

City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Manager



City Council Workshop Agenda
Monday, April 30, 2012, 5:30pm, Council Chambers

1. Planning Board proposed Planned Unit Development discussion (PUD)¹

¹ Supporting Documentation Includes: 1. Draft Workshop Info Sheet 2. Original Petition 3. Revised Ordinance 4. Planning Board Staff Report 5. Planning Board Meeting Minutes from 9-13-11 6. Planning Board Meeting Minutes from 10-11-11 7. Planning Board Workshop Minutes from 10-25-11 8. Planning Board Meeting Minutes from 11-15-11

City Council

Workshop Information Sheet

Item

Council Workshop Date: 4/30/12

Subject: Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD).

Previous Meetings / Agendas: Planning Board Workshop on October 25, 2011, Planning Board Public Hearings on September 13, October 11, and November 15, 2011 and a meeting organized by the Beech Hill Road Neighborhood on October 4, 2011.

Information: Staff received a petition to amend the ordinance on August 29, 2011 and the City Clerk confirmed the required number of signatures. The original petition proposed creating a new section of the ordinance specific to Recreational/Residential Planned Unit Developments (PUDs) that was separate from other types of PUDs. Staff, the applicant and the Board all agreed after reviewing and discussing the proposal that if there were changes to be made, then they should be incorporated into the existing PUD section of the ordinance to avoid duplication of submission requirements and procedural elements. The Board also identified a number of updates that should be made to the PUD Ordinance, regardless of whether the petition to allow RRPUDs moved forward, and incorporated those changes into their recommendation.

Over time, staff, the Comprehensive Plan Committee and the Planning Board have discussed the idea of allowing residential and commercial uses associated with major recreational assets like ski areas and golf courses. In fact, the ordinance already allows for accessory commercial uses that are customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use. Examples of these accessory uses at existing recreational facilities include restaurants, proshops and maintenance buildings. The current proposal would create a review framework for *major recreational uses* to propose adding residential or commercial uses that are complimentary, but not necessarily accessory to a recreational use. These could include houses in the Agricultural Zoning District or other commercial uses such as a hotel or motel at a golf course or ski area with a detailed review by the Planning Board.

After three public hearings and one workshop, the Board voted to pass a favorable recommendation to the City Council with a vote of 4 in favor - 2 opposed - 1 abstention. There were 3 key elements that secured support of the proposal from a majority of the Board. They were:

- 1) The proposed RRPUD option should be limited to areas with public water sewerage services as all other PUDs have been historically.
- 2) The RRPUD option should be limited to *major recreational uses* to ensure that it is not used to circumvent the ordinance with a small recreational use.
- 3) The RRPUD review must allow for careful consideration and limitations to protect the surrounding areas from any substantial negative impacts (traffic, noise, lighting, etc).

Staff will review the details of the proposal and answer any questions at the workshop.

Financial: None.

Staff Requested Action:

Do you require action at this meeting: Yes ___ No X

If yes why:

Author: Eric Cousens, City Planner

History: See previous meetings/agendas.

Attachments: Original Petition PUD-RR (Not PB Recommended), RR PUD Ordinance Proposal Final PB recommended language dated 12.11, Planning Board Staff Report Residential Recreational PUD November hearing and previous reports, Planning Board Meeting Minutes 9/13/11, 10/11/11, 10/25/11, 11/15/11.

34 valid
2 invalid
Peterson (TLC) 8/29/11

ZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Municipal Ordinances, Chapter 60, Zoning, Division 7, by adding a new Section, Recreation/Residential Planned Unit Development (RRPUD). The purpose of the new ordinance is to recognize that there are customary and complementary residential and commercial uses that are appropriate to be developed on land adjacent to major recreation uses. Included in this petition is a definition of Major Recreation Use that clarifies the intended meaning of this use.

SIGNATURE	PRINTED NAME	ADDRESS
<i>[Signature]</i>	GARY GOLDBERG	180 WILKINGHAM HILL RD
<i>[Signature]</i>	Richard Miles	77 CEDARWOOD ROAD
<i>[Signature]</i>	FRANK FOLSON	16 CLIFF ST
<i>[Signature]</i>	NEIL MAYO	173 Fairway Dr.
<i>[Signature]</i>	Jace A. Pearson	228 E. Handscombe Rd
<i>[Signature]</i>	DAVE KORDALSKI	261 SUMMER ST
<i>[Signature]</i>	Patricia Kordalski	261 Summer St.
<i>[Signature]</i>	Parker J. Adams	297 Fairway Dr.
<i>[Signature]</i>	Frederick Bishop	27 Candleberry Dr.
<i>[Signature]</i>	John Turner	46 Rubellite Lane
<i>[Signature]</i>	DAVID NELSON	411 Perkins Ridge Road
<i>[Signature]</i>	W. F. CUMMING, JR	130 STONEY RIDGE
<i>[Signature]</i>	LORRAINE CUMMINGS	130 STONEY RIDGE
<i>[Signature]</i>	Emile Clavet	93 Hillcrest St.
<i>[Signature]</i>	Jane M. Clavet	93 Hillcrest St.
<i>[Signature]</i>	VIRGINIA B. MARCZAK	53 HILLCREST ST.
<i>[Signature]</i>	Gregory J. Desjardins	72 Hillcrest St
<i>[Signature]</i>	Mary R. Desjardins	72 Hillcrest St.
<i>[Signature]</i>	Elizabeth Wondak	48 Gamage Ave.
<i>[Signature]</i>	George E. Roy	58 " "
<i>[Signature]</i>	Frederick Gerson	62 Gamage Ave
<i>[Signature]</i>	Alice Mogensén	7 Carroll Ave.
<i>[Signature]</i>	Pamela Catwiche	140 HIGHLAND AVE.
<i>[Signature]</i>	Cynthia Morgan	100 Highland Ave.
<i>[Signature]</i>	Alexander Cantell	451 Court Street
<i>[Signature]</i>	TRACY RICHARDSON	333 WITHAM RD
<i>[Signature]</i>	Kieth Tremblay	86 TERRACE RD.
<i>[Signature]</i>	Mark Hodsdon	281 Old Danville Rd
<i>[Signature]</i>	JESSICA LUBBEL	158 COOK ST
<i>[Signature]</i>	RAYMOND R. MARTEL	1220 MINOT AVE
<i>[Signature]</i>	MAXINE FOLSON	16 CLIFF ST.

