at several parcels.

Brian Dubois makes a motion to recommend to City Council a text amendment suggested by Council with creation of a new form-based code zone T-4.2B with items listed under section 2 of your summary with a couple of revisions. One is under #9 to remove the words upper floor and say must include residential unit, and add number 12: that artists' studios and performing arts centers be considered a Special Exception

This motion is seconded by Stacey LeBlanc

Evan Cyr makes a motion to amend the front setbacks to include that we change the setbacks from a minimum of 5 to a maximum of 15 to a 5-foot minimum to a maximum of 25 foot or 25% of the lot whichever is more.

Seconded by Riley Bergeron

Vote - Motion to amend passes 7-0

*The main motion is now amended to include the amended setbacks*

Evan Cyr makes a motion to amend to remove note number five (5) on page 19 of 22 which read that density of 14 dwelling units per acre unless special exception subject to planning Board approval

Seconded by Mathieu Duvall

Vote - Motion to amend passes 6-1

Motion to recommend new zone, T-4.2B with amendments passes after a vote 7-0

**4. PUBLIC HEARING: Zoning Amendment Court Street/City Core of T-4.2 Area to a potential new district T-4.2B per Council Directive; 1,687.41 acres from Traditional Neighborhood Development District Areas to Traditional Neighborhood Development District T-4.2B.**

Staff shared their report

Motion to open public comment made by Brian Dubious and seconded by Toni Ferraro

Jeffery Harmon of 34 Vista Dr. shares confusion about the agenda and process of this zone change.

(inaudible) shares there is a petition to appeal the zone change.

Ryan Smith of 11 Harris St does not feel this process gives enough time and it feels rushed.

John Cleveland of 183 Davis Ave questions the rationale for these changes

Motion to close public comment was made by Mathieu Duvall and seconded by Riley Bergeron

Planning Board staff question, why now for this change, Staff respond clarifying this is a directive from City Council.

Discussion to post pone this topic, went through the process of postponing and challenge the reason Planning Board would want to do that.

Mathieu Duvall makes a motion to postpone this item until the first regular meeting of the Planning Board after the City Council finishes its deliberation and makes its decision on adoption of T-4.2B

Seconded by Riley Bergeron

Vote 0-7- 0 Motion does not pass

Evan Cyr makes a motion to recommend the City to not (make a map) amend(ment) (regarding changing) T-4.2 to T-4.2 B for the Court Street area with a total area having been suggested for amendment of 1,687.41 acres shown on the map exhibit A, due to process concerns specific to not knowing what the final language of T-4.2B will be from City Council that the Board would be adopting.

Seconded by Mathieu Duvall

Vote 7-0 Motion passes as amended

Evan Cyr explains the board needs a unanimous vote to take up any new business after 9pm

Brian Dubois makes a motion to continue the meeting to include agenda items 5, 6,7 & 8 which is Seconded by Mathieu Duvall

Vote 5-2-0 / The motion does not pass as it does not have unanimous vote

Motion to Adjourn the meeting made by Mathieu Duvall Seconded by Toni Ferraro  
Vote 7-0-0

Meeting is adjourned.

# Planning Board

## Meeting Minutes

June 28, 2022

1. **ROLL CALL:** Riley Bergeron, Toni Ferraro, Stacey LeBlanc, Evan Cyr, Mathieu Duvall, Paul Jacques, Brian Dubois, and Joshua Daigle

**Absent:** Darren Finnegan

\*Joshua Daigle will be elevated to a regular member and vote

2. **MINUTES:** All meetings are available on YouTube. \*June 21st minutes not available during this meeting.

3. **PLANNING BOARD ITEMS FOR DISCUSSION:**

- a. For the record: The Public Hearing to re-zone Areas A-D has not been rescheduled. A Public Notice to all abutters of these areas will be sent prior to any future public hearing meeting pursuant to City Ordinance (Chapter 60 Article XVII Division 3).
- b. Advisory Opinion of the Auburn Ethics Panel was adopted May 17, 2022. Legal Counsel could be requested by the board of any questions exist from The Planning Board. (See Attached #1)
- c. Update to Comprehensive Plan: Timeline is set in Chapter 208 requirements for State Approval for the State Comprehensive Plan. (See attached #2)
  - i. Important dates for the state's review of the Comp Plan:
  - ii. 6/14/2022: Due date for public and state agency comments
  - iii. 6/29/2022: Deadline for state completeness review
  - iv. 7/14/2022: If applicable, deadline for state consistency review

4. **PUBLIC HEARING: Brickyard Commons:** JIG Investments is proposing a project to build a 96-unit apartment complex on about 10.9 acres identified as Parcel I.D. 199-052. The development is proposed within the T-5.1 District, located off Brickyard Circle. The proposal is pursuant to Chapter 60 Division 14 Form-Based Code.

Questions from board members, inquiring about sidewalks and public transportation to the area

Staff points out the deceleration lane is an improvement

Applicant, Mike Gotto speaks about the proposed project.

Evan Cyr has questions about improvements suggested from the City and how the developer is willing to help.

Discussion about traffic improvements

A motion to open Public Comment is made by Brian Dubois and seconded by Mathieu Duvall.

Steve Cox, from Service Master speaks in opposition, he states the location cannot handle this volume and concerned about emergency vehicles getting in and out in a timely fashion. General traffic concerns for the area.

Peter Hornstien owner of commercial property at 24 Brickyard Circle spoke in concern of potential contamination of the spring water.

Carol Lane of 30 Arbania St spoke with concerns of noise level if trees are removed. She speaks of the negative impact from sound pollution.

Marcel Larose of Brickyard Circle concerned about flooding and the chemicals that could potentially be released into the ground and air (from an existing business)

Rena Larose of Bennett Ave speaks in opposition, sighting safety and traffic concerns.

\_\_\_ of 422 Washington St. North speaks opposed

Dylan Larose of Bennett Ave does agree that housing is needed and does speak with concerns about the water quality as well as potential flooding.

A motion to close public comment made by Mathieu Duvall and seconded by Riley Bergeron

Vote 7-0-0 motion passes

Brian Dubois asks the connectivity piece of this project; staff explains the future plans/ development would be to connect this proposed area to the other end of Washington St and near the train tracks.

Board members note safety concerns brought up during public comment, specifically about emergency vehicles. Staff confirms that Emergency/ Public Safety staff have reviewed these site plans.

Board members ask for clarification of NRPA – Staff note conditions of approval are typical.