AUG 29 2011

**DIVISION 7.- RECREATION/RESIDENTIAL PLANNED UNIT
DEVELOPMENT (RRPUD)**

Sec. 60-1034. - Purpose

Sec. 60-1035. - Applicability

Sec. 60-1036. - Use Regulations

Sec. 60-1037. - Performance Standards

Secs. 60-1038--60-10--.- Reserved

Sec. 60-1034.- Purpose.

The purpose of the Recreation/Residential Planned Unit Development (RRPUD) is to recognize that there are customary and complementary residential and commercial uses that are appropriate to be developed on land adjacent to major recreation uses located in Auburn. These major recreation uses of land are designed for outdoor use of large acres of land, have indoor facilities to accommodate groups of people and while they may open year round, they primarily operate seasonally. Homes, condominiums, and hotels will help support the economics of a seasonal business and bring more people to Auburn by becoming a recreation destination point.

Sec. 60-1035.- Applicability.

This ordinance shall apply to Major Recreation uses and the land adjacent to such uses and may be allowed in all zoning districts. A Major Recreation use is defined as a permanent use of not less than 100 acres of land designed and constructed for recreation use and have indoor facilities of not less than 5,000 square feet that can include, but not limited to, restaurant, meeting and banquet capability, locker rooms, accessory retail space, and professional support services.

Sec. 60-1036.- Use Regulations.

(a) *Uses Permitted*

- (1) Attached single-family dwellings, provided that they are approved by the Planning Board as part of a Planned Residential Unit Development and as a Subdivision under Secs. 60- 359 and 60-1359 of this Chapter.
- (2) Existing Major Recreation uses.
- (3) Off-season recreation uses shall be permitted as part of a Major Recreation use. Such uses may include cross-country skiing, snowshoeing, biking, hiking and other similar low impact accessory uses.
- (4) All uses allowed in the underlying zoning district.
- (5) Accessory uses, buildings or structures.

(b) *Special Exception Use.*

- (1) Major Recreation uses by eighteen hole golf courses and ski areas with a minimum of two ski lifts.
- (2) Hotel.

Sec. 60-1037.- Performance Standards.

- (a) *The following standards shall apply to location, siting, and design of residential developments as part of a Major Recreation use.*
- (1) Access to the property shall be located on an arterial or collector road to minimize congestion or unsafe conditions and unreasonable deterioration of the Auburn's local road system.
 - (2) Access to individual house lots from existing roads shall be prohibited. Access shall be from an internal street system.
 - (3) All uses shall be located where public sewer is presently available or will be made available by the developer prior to the Certificate of Occupancy being issued.
 - (4) The density for single-family residential uses shall be the same as that of the underlying zoning district.
 - (5) The size and scale of a hotel shall be determined by the Planning Board at the time of the Special Exception review. In making their determination, the Planning Board shall consider the appropriate relationship of the hotel to the Major Recreation use and the surrounding neighborhood in terms of bulk, location or operation of proposed buildings and structures, traffic, provisions for sewer and water, parking requirements, internal circulation, landscaping, and the preservation of scenic or natural beauty of the area to the extent possible.
 - (6) The requirements of a Planned Residential Unit Development, Sec. 60-361(4) and a Subdivision, Sec. 60- 1367 to provide recreation and open space may be substituted for by the principle recreation, entertainment and social uses provided by the adjacent Major Recreation use.
 - (7) The requirements of Chapter 60 applicable to the underlying zoning district or districts, not addressed in this Section, shall apply.

Amendment to Ch. 60, Zoning, Definition of Major Recreation Use:

Sec. 60-2.- Definition to be added in the correct alphabetical order

Major Recreation Use is defined as a permanent use of not less than 100 acres of land designed and constructed for recreation use and have indoor facilities of not less than 5,000 square feet that can include, but not limited to, restaurant, meeting and banquet capability, locker rooms, accessory retail space, and professional support services.

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DRAFT PLANNING BOARD RECOMMENDATION ACCEPTED AS PART OF MINUTES AT 1/10/12
PLANNING BOARD MEETING

DIVISION 10. - PLANNED UNIT DEVELOPMENTS

Subdivision I. - In General
Subdivision II. - Types
Subdivision III. - Application Procedure

Subdivision I. - In General

Sec. 60-359. - Purpose.
Sec. 60-360. - Scope.
Sec. 60-361. - General standards.
Secs. 60-362--60-380. - Reserved.

Sec. 60-359. - Purpose.

The purpose of this section is to provide for a greater variety and choice of design for urban and suburban living, to gain efficiencies, to coordinate design development efforts, to conserve and make available open space, to utilize new technologies for urban land development and to ~~gain flexibilities over offer a flexible alternative to~~ conventional land control regulations. This section should not be used as a device for circumventing the city's development regulations and may be employed in instances where there is truly some benefit to be derived from its use for the community and for the developer. The type and amount of development permitted shall be based on the Planning Board's evaluation of the development proposal and the purposes standards and provisions set forth in this Division.

(Ord. of 3-16-2009, § 3.51(A); Ord. of 9-21-2009, § 3.51A)

Sec. 60-360. - Scope.

- (a) Application for a planned unit development may be made for land located where public sewer is presently available or will be made available by the developer prior to certificates of occupancy being issued, ~~in all zoning districts except agriculture and resource protection districts.~~
- (b) ~~The requirements for setback, lot width, lot depth, lot area, street frontage and percentage of lot coverage stated in individual zoning classifications shall be subject to negotiation as they apply to planned unit developments, except the front yard setback from all dedicated rights-of-way shall not be reduced. In specific cases, the requirements for off-street parking stated in article V of this chapter and minimum area as stated in individual zoning classifications may be reduced. These requirements shall be controlled by the criteria and standards of this division and as shown on the approved planned unit development plan.~~

The dimensional requirements stated in individual zoning districts and signs as stated in Article V of this Chapter may be increased or decreased by the Planning Board as they apply to planned unit developments.

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except the front yard setback from all public streets shall not be reduced. The dimensional requirements and provision of signs shall be controlled by the standards sets forth in Sec. 60-359 Purpose and Sec 60-361 General Standards.

(c) Coordination with subdivision regulations.

- (1) ~~It is the intent of this division that if~~ a plan review is required under division 4 of article XVI Subdivision of this chapter, ~~that it shall~~ be accomplished simultaneously with the review of the planned unit development plan under this division of this zoning chapter.
- (2) The final development plan shall be submitted in a form that is in accordance with the requirements of division 4 of article XVI Subdivision of this chapter relative to final plans where applicable.
- (3) Requirements of this division of this zoning chapter and those of division 4 of article XVI of this chapter shall apply to all planned unit developments.

(Ord. of 3-16-2009, § 3.51(B); Ord. of 9-21-2009, § 3.51B)

Sec. 60-361. - General standards.

The following provisions apply to all planned unit development districts:

- (1) ~~The setback, lot width and lot coverage~~dimensional requirements as stated in individual zoning ~~classification districts~~ shall apply within the PUD but may be ~~reduced-increased or decreased~~ due to individual site ~~limitations-characteristics~~ as determined by the ~~planning board~~Planning Board to ~~promote the purposes set forth in section 60-359 of this chapter.~~
- (2) ~~The number of off-street parking spaces in each planned unit development may not be less than the requirements as stated in article V of this chapter except that the~~The planning board~~Planning Board may increase or decrease the required number of off-street parking spaces as stated in Article V of this chapter in consideration of the following factors:~~
 - a. ~~Probably~~The probable number of cars owned by occupants of dwellings in the planned unit development;
 - b. ~~The~~Parking needs of any ~~non~~dwellling-nonresidential uses;
 - c. Varying time periods of use, and whatever joint use of common parking areas is proposed.
- (3) Whenever the number of off-street parking spaces ~~are-is~~ reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change.
- (4) ~~In any~~A PUD involving residential uses that ~~receives a density bonus and has lot sizes that are reduced below the minimum required within the residential district, shall reserve an amount of land equal to that created through the reduction in required lot sizes, required by section 60-1367 to be held as open space for the mutual use of the residents of the PUD. This shall be accomplished by either~~Land reserved to satisfy the open space requirement shall be:
 - a. ~~The land shall be a~~Administered through a homeowner's association; or
 - b. ~~The land shall be d~~Dedicated to and accepted by the city for public ~~use~~use; or

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- ~~c. Land occupied by a major recreational use adjacent to a PUD-RR; or~~
 - ~~d. Managed by a non-profit organization or land trust deemed capable of management by the Planning Board; or~~
 - ~~e. A combination of a, b, c and/or d above.~~
- (5) All of the requirements of the city code of ordinances applicable to the zoning district not addressed in this division, shall apply.
- (6) Before granting approval of the final development plans, the city Planning Board must be satisfied find that said plan ~~plan~~ ~~incorporates~~ ~~addresses~~ each of the following criteria or that one or more of the criteria are not applicable to the proposed development and/or that a practical substitute to one or more of the criteria has been achieved: ~~or can demonstrate that:~~
- ~~a. One or more of the criteria are not applicable; or~~
 - ~~b. A practical substitute has been achieved for each of these elements consistent with the public interest:~~
 - 1. ~~There~~ ~~The proposed development has~~ is an appropriate relationship to the surrounding area;
 - 2. Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and ~~control of~~ noise and exhaust ~~control~~. Proper circulation in parking areas is designed for safety, convenience, separation and screening;
 - 3. ~~Functional~~ Adequate open space ~~has been provided in terms of~~ with consideration given optimum preservation to preservation of natural features including trees and drainage areas, topographic features, recreation, and views, ~~density relief and convenience of functions;~~
 - 4. Privacy in terms of needs of individuals, families and neighbors;
 - 5. Pedestrian and bicycle traffic in terms of safety, separation, convenience and; access points of destination and attractiveness;
 - 6. Building types in terms of appropriateness to density, site relationship and bulk;
 - 7. Building design in terms of orientation, spacing, materials, color and texture character, storage, signs and lighting;
 - 8. Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any;
 - 9. ~~Maintenance, suitability and effect on the neighborhood;~~ Preservation of historically or architecturally significant buildings or places, if any;
 - 10. There is public sewer available to the lot or will be made available by the developer prior to certificates of occupancy being issued.