Paul Jacques has environmental concerns

Riley asked fellow board member Josh Daigle his thoughts regarding the Fire Department perspective.

Brian Dubois makes a motion to take staff's recommendation that we move this forward with the condition that Must receive wetlands NRPA permit approval from Maine DEP and USACE general permit. Seconded by Toni Ferraro

Evan Cyr makes the motion to amend that no development activity until any bonding or inspection fees are determined by the City of Auburn Engineering department be added. Seconded by Mathieu Duvall.

Vote, Motion Passes 7-0-0

Mathieu Duvall proposes an amendment that we add a Condition C the offsite improvements in the view of \$320,000.00 be granted to the City (striking B and increasing it with simpler language) Seconded by Riley Bergeron

Vote, Motion Passes 6-1-0

Mathieu Duvall would like to make an amendment for a final condition that if a gas easement is agreed upon that runs to Poland Road, that a multi-use path should be constructed that grants access to those neighborhoods. This would be a non-motor vehicle path. This would be conditional on the easement being created.

No second, motion dies

Evan Cyr makes a motion to amend the main motion to include an additional condition that there be design and compensation for a left-hand turning lane on the north end of Brickyard Circle with approximately 100 feet stacking and 165 feet taper Seconded by Mathieu Duvall

Mathieu Duvall makes a secondary amendment to add the words as part of the forementioned offsite improvements, Seconded by Evan Cyr

Vote, Motion Passes 7-0-0

All those in favor of the main motion to approve including the conditions as amended

Vote, Motion Passes 5-2-0

5. **PUBLIC HEARING: Auburn Recycling Facility:** 607 Lewiston Junction Rd, LLC, is proposing a new solid waste processing facility in the Industrial District at 607 Lewiston Junction Rd and Parcel I.D. 142-004. The proposal is to occupy 7 +/- acre area within an 8.6 acre clearing in the easterly portion of the property which is 40 +/- acres total. 607 Lewiston Junction Rd. Is in the Industrial (ID) Zone and is pursuant to Sec, 60 Division 15-Industrial District 60-578(b)(11) Junkyard.

Staff report

Applicant: Shawn Frank of Sebago Technics shared information as well as answered questions from Staff and the Board

A motion to open public comment made by Mathieu Duvall and seconded by Joshua Daigle



Seeing none, a motion was made to close public comment and seconded by Toni Ferraro

Mathieu Duvall makes a motion to approve the proposed 7+/- acre development, Auburn Recycling Facility: 607 Lewiston Junction Rd, LLC, shown as Parcel I.D. 142-004 on Auburn's Tax Map within a cleared 8.6 acre area at the easterly portion of the lot. This motion is subject to the following terms and conditions:

1. The project must receive an NRPA and ACOE tier-1 wetland permit prior to construction,
2. Must receive a General Permit/ Industrial stormwater discharge permit under the DEP's Department of Remediation and Waste Management and comply with the solid waste program to include stormwater, site law, and solid waste,
3. Increased stormwater discharges to wetlands should be sheet flow through level spreaders,
4. The discharge of runoff to wetland due to a two-year storm may not increase the mean storage depth within a wetland by more than 2 inches above predevelopment levels for more than 24 hours from the end of the storm event unless otherwise approved. The submitted HydroCAD model identifies an increased risk in peak elevation of greater than two inches for wetlands one and two, and a significant increase in the storage volume utilized. The applicant should address how this standard is being met
5. No development activity until any bonding or inspection fees as determined by the Auburn Engineering Department,
6. That the shredder run from 7:00 a.m. to 7:00 p.m. with a maximum of 7 dBA pursuant of Article XIII Sec. 60-1037
7. Planning Board has waived the building separation standards and the landscaping standards on the sides and the back.

Seconded by Riley Bergeron

Vote, Motion Passes 7-0- 0, Project is approved

6. WORKSHOP: Planning Board confirm written report to council on new zone T-4.2B. Staff and Board members discuss what motions came from the meeting on 6/21/22. If the council would like to send this back to Planning Board, they can. Given the information on hand, there was not enough to decide. Waiting until Council finalizes T4.2B before moving forward and applying this to other areas within the city.
7. PUBLIC COMMENT: None at this time
8. MISCELLANEOUS:
  - a. Upcoming items for July
    - i. Convenient MD review
    - ii. Extension for Kittyhawk 3 lot subdivision

- iii. RR to LCDR (1 acre to 3-acre lot analysis)
- iv. Five Guys pick-up window review

**9. ADJOURNMENT:**

Next Planning Board Meeting is on July 12, 2022

# Planning Board Meeting Minutes

## July 12, 2022

1. **ROLL CALL:** Riley Bergeron, Toni Ferraro, Evan Cy, Mathieu Duvall, Paul Jacques, Brian Dubois and Darren Finnegan  
*ABSENT: Stacey Leblanc & Josh Daigle*  
\*\* Paul Jacques elevated to a full member for this meeting.
2. **MEETING MINUTES:** Mathieu Duvall Page 4 of the 6/21 meeting minutes Correction of Brian Dubois' last name on Page 4 Request for full names to be used throughout the minutes going forward. Motion to accept the minutes made by Mathieu Duvall and seconded Riley Bergeron. 6/28 Minutes Page 3 vote should read 6-1-0
3. **PUBLIC HEARING:** Auburn Center Street, LLC is proposing a 5,000 square foot Convenient MD medical office building located at 600 Center Street identified as Parcel I.D. 291-001, including the creation of an outparcel. This property, currently owned by Shaw's Realty Co., is in the General Business (GB) zone. The proposal is pursuant to Chapter 60, Article IV, Division 12 and Chapter 60, Article XVI Divisions 2, 3, and 4.

Staff report is shared. Questions from board members about sidewalks, asked to see visual of where the new sidewalk would be extended.

**Applicants:** Michael Kaufman & David Sanderson speak and share more information about Convenient MD. Clarify that all medical waste is handled inside the building and picked up by a third party.

Toni Ferraro brings up concerns of the dumpster location, having staff walking out in the dark at night to bring out the trash.

Motion to open Public Comment made by Mathieu Duvall and seconded by Paul Jacques.

Pam Russo – inquires “why” this specific location with St. Mary's urgent care close by.

Motion to close Public Comment made by Mathieu Duvall and seconded by Darren Finnegan.

Vote 7-0-0 motion passes

Deliberation amongst board members.

Phillip Henry with Civil Design Group explains the reason for the layout of the dumpster in the parking lot.

Evan Cyr seeks a motion to approve a 5,000+/- square foot Convenient MD medical office building located at 600 Center Street identified as Parcel I.D. 291-001, including the creation of a new 13,700 +/- outparcel with 100 foot of road frontage on Center Street within the existing 15.7 +/- lot with the following conditions:

1. Move and adjust alignment of the slip lane to maximize site distance to the greatest extent possible and increase the distance between curb cuts and driveways to the greatest extent possible.
2. Install 300 +/- ft of new sidewalk lining where Center Street meets the accessway to the parcel.
3. Install new yield sign as determined in the site plan
4. Install and delineate wayfinding signs and travel lanes to the south outlet as defined in the site plan
5. That the trash receptacle be placed in proximity to of parking area labeled as #7 on page 5 and with screening
6. A landscaping plan approved by staff.

So moved by Mathieu Duvall and seconded by Toni Ferraro

Vote 7-0-0 Motion passes

4. **PUBLIC HEARING:** Hyde Park Maine I, LLC, (Five Guys) is proposing a pickup window at their existing building located at 223 Center Street (Parcel I.D. 261-019) and is in the General Business District (GB). The project was originally approved on February 2, 2022. This request is pursuant to Chapter 60, Article IV Division 12, Sec. 60-499, (b), (8) and Division 2 and 3 of Article XVI.

Staff report presented, emphasis this is not a drive thru, only a drive-up window.

Mike Gotto spoke on behalf of the applicant, explained the history of the building established approximately 1973. Evan Cyr emphasized this building has utilized a drive thru window before during other ownership/ businesses. Mr. Gotto also explained further the technology that will be used to ensure orders are ready (based on GPS location) estimated 13 seconds at the window to pick up food, no orders will be taken, or money exchanged.

Motion to open Public Comment made by Riley Bergeron and seconded by Mathieu Duvall

Seeing none, a motion to close Public Comment made by Mathieu Duvall and seconded by Darren Finnegan

Continued deliberation amongst board members. Discussion of possibility of moving signage to direct vehicles into the parking lot a different way.

Mathieu Duvall make a motion to approve the proposed pickup window at the existing building located at 223 Center Street. The Site Plan for the proposed development, meets the requirements pursuant to Chapter 60, Article IV Division 12, Sec. 60-499, (b), (8) and

Division 2 and 3 of Article XVI,.Sec. 60-1277, and further that the application meets the requirements of Special Exception Law, Sec. 60-1336 with no conditions. Seconded by Paul Jacques

Vote 7-0-0 motion passes

5. **PUBLIC HEARING:** Kittyhawk Property Development, LLC requests an extension for the Commercial Subdivision (Auburn Commerce Center) consisting of three lots totaling approximately 30 acres and a 680-foot street from Harriman Drive into the Parcel Located on Kittyhawk Avenue (Parcel I.D. 108-001) in the General Business (GB) zoning district. The project was originally approved on April 13, 2021. This request is pursuant to Chapter 60 Article XVI Division 2 Sec. 60-1308.

Staff report explaining the need for the extension.

Motion to open Public Comment made by Mathieu Duvall and seconded by Riley Bergeron.

Seeing none, a motion to close Public Comment made by Mathieu Duvall and seconded by Riley Bergeron.

Brian Dubois makes motion to approve a one-year extension for approval under Sec. 60-1308 for the construction of a commercial subdivision (Auburn Commerce Center) consisting of three lots totaling approximately 30 acres and a 680-foot street from Harriman Drive into the parcel located on Kittyhawk Ave. (Parcel I.D. 108-001) In the General Business (GB) District with the following condition:

1. Applicant must send the plan to the City Engineer prior to beginning construction.

Motion was seconded by Mathieu Duvall

Vote 7-0-0 motion carries unanimously

6. **WORKSHOP:** Update on lot analysis regarding changing the Rural Residential (RR) Zone to the Low-Density Country Residential (LDCR) Zone within the Lake Auburn Watershed.

Staff Report presented by Evan Ma, Intern with the Planning and Permitting Department.

Open Public Comment

Adam Lee of \_\_\_\_\_ asked questions about the availability of the Story Map that was used in presentation by Evan Ma.

Staff confirms it is available online

Pam Russo of 745 West Auburn Rd. is concerned about buffers, what can be done has a homeowner to do this and highlights thoughts of filtration systems do not help the lake.

Susan Brown of 152 Dillingham Hill Rd speaks in concern for dead trees, Brown Tail Moth and is frustrated this conversation continues. Expresses concern for more apartments being built instead of single-family homes.

Bruce Rioux 85 Mary Carroll St. questions new development in the watershed (Evan Cyr clarifies this statement was applicable to other towns/cities, not Auburn specifically) Suggested a Code change regarding the new septic systems being built/installed.

Evan Cyr clarifies that the role of the Planning Board is not to decide whether a project is great or not, it is to ensure the project follows rules, criteria, and guidelines.

**7. PUBLIC COMMENT:**

- a. None

**8. MISCELLANEOUS:**

- a. Upcoming items for August
  - i. Public Hearing – Change RR to LCDR in the Lake Auburn Watershed
    - 1. Suggestion of workshop first then Public Hearing
  - ii. Public Hearing- Change Court Street area from T-4.2 to T-4.2B

**9. ADJOURNMENT:**

Motion to adjourn made by Mathieu Duvall and seconded by Toni Ferraro

**Next Planning Board Meeting is on August 9, 2022**

# Planning Board Meeting Minutes

8/9/2022

1. **ROLL CALL:** Joshua Daigle, Darren Finnegan, Mathieu Duvall, Toni Ferraro, Paul Jacques (elevated to full member temporarily), Stacey LeBlanc, Evan Cyr and Riley Bergeron (late arrival)  
**Absent:** Brian Dubois

2. **WORKSHOP:** *Review FB Environmental report RE: updating (60-952 (f) (1-5) for subsurface wastewater systems in Division 4 – Lake Auburn Watershed.*

Report shared by John Blais, Deputy Director of Planning and Permitting.

3. **WORKSHOP:** *Schedule Update for T-4.2B Public Process*  
Update read by Eric Cousens, Director of Planning and Permitting
4. **WORKSHOP: PART II T-4.2B Zoning Map Amendment** *Consider changing area A, South Main Street to Broad Street area from Rural Residential, Urban Residential, Suburban Residential, and Multi-Family Suburban areas to the Traditional Neighborhood Development District as defined in the Comprehensive Plan. Area A: includes 936 acres of Urban Residential, Multi-Family Suburban and Rural Residential within the New Auburn Urban Residential areas and to Broad Street.*  
Staff Report read by Katherine Cook, Planning Coordinator.