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11. That the proposal meets the requirements of Sec.60-1335, Special Exception of this Ordinance.

(Ord. of 3-16-2009, § 3.51(D); Ord. of 9-21-2009, § 3.51D)

Secs. 60-362—60-380. - Reserved.

Subdivision II. - Types

Sec. 60-381. - Definitions.

Sec. 60-382. - PUDs established.

Sec. 60-383. - Zoning map indication.

Sec. 60-384. - Permitting.

Sec. 60-385. - Planned Unit Development-Residential (PUD-R).

Sec. 60-386. - ~~Planned Unit Development-Commercial (PUD-C)~~ Planned Unit Development: Recreation/Residential (PUD-RR)

Sec. 60-387. - Planned Unit Development-Commercial (PUD-C).

Sec. 60-388. - Planned Unit Development-Industrial (PUD-I).

Secs. 60-389—60-417. - Reserved.

Sec. 60-381. - Definitions.

The following words, terms and phrases, when used in this subdivision, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Planned includes plans, plats or any combination thereof.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-382. - PUDs established.

The following types of planned unit development may be established by special use approval in any existing zoning district as noted in this section. The options for use are as follows:

(1) PUD-R Planned Unit Development: Residential in LDCR, RR, SR, UR, MFS, MFU, GB and CB.

~~(2) PUD-C Planned Unit Development: Commercial in GB and CB.~~

~~(3) PUD-I Planned Unit Development: Industrial in ID.~~

(2) PUD-RR Planned Unit Development: Recreation/Residential in AG/RP, LDCR, RR, SR, UR, and GB.

(3) PUD-C Planned Unit Development: Commercial in GB and CB.

(4) PUD-I Planned Unit Development: Industrial in ID.

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(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-383. - Zoning map indication.

The area included in each approved planned unit development shall be indicated on the zoning map as PUD-R or ~~C~~, PUD-RR or PUD-C or PUD -I.

(Ord. of 3-16-2009, § (3.51)(C); Ord. of 9-21-2009, § 3.51C)

Sec. 60-384. - Permitting.

Phased planned unit developments shall be permitted where any type of PUD is otherwise allowed by this chapter with an additional review by the director of planning and permitting prior to recording at the Androskoggin County Registry of Deeds. It is the intent of this phasing to allow coordinated long term planning of a large scale development without the disincentives of taxation and financing for phases that will not be constructed in the short term. The final development plan shall be kept on file in the planning and permitting office and the developer shall meet the requirements of section 60-420(c) prior to declaration and recording of a phase. The developer shall declare and record the approved phase plan within 30 days after a written approval is issued by the director. The recorded plan shall contain a note referencing this chapter. This division may be applied to existing PUDs if said plan was approved by the ~~planning board~~ Planning Board as a phased development.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-385. - Planned Unit Development-Residential (PUD-R).

It is the intent of this section that any residential property which is under single ownership and contains three acres or more area may be developed as PUD-R planned unit development: residential. Within the PUD-R the following uses and densities may be permitted subject to the approval of the ~~planning board~~ Planning Board.

- (1) Uses permitted by right or permitted by special exception in the residential districts noted in ~~this section~~ this section and the underlying zoning district.
- (2) Commercial uses may be permitted in the PUD-R district if the planned unit development contains 20 or more dwelling units. Such commercial ~~centers~~ uses shall be subject to the following requirements:
 - a. Such ~~centers~~ uses including parking shall be included as an integral part of the PUD and shall not occupy more than five percent of the total area of the PUD. Commercial uses in any development shall not be open to use prior to issuance of the certificates of occupancy for 50 percent of the dwelling units.
 - b. Except as stated in division 10 of article IV of this chapter all restrictions applicable to the NB district are applicable to the commercial center in the PUD-R district.
 - c. Such establishments shall be located, designed and operated primarily to serve the needs of the persons within the planned development. These buildings shall be architecturally compatible with the dwellings they serve using similar materials, geometry, topographic relationships, color and lighting to minimize its effect on the environment of existing or future residential uses adjacent to

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them.

d. Sign.