## Open Public Comment:

Mona Ervin of 177 Cook St. shares feedback about terminology used in the Public Notices, also concerns about the size of the maps. Specifically wants clearly delineated full size map. Questions definition of Traditional Neighborhood District. Questions what 16 units per acre means. Speaks of increased traffic and cars if there were additional housing in the area. Concerns about safety and the need for plan prior to increasing density.

Peter Cyr of 121 Sixth St. shares concerns about setbacks and terminology used, he would like more user-friendly terms. Specifically, questions about the importance of bringing buildings into compliance as a main reason to change zoning.

Daria Simmons of 172 Cook St. shares concerns about the wildlife being impacted and notes the deer activity in the neighborhood. Questions about businesses that could come into the neighborhood and how the taxes may be impacted as a result.

Tina Lajoie of 117 Sixth St. shares concerns about the sprinkler system rules for the Multi Family building she owns.

*Staff clarifies this is a requirement at the State level and beyond the City's control. Staff will follow up with Ms. Lajoie in a separate conversation.*

Elizabeth Dunn of 530 Court St. shares concerns about the process and the current construction happening on Court St. Requests more opportunities of community conversations to incorporate the public's opinions.

Ryan Smith of 14 Weaver St. shares concerns about process of public comment, does not feel the members of the community have been heard. Specifically concerns about location of meetings and effort to engage more people. Comments about not discussing change of uses in T-4.2B.

Motion to close Public Comment.

5. **MINUTES:** A motion to accept the meeting minutes for July 12<sup>th</sup> made by Mathieu Duvall and Seconded by \_\_\_\_ Vote 7-0-0 Motion Passes.
6. **PUBLIC HEARING:** *Camp K9, LLC is requesting a Special Exception in the General Business (GB) Zone to expand their current business model, into other areas of pet-related services to complement their existing dog grooming and retail business. Camp K9 is located at 314 Center Street, Parcel I.D. 271-021. This proposal is pursuant to Chapter 60 Article IV Division 12 – General Business District, and Chapter 60 Article XVI Division 3 – Special Exception.*  
Staff report presented by John Blais

Planning Board members had questions about the disinfectant spray to be used, concerns about fencing and if there is a plan to control barking.

Chris Bain, Applicant, spoke regarding the questions from Planning Board, he provided the name for the disinfectant spray to be used which is Wysiwash Sanitizing System. It is a bacteria neutralizer. discussed the fencing will not be see through and there are plans in place to help control barking i.e., having a schedule of when dogs will be outside and how many at a time.

**Open Public Comment:**

Jim Cross, Attorney representing J. Potvin 336 Center St shares concerns about the process and this proposed use does not fit with the neighborhood.

Daughter of homeowners of 37 Newell Ave spoke on their behalf, concerns about noise level due to barking. Reports there are currently dogs barking during the day with the current volume of dogs for the existing business.

Holly Miller of 21 Newell Ave. shares concerns about noise level and states that the proposed use does not fit with the neighborhood.

Richard Potvin owns the strip mall nearby and shares concerns of noise level and the smell.



Carolyn Collins of 40 Newell Ave spoke of noise concerns; she also spoke on behalf of her sibling who resides at 36 Newell Ave.

Planning Board Chair, Evan Cyr, grants Jim Cross four additional minutes to speak. States precedent of 65 Washington Street is an analogous example that should be considered precedent for a kennel in the General Business Zone. Comments on distinctions between the rotary location at 65 Washington Street and Center Street which abuts a neighborhood and professional offices.

Reference to correspondence with planning staff in 2020 regarding precedent for a dog daycare being accessory to a pet store as a location separate from other uses; Jim Cross states that this is not the case with the proposal before the Board.

Concludes that there are specific requirements for site plan review including a mylar plan and topography completed by certified surveyor.

Chris Bain, Applicant, follows up on the plan for waste removal, he has been speaking with local companies to ensure dog waste is picked up daily.

Motion to close public comment made by Mathieu Duvall and seconded by Riley Bergeron.

Vote 7-0-0

Further discussion about waste management and understanding the noise ordinance and how it is enforced.

Discussion about process and options for the

Motion made by Mathieu Duvall to table to a date uncertain pending completion of Site Plan, clarification of the legality of this as a permitted use. Site Plan should include waste management plan.

Seconded by Riley Bergeron

Vote 6-1-0.

7. **PUBLIC HEARING:** *Business Real Estate, LLC (BRE) is proposing a warehouse building on their property at 1145 Center Street, Parcel I.D. 325- 048. This proposal is pursuant to Chapter 60 Article IV Division 12 – General Business District, Chapter 60 Article IV Division 5 – Suburban Residence District, and Chapter 60 Article XVI Division 2 – Site Plan Review.*

Staff Report presented by Katherine Cook, Planning Coordinator

Mike Gotto, speaks on behalf of the Applicant explains there will be low truck use, discusses the loading dock vs loading space

Mathieu Duvall makes a motion to open Public Comment, Seconded by Toni Ferraro.

Seeing none, a Motion to close Public Comment is made by Mathieu Duvall and seconded by Toni Ferraro.

Motion to approve BRE, LLC's construction of a 7,200 sq. ft. warehouse building on their 2.7 +/- acre property at 1145 Center Street (PID 325-048) in the General Business District with the following terms and conditions:

1. All vehicles exiting the parcel must take a right turn only from Oak Hill Road onto Center Street.
2. There shall be a mirror placed at the driveway entrance off oak hill to mitigate the limited site distance coming from the neighborhood on site with city staff.
3. Commercial Trucks exiting at Oak Hill Road take a left turn only

Seconded by Mathieu Duvall.

Vote 7-0-0 Motion passes.

**8. PUBLIC COMMENT:**

Elizabeth Dunn of 530 Court St. has seen Community Conversations being offered for some projects and feels it should be offered for all

**9. MISCELLANEOUS:**

- a. Upcoming items for September:
  1. Public Hearing – Consider updating septic ordinance in conjunction with changing RR to LCDR in the Lake Auburn watershed.
  2. Public Hearing – Consider T-4.2B zone change.
  3. Public Hearing – Consider applying T-4.2B zoning to Court Street area.
  4. Public Hearing – Suburban Little League.
  5. Petition to rezone 58 acres of GB to T-4.2 within existing gravel pit which includes a portion of PID 289-001 and 289-002.
- b. Consider to transitioning to digital planning board packets.