1. Any part of the sign for a commercial use shall not project above the eaves or protrude from the face of the building more than 12 inches. A ~~premise commercial use~~ shall have not more than one sign for every street frontage. ~~All~~ Any free standing signs may not exceed 20 feet in height and must have a minimum setback of 25 feet. Portable flashing and moving signs are not permitted. All emblems, shields or logos are considered part of the total allowable sign area.
 2. A Residential subdivision may have one sign for each newly created entry to the subdivision, not to exceed 40 square feet in size.
- (3) The total number of dwellings units permitted in the PUD-R district shall be determined by dividing the total project acreage (not including public rights-of-way) by the area required per unit in ~~that the~~ underlying zoning district or as approved by the city Planning Board pursuant to section 60-364(3) the standards in the underlying zoning district.
 - (4) If common open space remaining is offered to the city and is acceptable to the city, such dedication shall ~~may not~~ be considered as partial or total fulfillment of park and open space dedication.
 - (5) Upon review of a PUD-R proposal, ~~if special circumstances exist in regard to land usability, topographical characteristics, or natural assets of the site to be preserved, the city Planning Board may~~ authorize up to a 20 percent increase in density over ~~the that~~ otherwise allowed in the underlying district requirement if the following criteria are met:
 - a. *Architecture.* Utilization of existing topography, recognition of the character of the area reflected in materials and layout.
 - b. *Siting.* Preservation of unique natural features, separation of pedestrian and vehicular circulation and integration of open space.
 - c. *Design.* A unified cohesive development, focal points (~~cluster of seating, art forms, water feature~~) for orientation and interaction, variety of scale.
 - d. *Landscaping.* The compatibility with natural landscape, the separation of individual units for privacy.
 - e. *Convenient.* A convenient well-defined access.
 - f. *Compatibility.* ~~The~~ Compatibility with ultimate the adopted comprehensive plan and/or plans approved by City boards and departments for school service area and size of buildings, park system, police and fire protection standards and other facilities public or private.
 - (6) All planned unit developments containing residential units shall comply with all city zoning and subdivision regulations.

(Ord. of 3-16-2009, § 3.51(C)(2); Ord. of 9-21-2009, § 3.51C)

Sec. 60-386- Planned Unit Development; Recreation/Residential (PUD-RR)

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The PUD-RR district is created to provide for the development of residential and commercial uses that are customary, complementary, and appropriate to major recreational uses on land located adjacent to them. Major recreation uses of land are designed for outdoor use of large land areas and have indoor facilities to accommodate groups of people. Major Recreation uses may be open year round or may operate seasonally and their economic viability and continued operation are recognized as assets to Auburn. Flexibility for the siting of homes, condominiums, hotels or motels and accessory uses that are of a scale that is compatible with the surrounding area will help support the economics of a major recreation use.

Any major recreation use containing one hundred (100) acres or more area may be developed as a Planned Unit Development: Recreation/Residential- PUD-RR. Within a PUD-RR the following uses and densities may be permitted subject to the approval of the Planning Board.

- (1) Uses permitted by right or permitted by special exception in the underlying zoning district.
- (2) Attached single-family dwellings with direct access to the outside at ground level may be permitted, provided that they are approved as part of a Planned Unit Development and as a Subdivision under Sec.60-359 and Sec. 60-1359 of this chapter.
- (3) Hotels or motels adjacent to an existing major recreation use or a major recreation use if construction of the major recreational use is complete and open for use, provided that they are approved by the Planning Board as a Site Plan and as a Special Exception under Sec.60-1276 and Sec.60-1335 of this chapter. The size and scale of a hotel, motel, or accessory commercial uses shall be determined by the Planning Board at the time of PUD and/or Special Exception review. In making their determination, the Planning Board shall consider the appropriate relationship of the hotel, motel or accessory buildings and structures to the major recreation use and the surrounding neighborhood in terms of bulk, location or operation of proposed buildings and structures, traffic impact, access management, parking requirements, internal circulation, vehicular and pedestrian connections to adjacent property, external lighting, landscaping, signage using the standards of Sec.60-385(2)d as a guide, provisions for water and public sewer, and the preservation of scenic and natural beauty to the extent possible.
- (4) Accessory commercial uses provided that they are approved as a Site Plan and as a Special Exception under Sec. 60-1276 and Sec. 60-1335. Building and structures shall be architecturally compatible using similar materials, topographic relationships, color and lighting, landscaping, and signage to minimize its effect on the environment of existing or future recreation and residential uses adjacent to it.
- (5) The total number of dwelling units permitted in the PUD-RR district shall be determined by dividing the total project acreage including the major recreational use (not including public rights-of-way) by the area required per unit in that zoning district or as approved by the Planning Board pursuant to section 60-361(4).
- (6) The requirements of a Planned Unit Development, Sec. 60-361(4) and as a Subdivision, Sec.60-1367 to provide recreation and/or open space may be satisfied by the principal recreation, entertainment, and social uses of the adjacent major recreation use.
- (7) Access to the property shall be located on an arterial or collector street to minimize congestion or unsafe conditions and unreasonable deterioration of the local road system. Access to individual house lots shall be from an internal street system to retain the character of the area.
- (8) The requirements of this chapter applicable to the underlying distret or districts, not addressed in this section, shall apply.

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Sec. 60-3876. - Planned Unit Development-Commercial (PUD-C).

The PUD-C district is created to provide for the development of planned business and shopping centers and mixtures thereof. It is intended to promote the grouping of professional offices and retail commercial uses and to provide areas of sufficient size to establish harmonious relationships between structures, people and vehicles through the use of well planned parking access, pedestrian walkways, courtyards, walls and other open spaces. This district should offer a wide variety of goods and services. Any commercially zoned area three acres or more in size may be developed as a PUD-C district. Uses permitted in the ~~commercial zoning~~underlying zoning districts are permitted in the PUD-C district.

(Ord. of 3-16-2009, § 3.51(C)(3); Ord. of 9-21-2009, § 3.51C)

Sec. 60-3878. - Planned Unit Development-Industrial (PUD-I).

The PUD-I district is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well planned parking and access, landscaped open areas and harmonious relationships between structures. Any industrial area over five acres may be developed as a PUD-I district. Uses permitted in the ~~industrial~~underlying zoning district are permitted in the PUD-I district.

Secs. 60-3898—60-417. - Reserved.

Subdivision III. - Application Procedure

Sec. 60-418. - Compliance.

Sec. 60-419. - Submission and review.

Sec. 60-420. - Final development plan.

Secs. 60-421—60-438. - Reserved.

Sec. 60-418. - Compliance.

All applicants for planned unit development shall comply with procedures set forth in this subdivision and in accordance with division 2 of article XVI of this chapter site plan review.

(Ord. of 3-16-2009, § 3.51(E)(intro. ¶); Ord. of 9-21-2009, § 3.51E)

Sec. 60-419. - Submission and review.

- (a) An applicant shall make application for the approval of the planned unit development to the planning department. The applicant shall present his completed application and fee, in the amount provided in the city fee schedule, along with the development plan outline as specified in this division.
- (b) The development plan outline shall include both the site plan map and a written statement of procedures. The plan shall indicate sufficient areas surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining existing and proposed uses.

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- (c) The site plan must contain the following information:
 - (1) All site plans shall conform to the provisions as contained in division 2 of article XVI of this chapter;
 - (2) The type and character of proposed development to include general architectural design, types of building materials to be used and, when appropriate, the proposed number of dwelling units per acre;
 - (3) The proposed location and size of public uses including schools, parks, playgrounds, swimming pools and other common open spaces.
 - (d) The written statement to accompany the development plan outline map must contain the following information:
 - (1) A brief description of unique project design needs that make the planned unit approach advantageous to the city and developer;
 - (2) An anticipated schedule of development and a conceptual phase plan where the developer intends to phase the declaration of portions of the development;
 - (3) Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common areas.
 - (e) The number of copies of the written statement must be consistent with the provisions of section 60-1300
 - (f) The applicant may be requested to submit any other information or exhibits deemed pertinent in evaluating the proposed planned unit development.
- (Ord. of 3-16-2009, § 3.51(E)(1); Ord. of 9-21-2009, § 3.51E)

Sec. 60-420. - Final development plan.

- (a) The final development plan shall be submitted in accordance with section 60-419 of the municipal code relative to final plans.
- (b) The ~~planning board~~ Planning Board shall approve the final development plan if it is in substantial compliance with the approved preliminary development plan. The final development plan shall be recorded as if it were a final subdivision plan except in the case of a phased development which shall follow the standards of subsection (c) of this section.
- (c) For phased developments the final development plan shall be kept on file in the planning and permitting office. The developer shall provide a phase plan and letter of intent to declare a phase for review and approval by the director of planning and permitting prior to recording at the registry of deeds. The director shall consider the following standards before approving a phased plan for recording:
 - (1) The remaining undeveloped land/phases shall be considered as one lot for frontage purposes. The phase plan shall provide the required frontage for the remaining land/phases.
 - (2) Common open space, roadway improvements and/or access to utilities may be completed without opening a phase provided that the director determines that the work is necessary or beneficial to an open phase of the development or to the city.

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- (3) The phased plan must be determined by the director of planning and permitting to be consistent with and progress towards completion of the long term final development plan.
- (d) From time to time the ~~planning board~~ Planning Board shall compare the actual development accomplished in the planned unit development with the approved development schedule. If the owner of property in the PUD has failed to meet the approved development schedule without cause, the ~~planning board~~ Planning Board may initiate proceedings. The ~~planning board~~ Planning Board, for good cause shown by the property owner, may extend the limits of the development schedule.
- (e) The ~~planning board~~ Planning Board may require adequate assurance in a form consistent in a form acceptable to the ~~planning board~~ Planning Board, that the common open space shown in the final development plan shall be provided and developed.
- (f) Final development plan contents:
 - (1) The final development plan shall contain the information provided on the preliminary development plan or any logical part thereof and any additional information requested by the Planning Board; and must be submitted within one year following the approval of the preliminary development plan unless written request is made for an extension of up to one year and approved by the ~~planning board~~ Planning Board.
 - (2) The final development plan, with supplemental information in report form, shall be prepared in conformity with the provisions of section 60-419
 - (3) Copies of any special agreements, conveyances, deed restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit development and any of its common area must accompany the final development plan.
 - (4) The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development.
- (g) Control of planned unit development following completion.
 - (1) The ~~planning board~~ Planning Board shall review and take action on the competed final plan.
 - (2) After final approval has been granted the use of the land and the construction, modification or alteration of any building or structure within the planned development shall be governed by the approved final development plan rather than by any other provisions of this zoning chapter.
 - (3) After final approval, no changes may be made in the approved final development plan except upon application to the appropriate agency under the following procedures:
 - a. Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the ~~planning board~~ Planning Board if they are consistent with the purposes and intent of the final plan. No change authorized by this division may decrease or increase the dimension of any building or structure by more than ten percent.
 - b. Any uses not authorized by the approved final plan, but allowable in the PUD as a permitted principale, accessory, or special use under the provisions of the underlying zoning district in which the planned development is located may be authorized by the planning director and added to the final development plan provided that such an addition does not adversely impact the approved development plan.