**10. ADJOURNMENT:**

Next Planning Board Meeting is on September 13, 2022.

# Meeting Minutes

9/13/22

1. **Roll Call:** Riley Bergeron, Toni Ferraro, Stacey LeBlanc, Evan Cyr, Paul Jacques, Josh Daigle, Brian Dubois, and Darren Finnegan **Absent:** Mathieu Duvall, *Josh Daigle will act as full member for this meeting.*
2. **Minutes:** Motion to approve minutes from August 9, 2022, made by Riley Bergeron seconded by Toni Ferraro.

Vote: 6-0-1 Brian Dubois abstained due to not being present at the August meeting.

3. **PUBLIC HEARING: Zoning Text and Map Amendments to Create the Traditional Neighborhood Form Based Code T-4.2B zoning district and to include 1,687.41 acres of property located in the Court Street/City Residential Core area of the City within the new zoning district.**
  - a. John Blais shared Staff Opinion letter from Attorney.
  - b. Katherine Cook shares Story Map to explain.

Motion to open Public Comment made by Brian Dubois and seconded by Riley Bergeron.

Ryan Smith of 14 Weaver – shares disagreement that LD2003 passed with bipartisan support. Shares concerns about lack of community input, and desire for new process and suggestion for zone change.

Resident (inaudible) shares concerns about high property taxes.

Jeffrey Harmon of 34 Vista Dr. shares support for form-based code but concerns of limited public process. Suggests a professional planning process with stakeholders, staff, board, and community involvement.

Scott Barry of 179 Davis Ave shares a photo of a storefront with illuminated sign. Shares support of zoning proposal citing housing equality and opportunity. Concerns bright storefront signs will devalue properties.

Elizabeth Dunn of 530 Court St. States that first opportunity to engage in process was beginning of 2022. Shares concern that density example photos do not represent outer edges of Court Street. Concern that some houses will become nonconforming. Shares objections about 555 Court Street apartments.

Bob Hayes shares concerns about applying code made for downtown to Court Street as a broad sweep. Suggests that T-4.1 Might be more appropriate for parts of this area.

Nancy Greene of 134 Granite St. Feels process is being rushed because of the passage of LD 2003. Shares story of negative interaction with city leader during community meeting. Shares concern about traffic.

John Cleveland of 183 Davis Ave share concerns the process is backwards citing council acting before planning board. Discusses what is permitted in the law. and speaks opposed.

Robert Daigle of 172 Lake Auburn Avenue shares concerns about the process and wishes to keep single family neighborhood the way it is. Concern that there is lack of greenspace with higher density.

Pam Russo of 745 West Auburn Rd. shares concerns that expanding the city core does not make sense for the whole area. Pleads that the board listen to the people.

Motion to close Public Comment made by Riley Bergeron and seconded by Toni Ferraro.

Riley Bergeron has questions about variance, is it possible to approve changes on case-by-case basis instead of making a full zoning change.

Staff responds that it would require every request to come to Planning Board for review and that is not possible at this time.

Brian Dubois talks about 80% non-conforming lots.

Riley Bergeron suggested to exclude everything North of Park Ave in the zone change.

Paul Jacques speaks in favor and shares history of living in Auburn. Emphasizes equity in Auburn.

Brian Dubois makes note of observation from public comment, majority of feedback surrounds procedure of the change rather than content of the change.

Motion made by Brian Dubois to forward a recommendation to the City Council to adopt the zoning text and map amendments to create the traditional neighborhood form-based code T-4.2B zoning district and to include 1,687.41 acres of property located in the Court Street residential core area of the city within the new zoning district as proposed and presented within the staff report presented at the September 13th, 2022, meeting of the planning board.

Seconded by Stacey LeBlanc.

Motion passes 5-2-0

**4. Public Comment:** None.

**5. Miscellaneous:**

- a. Mayors Ad Hoc Committee to develop permit-ready housing plans

- i. Paul Jacques, Toni Ferraro and Brain Dubois all volunteer for the Ad Hoc Committee. Motion to appoint all three made by Evan Cyr and seconded by Josh Daigle
  - b. Upcoming items for October (tentative)
    - i. Public Hearing – Change RR to LCDR in the Lake Auburn Watershed and septic standard change
    - ii. Public Hearing – Consider Changing Area A (South Main area) and Area B (Vickery area) to T-4.2B
    - iii. Public Hearing – Suburban Little League Ball Fields
    - iv. Public Hearing – Hockey Dormitory
6. **Adjournment:** Motion to adjourn made by Riley Bergeron and seconded by Toni Ferraro.

*Next Planning Board Meeting is on October 11, 2022*

# PLANNING BOARD MEETING MINUTES

## October 11, 2022 – 6:00PM

- 1. ROLL CALL:** Riley Bergeron, Stacey LeBlanc, Mathieu Duvall, Evan Cyr, Paul Jacques, Joshua Daigle, Brian Dubois and Darren Finnegan. \*\* Elevated to regular member due to absence.  
Absent: Toni Ferraro
- 2. MINUTES:** Motion to approve September 13, 2022, meeting minutes made by Riley Bergeron and seconded by Paul Jacques. Mathieu Duvall abstained from vote due to absence previous meeting.
- 3. REVIEW OF TEXT AMENDMENT: Review Zoning Text Amendment to Chapter 60, Article XII. Environmental Regulations, Division 4. Lake Auburn Watershed, Section 60-952 (c) Agricultural buffer strip and (f) (1-5) Private sewage disposal systems pursuant to Chapter 60 Article XVII-Amendments. Sec. 60-1447.**  
Evan Cyr makes clarification this agenda item is a review of Text Amendment and not a Public Hearing.  
Review of amendment shared by Staff.
- 4. PUBLIC HEARING/ MAP AMENDMENT: Zoning Map Amendment including all or portions of 299 parcels within the Lake Auburn Watershed proposed to be changed from Rural Residential to Low-Density Country Residential pursuant to Chapter 60, Article XVII-Amendments.**  
Riley Bergeron asks questions about buildable lots  
Motion to open Public Comment made by Mathieu Duvall and seconded by Brian Dubois  
  
Bruce Rioux of 85 Mary Carroll St questions the timing of the review and shares concerns about process. The water testing has shown clean water with existing standards over the past 30 years. Chairman Evan Cyr reminded him this is not a public hearing for Septic changes. Bruce Rioux says that the septic change relies on the zoning density change.  
  