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- c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or amendments thereof approved under subsection (g)(3)a and b of this section.
- d. Changes in use of common open spaces may be authorized by an amendment to the final development plan under subsection (g)(3)a and b of this section.
- e. All other changes in the final development plan must be made by the ~~planning-board~~Planning Board under the procedures authorized by this chapter. No changes may be made in the final development plan unless found to be required for:
 - 1. Continued successful functioning of the planned unit development;
 - 2. By changes in conditions that have occurred since the final plan was approved; or
 - 3. By changes in the development of the community.

No changes in the final development plan which are approved under this division are to be considered as a waiver of the provisions limiting the land use, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these provisions against any changes permitted in this division are expressly reserved.

(Ord. of 3-16-2009, § 3.51(E)(2); Ord. of 9-21-2009, § 3.51E)

Secs. 60-421—60-438. - Reserved.

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PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE I. - IN GENERAL

Sec. 60-2. - Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Dwelling or dwelling unit means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

Dwelling, one-family detached, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, one-family attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Major Recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least 2 lifts and public and private golf courses with a minimum of 18 holes.

Open space, common means land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, motorhome or recreational vehicle parks or commercial campgrounds and facilities for mass gatherings when used for two or more events during a calendar year.

(Ord. of 9-21-2009, § 2.2)

City of Auburn, Maine
"Maine's City of Opportunity"

Office of Planning & Permitting

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD).

Date: November 15, 2011 Planning Board Meeting

This proposal has been modified based input from the Planning Board, the public, the applicant and staff. Input has been collected at two public hearings, a workshop and a neighborhood organized meeting that staff was invited to in the Beech Hill Road neighborhood.

Staff has attempted to include direction from the Board on all issues in the current draft (attached) with the exception of one significant issue: public vs. private wastewater disposal. Board member Bilodeau has provided a list of substantial recreational facilities in Maine and whether they are connected to public or private water and sewer systems for the Boards consideration. A copy of that list is included in the Board's information.

Staff recommends that the Board consider two issues when deciding on the wastewater requirement. One is wastewater disposal and the other is sprawl and controlling the location of PUD-RR proposals. The latter, sprawl, and continuing Auburns effort to grow in concentric circles rather than randomly is the more important of the two. There is no question that wastewater treatment systems can built privately to dispose of large volumes of wastewater safely and effectively. Limiting PUDs to areas with public sewerage will help guide growth to areas where utilities are available or can be made available and will continue a policy that has helped guide PUDs to growth areas since PUDs have been an available option.

Staff recommends that the Board support the PUD-RR proposal and require public sewerage as part of a recommendation to the City Council. Below are the previous staff reports.

Planning Board Report

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new

type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD).

Date: October 11, 2011 Planning Board Meeting

This proposal has changed substantially, based on input from the September Planning Board meeting. Staff has worked with the petition organizer to address the concerns raised by the Board and to incorporate the ordinance change into our existing PUD ordinance. The concerns raised were not unique to the proposed PUD-RR but are common to other types of PUDs and site plan/special exception proposals. Mitigation of impacts can be addressed as part of the existing process if it is applied to the proposed PUD-RR and the new draft incorporates the standards of subdivision, site plan and special exception reviews to give the Board a legal framework for considering any future proposals.

Staff was invited to a neighborhood meeting to explain the proposed ordinance to residents of the Beech Hill Road area that are concerned with the proposal. The meeting was on October 5th and was well attended. It seems that there has been some misinformation about the proposal claiming that the zoning in that area is being changed in some way to be commercial. The proposal does create a review method and specific controls and review criteria for considering a future proposal around a major recreational use, but does not change the zoning designation in any specific area of the City.

The latest proposal recognizes that major recreational uses are an asset to the City and that maintaining those uses requires that they are economically viable. The current proposal is a continuation of years of discussion about this concept. Lost Valley, Prospect golf course and reuse as a horse racing track and now Martindale and the economic challenges faced by these facilities. The comprehensive plan identifies this issue and suggests that we should consider something like this proposal as a solution.

At the September Planning Board Meeting, in phone calls from the public and at the October 5th neighborhood meeting, the main concern expressed is regarding traffic. If this ordinance or some other solution is to pass, it will be essential that the Board has the tools to address traffic concerns as part of the review. Traffic impacts may be the controlling factor on the size of any hotel or motel adjacent to a major recreational use. The following tables can be used to look at the impacts of this type of use, both by occupying large land areas with a recreational asset and by creating new trips with a hotel or motel or by conversion to housing if the recreational use fails economically.

Permitted Residential Density				
Recreation Area	Acreage	Allowed Residential Density	ITE Manual Per Unit Traffic	Total Estimated traffic (Vehicle trips per Day)
Lost Valley	194	19.4*	10	194
Martindale	215	215	10	2150
Prospect	110	110	10	1100
* Density permitted only if PUD-RR is passed-residential uses currently prohibited				

Daily Trips per <u>Occupied</u> room (As a general rule peak hour is about 10% of Daily Trips)					
Use Type	Trips per Occupied Room	20 room Traffic	50 Room Traffic	80 Room Traffic	150 Room Traffic
Business Hotel	2	40	100	160	300
Resort Hotel	6	120	300	480	900
General Hotel	8	160	400	640	1200
All Suites Hotel	5	100	250	400	750
Motel	6	120	300	480	900
Average	5.4	108	270	432	810

With the standards as proposed, the Board could evaluate any future proposal to determine if it is appropriate for a particular area. If a proposal was determined not to be appropriate then the Board could deny the application or limit or reduce the scale of a proposal to make it appropriate for a particular area.