Julia Harper of Lewiston asks the Planning Board to table any voting on this agenda item. Suggests that the Board prepare for LD 2003 and not make any changes that could increase development in the Lake Auburn Watershed before we have more information confirming that there is a net reduction in housing near the lake.  
  
Chris Robin of Lewiston asks the Planning Board to widen their constituency to include all who sue Lake Auburn's water and wait for the report before voting.  
  
Joshua Nagine of Lewiston, a volunteer dedicated to monitoring water quality in Lake Auburn and Planning Board Member for the City of Lewiston, believes the septic standard is better, but they only apply to new systems, and they will encourage more

development. Asks to not vote for the change until there have been measures to ensure no more development around the lake.

Brenda Benner of 1660 Perkins Ridge Rd questions if her property impacted and will her taxes increase. Chairperson, Evan Cyr, suggested she speak with a staff person.

Adam Zeeman, Executive Director of Lake Stewards of Maine located at 24 Malpe Hill Road, indicates his comments were originally geared towards septic systems.

Jim Wellehan of 60 Woodlawn Ave states that in the wake of a changing climate, protecting the land and the lake for the future must be prioritized. Indicates that development can occur in Auburn not around the lake.

Maureen O'Brien of 42 Winter Street is concerned with process that people are not being considered. References Brickyard Circle and negative environmental impacts.

Pam Rousseau of 745 West Auburn Rd shared opinion that the city is putting the cart before the horse and is unnerved by the process. Overall opposed

Fred Holler of 352 West Auburn Rd speaks opposed. Cannot rezone a watershed as a geological fact and urges the city to wait for all the information and consult with other towns.

Allie Thompson of 664 West Auburn Rd in favor of protecting the lake and is hopeful that the Planning Board is trying to do this but is skeptical referencing earlier decisions. Wonders if a lot under three acres will be "grandfathered".

Susan Brown of \_\_\_\_\_ pleads for the Planning Board and City to wait on deciding until they have complete understanding of the variables affecting the lake.

Motion to close public comment made by Mathieu Duvall and seconded by Brian Dubois

Staff shared written comments from a resident at 465 West Auburn Rd

Riley Bergeron makes a motion to table this recommendation, seconded by Mathieu Duvall

Vote 3 -4- 0 Motion Fails

Stacy LeBlanc makes a motion  
Seconded by Paul Jacques

Vote 5-2-0  
Motion carries

**5. PUBLIC HEARING/ SITE PLAN REVIEW: Site Plan and Special Exception for the proposed Twin City Thunder Hockey Academy, located at 1400 Hotel Road, Parcel I.D. 217-071, to repurpose a portion of the existing site and building as a hockey training area with a dormitory. The proposal is pursuant to Chapter 60, Article IV, Division 12-General Business District, and Chapter 60 Article XVI Administration and Enforcement, Division 3-Special Exception.**

Staff shares report and site plans.

Mathieu Duvall asks if food will be provided to the players

Applicant, Travis Nadeau shares there will be no commercial kitchen. Will have microwave for cooking. Each team will be run by a Coach and RA who will be present/ lodging with the players. There will be 12 room with 2 - 3 bunks.

Motion to open public comment made by Mathieu Duvall and seconded by Brian Dubois

Anne White of 19 Kendall Rd questions how the dormitory will affect the neighborhood and wants to know if it is a hockey arena or housing.

Maureen O'Brien of 42 Winter St is concerned who is paying for this. Concerned that it is the city in connection with the Norway Arena.

Susan Brown of 152 Dillingham Hill Rd shares concerns about the lake.

Motion to close public comment made by Mathieu Duvall and seconded by Riley Bergeron

Planning Board members asked questions of the applicant, inquired about traffic, most direct route given this location and they will have busses or carpool options. This location works for the proximity of the Arena and School.

These students are currently housed in private homes.

This is not a collaboration with the city and is privately funded by Twin City Thunder Hockey Academy.

Motion to approve made by Brian Dubois to approve repurposing a portion of the existing site and 11,085 square feet of the building located at 1400 Hotel Road, Parcel I.D. 217-071 as a lodging house subject to the following conditions:

1. A building permit must be issued by the City of Auburn's building inspector and associated fees must be paid prior to commencing construction.

Motion seconded by Paul Jacques



Vote 7-0-0

Motion passes

6. **WORKSHOP:** City Council directs the Planning Board after consultation from the Sustainability and Natural Resource Management Board to provide an opinion and deliver recommendations to the City Council no later than March 20, 2023, on whether or not to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay.

Staff shared the staff report.

7. **PUBLIC COMMENT:**

Pam Rousseau of 745 West Auburn Rd has questions about clear cutting if it moves to 3 acres lots. What is included in buildable units, what is allowed? Concerns about lake pollution. Question about the strip zones. Believes timeline to be unreasonable to make a recommendation regarding the income restriction and strip zones. Hopes that the income standard will remain. Concerns that it is a way to build big houses and eat up the land. AG zone is needed for agricultural purposes, specifically hay for live stalk.

Brian Dubois business supports Auburn Suburban Baseball and Softball and Evan Cyr coaches.

8. **MISCELLANEOUS:**

a. Upcoming items for November:

1. **PUBLIC HEARING/ MAP AMENDMENT:** Zoning Map amendment applied to **Area A** encompassing 936 +/- acres of Urban Residential, Multi-Family Suburban and Rural Residential within the New Auburn residential areas and along Broad Street to the Traditional Neighborhood Development District T-4.2B pursuant to Chapter 60, Article XVII-Amendments.
2. **PUBLIC HEARING/ MAP AMENDMENT:** Zoning Map Amendment applied to **Area B** Vickery Road encompassing 19 +/- acres of property within the Urban Residential District to the Traditional Neighborhood Development District T-4.2B pursuant to Chapter 60, Article XVII-Amendments.
3. **PUBLIC HEARING:** Auburn Suburban Baseball and Softball is proposing a new ballfield facility located at the corner of Hotel Rd. And Stevens Mill Rd Parcel I.D. 217-002 little league size fields, one Babe Ruth size field, a practice field, and two batting cages. The proposal is pursuant to Chapter 60, Article IV, Division 5- Suburban Residence District, Chapter 60, Article IV, Division 4- Low Density Rural Residence District, and Chapter 60, Article XVI Division 2 and 3- Site Plan Review and Special Exception.

9. **ADJOURNMENT**

- a. Next meeting November 15<sup>th</sup>



# Meeting Minutes

## Planning Board 11/15/2022

1. **ROLL CALL:** Evan Cyr, Paul Jacques, Joshua Daigle\*\*, Brian Dubois, Darren Finnegan, Toni Ferraro, Stacey LeBlanc and Riley Bergeron.

*Absent: Mathieu Duvall*

\*\*= Joshua Daigle will be elevated to full member for the duration of this meeting.

2. **MINUTES:** Motion to accept the minutes made by Brian Dubois and seconded by Toni Ferraro. Vote 7-0-0 Motion passes.

3. **PUBLIC HEARING/ MAP AMENDMENT:** Petition to amend the areas outside the Lake Auburn watershed: 33.49 +/- acres of 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation. The proposal is pursuant to Chapter 60 Article XVII Division 2—Amendment to the Zoning Ordinance or Zoning Map

Brian Dubois recuses himself from this agenda item. Associate member Paul Jacques will be elevated to full member for this agenda item.

Staff Report: Katherine Cook, Planning Coordinator

Evan Cyr requests to see zoning and look at existing water and sewer coverage in the area.

Petitioner: Brian Dubois presents

Riley Bergeron asks when the parcel was purchased by the owner, Brian. Dubois clarifies 40 yrs.

Motion to open Public Comment made by Riley Bergeron and seconded by Paul Jacques

Ryan Smith, 14 Weaver St, speaks to potential protection of LD 2003. Voices concerns about Brian Dubois being the petitioner as a member of Planning Board. Resident also expressed concern about processes surrounding the process.

Evan Cyr clarifies that Brian Dubois asked and Evan Cyr provided counsel.

Pam Rousseau, 745 West Auburn Rd, reminds the Planning Board this area in question is a historic area. Requests cost analysis of rezoning the area compared to benefit. Asks Planning Board to consider the natural resources and vote no.

Lisa, Andrew Drive, points out that her neighbors did not sign the petition. Lisa expresses concern about possible increased traffic in an otherwise quiet neighborhood; also expresses concern that runoff could go into Lake Auburn. Urges the Board to vote no.

Resident, 1372 North River Rd., talks about resource protection. Concerned about people outside the neighborhood submitting petitions for changes in the neighborhood. Notes that neighbors are not in favor and questions whether the process is suitable.

Brian Farrell, 172 Andrew Dr, speaks with concerns. Disappointed in the prospect of the land becoming developable.

Daniel 147 Andrew Drive Andrew Dr. concerned the invasive location of the house. Concerned about people outside the neighborhood signing the petition.

Resident is concerned about the school's capacity to take more kids.

Motion to close Public Comment made by Riley Bergeron and seconded by Paul Jacques

*Vote 7-0-0 Motion passes*

Discussion with members about housing and roads. Some talk about slopes

Riley Bergeron makes a motion to not pass a favorable recommendation, seconded by Paul Jacques

Discussion: Stacey LeBlanc asks question if no decision is made, Eric Cousens provided clarification.

*Vote 1-6-0 Motion fails*

Stacey LeBlanc makes a motion to recommend changing 33.49 acres of 38.22 total areas on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), occupying 29.902 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation. Seconded by Paul Jacques.

*Vote 5-1-1 Motion passes*

- 4. WORKSHOP/ RESOLVE 06-09062022/ ORDER 151-11072022: Proposal: City Council directs the Planning Board after consultation with the Sustainability and Natural Resource Management Board to conduct a public hearing pursuant to Article XVII, Division 3 of the Zoning Ordinance and report in writing the results of the hearing and recommendations of the Planning Board pursuant to Article XVII Division 4 of the**

**Zoning Ordinance to the City Council no later than March 20, 2023, on whether to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay as an ordinance text amendment as shown on the attached proposed text changes.**

Staff Report: Katherine Cook

Discussion and clarification amongst staff and Planning Board Members.

Questions for next workshop concern the features of the land, availability of city services and are presented in the 12/13/2022 staff report.

- 5. WORKSHOP/ CITY COUNCIL ORDINANCE 07-02072022:** Discuss the moratorium on development proposals involving definitions around Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices at a site on which one does not currently exist. The workshop is pursuant to Chapter 60 Article XVII Division 2 – Amendment to the Zoning Ordinance.

**Staff Report:** Katherine Cook

Comment that the need vs. The impact of the facilities should be evaluated.

**6. PUBLIC COMMENT:**

Steve Beale, 575 Johnson Rd, makes procedural suggestions: 1. to hold a public workshop in addition to the required public hearing; and 2. The two AGRP proposed changes be presented as two separate agenda items.

Pam Rousseau, 745 West Auburn Rd, shares concern about map during presentation. Rousseau showed the Future Land Use map while staff was using the current Auburn zoning map. Noted that Staff should specify which map they are presenting. Concerns that there is no strip zone limitation proposed. Believes they should be addressed as separate agenda items.

Elizabeth Dunn, 530 Court St, shares concerns again for the process, feels the community members are not heard.

**7. MISCELLANEOUS:**

**a. Upcoming Agenda Items**

Solar Project, Evan Cyr asks for update on land percentage in AGRP zone.

**8. ADJOURNMENT**

Motion to adjourn made by Toni Ferraro and seconded by Riley Bergeron.

*Vote 7-0-0 Motion passes*

# Planning Board Meeting Minutes

**December 13, 2022**

1. **ROLL CALL:** Riley Bergeron, Toni Ferraro, Evan Cyr, Mathieu Duvall, Paul Jacques\*, Joshua Daigle\*, and Darren Finnegan.

**ABSENT:** Stacey LeBlanc & Brian Dubois; \* = both associate members elevated to full member status, can participate in discussion, and vote on motions made during this meeting.

2. **MINUTES:** Mathieu Duvall makes a motion to approve November 15, 2022, seconded by Joshua Daigle VOTE: 6-0-1 Mathieu abstained due to absence; **Motion passes**

3. **PUBLIC HEARING/ SITE PLAN AND SPECIAL EXCEPTION: 1.83 MWdc Solar Array and 1,020kW Samsung SDI Battery:** *BWC Gulf Island Pond, LLC is proposing to a 1.83 MWdc solar array (Project) at 224 East Waterman Rd. (Parcel I.D. 393-010). BlueWave is also proposing a DC-Coupled Battery Energy Storage System (BESS) consisting of one 1,020kW Samsung SDI Battery. The system is anticipated to be a two-hour duration BESS resulting in a total expected energy capacity of approximately 2,040kWhs. The proposal is pursuant to Chapter 60 Article IV Division 2- Agriculture and Resource Protection District, Article XVIII-Solar Energy Generating Systems, and Article XVI Division 2 and 3- Site Plan Review and Special Exception.*

Staff Report presented by John Blais

Applicant: Flycatcher shares more background and information. Highlighting benefits to the City. Anticipated construction time 4-8 months

Motion to open public comment made by Mathieu Duvall and seconded by Riley Bergeron VOTE: 7-0-0; **Motion passes unanimously.**

Kathy Shaw of Sopers Mill Rd. asks questions about crops being displaced with this project. Does this allow for another type of planting after construction? Does this project have to be reviewed by the Ag Committee?

Marcy & John Hutchinson of 112 East Waterman Rd asks if this area could be turned in to residential if this project is approved, also concerns about lower property value. What are they doing with the fields, and can this project be stopped?

Emily Robinson of 432 East Waterman Rd, and owner of 56 East Waterman Rd is wondering if this entire area will be rezoned from Ag to Residential with this project approval.

Pam Rousseau of 745 West Auburn Rd. concerns of the Ag land being destroyed by Solar projects.

Motion to close public comment made by Riley Bergeron and seconded by Mathieu Duvall VOTE: 7-0-0; **Motion passes unanimously.**

Clarification that the proposed area is existing corn field.

Size of the panels are not ok for residential.

Staff clarified the guidelines for the Ag Work group; 200-acre threshold triggers the Ag Group review; this project does not meet that threshold.

Motion made by Riley Bergeron to approve the Solar Generating Systems/Site Plan/Special Exception pursuant to Article IV Division 2- Agriculture and Resource Protection District, Article XVIII-Solar Energy Generating Systems, and Article XVI Division 2 and 3- Site Plan Review and Special Exception of the Auburn Code of Ordinances to construct a 1.83 MW solar array and a DC-Coupled Battery Energy Storage System (BESS) consisting of one (1) 1, 020kW Samsung SDI Battery on approximately 121.57 acres on one parcel (PID 393-010) located at 224 East Waterman Road. Located in the Agriculture and Resource Protection Zoning District, with the following conditions:

1. All bonding and inspection fees shall be paid and a notice to proceed issued by the Engineering Department before the start of construction.
2. An Addressing Plan shall be provided for the area of the property that will be used for the solar project.
3. Maine General Construction Permit
4. Updated detail on entrance pad to include 3' paved apron.
5. Interservice agreement with CMP.
6. Surety for Decommissioning (Bond) Co-naming with SOM/MaineDEP .
7. Updated electrical and building plans by a PE for electrical & building permits.
8. As-builts with shutting down procedures for public safety officer.
9. Certificate of Completion prior to energizing the site.
10. Customer Net Energy Billing Agreement (CNEBA)
11. Solar Decommissioning Permit by MaineDEP.
12. Signage provided for trucks entering and exiting the site
13. A vegetative plan is submitted to City Staff

Seconded by Joshua Daigle

VOTE: 7-0-0; **Motion passes unanimously**

- 4. WORKSHOP/ SNRB PRESENTATION/ Resolve 06-09062022/ Order 151-11072022:** *City Council directs the Planning Board after consultation with the Sustainability and Natural Resource Management Board to conduct a public hearing pursuant to Chapter 60 Article XVII, Division 3 of the Zoning Ordinance and report in writing the results of the hearing and recommendations of the Planning Board pursuant to Chapter 60 Article XVII Division 4 of the Zoning Ordinance to the City Council no later than March 20, 2023, on whether to eliminate the income standard and the current strip zoning limitations in all areas outside of the Lake Auburn Watershed overlay as an ordinance text amendment as shown on the attached proposed text changes. The Sustainability and Natural Resources Board will present their recommendation. This item is pursuant to Chapter 2 Sec. 2-471 Workshop or informational meetings.*

Presentation given by Jane Costlow – Chair of SNRB, Members of working group Ralph Harder, Bill Griswold and Bill Sylvester.

### **Public Comment**

Stephen Beale of Johnson Rd urges for Public Hearings and wanting a workshop before the Public Hearing to provide information.

Kathy Shaw of Sopers Mill Rd extended a “Thank You” to SNRB for their work and feels the recommendation is reasonable and achievable.

John Cleveland of 183 Davis St commends Staff and SNRB for their clear recommendations. Agrees a Public Hearing would be a good idea. Believes the Planning Board should answer “No”.

Jeffery Harmon of Vista Drive believes the threshold requirement of the AGRP zone needs to be addressed in the context of LD 2003. They should not agree to this ordinance change.

Pam Rousseau of 745 West Auburn Rd shares concerns that removing the income standards will trigger development. Auburn is beautiful with the AGRP zone. Agrees with the concept of “meaningful engagement with the land”.

Ryan Smith of 14 Weaver St asks Planning Board to not make a recommendation until Planning Board can work out more details. States that change to AG zone if there is one should achieve public good. Recommends Auburn create mechanism to protect from LD 2003 and form an Ad Hoc committee.

Stephen Beale of 575 Johnson Rd. Clarifies that Council has directed Planning Board to conduct a public hearing

Discussion amongst SNRB members, City Staff and Planning Board members of options and way to respond to this agenda item.

The Board resolves to prepare a workshop for an alternative to the income standard and wait until this is underway before offering an answer to Council.

5. **WORKSHOP/ City Council Ordinance 07-02222022:** *Discuss the moratorium on development proposals involving definitions around Public Safety Facilities, Detention Facilities, Correctional Facilities and/ or Government Offices at a site on which one does not currently exist. This item is pursuant to Chapter 2 Sec. 2-471 Workshop or informational meetings.*

Staff Report presented by Katherine Cook

Discussion amongst staff and Planning Board members for clarification

Motion to move past 9pm made by Mathieu Duvall and seconded by Riley Bergeron  
VOTE: 7-0-0; **Motion passes unanimously**

6. **PUBLIC COMMENT:**

Stephen Beal of 575 Johnson Rd has concerns about the new agenda posted.  
Staff provided clarification regarding deadlines and submittals.

7. **MISCELLANEOUS:**

- a. Upcoming Agenda Items
  - i. 150 Andrew Drive

8. **ADJOURNMENT**

Motion made by Mathieu Duvall and seconded by Toni Ferraro VOTE: 7-0-0; **Motion passes unanimously.**

Next Meeting January 10, 2023