It is staff's opinion that the proposed ordinance could provide an opportunity for an alternative income for major recreational assets in Auburn. That income could mean the difference between maintaining a recreational asset or losing it to other development pressures such as housing. The current review and ordinance must give the Board the legal tools to review any future proposal and justify denial or limitations to ensure the rural character and surrounding neighborhoods are protected from unreasonable impacts of any proposed use. It is staff's opinion that the current proposal provides for the necessary tools for a responsible review of any future proposals.

Staff recommends that the Board discuss this proposal, hold a public hearing on the proposed draft and make any changes necessary to forward a favorable recommendation to the City Council.

Planning Board Report

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD).

Date: September 13, 2011 Planning Board Meeting

I. PROPOSAL

The City of Auburn received a petition from at least twenty-five (25) registered voters to amend Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD).

The proposed purpose of this PUD Type is as follows: The purpose of the Recreation/Residential Planned Unit Development (RRPUD) is to recognize that there are customary and complementary residential and commercial uses that are appropriate to be developed on land adjacent to major recreation uses located in Auburn. These major recreation uses of land are designed for outdoor use of large acres of land, have indoor facilities to accommodate groups of people and while they may open year round, they primarily operate seasonally. Homes, condominiums, and hotels will help support the economics of a seasonal business and bring more people to Auburn by becoming a recreation destination point.

There are a number of sections of the Comprehensive Plan that support consideration of the economic development opportunities that a RRPUD could create. The first question is does the City of Auburn want this flexibility as part of the ordinance? It is staff's opinion that the answer is yes, but that any allowance must be balanced by designing standards that allow the Planning Board to address any impacts of individual proposals and locations. Some of the sections of the comprehensive plan are copied below. Please refer to the full plan at <http://auburnmaine.org/> for more information.

Strategy H.2.5.a:

Revise zoning and other land use requirements to allow for the development of a wide range on housing outside of the built up area of the City to meet the housing needs of various segments of the population. (See Chapter 2. Future Land Use Plan)

- i. Create both rental and homeownership opportunities for singles and young families by allowing relatively high density multifamily housing, including apartments and townhouse style developments, at densities up to 12-18 units per acre in areas served by public sewerage and water.
- ii. Create senior and empty nester housing opportunities by allowing medium density

housing such as townhouses (condominiums and rental), “housominiums”, and small homes to be constructed at densities up to 10-12 units per acre, with house lots as small as 5,000 square feet, in areas that can be served by public sewerage and water.

Goal I.2: Maintain Auburn’s role as a regional economic center with a diverse economic base, and support continued opportunities for appropriate business growth and development.

Objective I.2.3:

Ensure availability of land for appropriate business/industrial development in designated areas.

Agricultural/Rural District (AG) Comprehensive Plan Page 109-110

Residential development that is proposed as part of a master planned commercial recreational development should be limited to the same density standard (one unit per 10 acres) as other accessory residential uses. A recreational master plan should be required outlining the scope, scale, and location of residential units and ensuring a cluster development pattern in which the majority of the land is retained as recreation/open space. A conservation easement, or other legally binding preservation measure, should be required to permanently conserve the recreation/open space areas.

Where a parcel that is located in the Agriculture/Rural District land also includes residentially zoned land, a residential unit should be allowed to be transferred from the residentially zoned portion of the parcel to the Agriculture/Rural portion as long as the relocation does not negatively impact natural resources or the agricultural potential of the land. As with other residential development in the Agriculture/Rural District, the development standards should encourage flexibility in the location and size of the lot, allow for a waiver of road frontage requirements, and allow access from a private driveway. When a transfer occurs, the land in the residential zone from which a residential unit is transferred must be permanently protected from development through a legally binding preservation measure, such as a conservation easement.

A copy of the Future Land Use section of the Comprehensive Plan is attached. The plan identifies growth, limited growth and restricted growth areas. The Board may want to use those categories to measure whether or not commercial development is appropriate within any proposed RRPUD. Residential development as part of a RRPUD could rely on the densities outlined on the Future Land Use Designations Map, Figure 2.3.

Staff recommends that the Board discuss this proposal and identify any concerns or questions and help staff finalize a version for consideration by the City Council or future consideration by the Board with any required additional information.

Auburn Planning Board Meeting Minutes

September 13, 2011

Roll Call - Present:

City Council Liaison Robert Hayes, Daniel Bilodeau, Emily Mottram, Robert Bowyer, Chairman Clifton Greim, Kenneth Bellefleur, Jeremy Hammond, and Eric Cousens represented City staff.

Request to approve the May 11, 2010, June 8, 2010, November 9, 2010, June 14, 2011, July 12, 2011 and August 9, 2011 meeting minutes was made by staff.

A motion was made by Robert Bowyer, seconded by Dan Bilodeau and all voted unanimously to approve the June 14, 2011 Planning Board meeting minutes with minor corrections. The remaining list of meeting minutes either did not have a quorum or minor editing corrections needed to be made so it was suggested they be edited and resubmitted for approval at the next Planning Board meeting.

Public Hearings:

A Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD). The purpose of this PUD Type is proposed as follows: The Recreation/Residential Planned Unit Development (RRPUD) is to recognize that there are customary and complementary residential and commercial uses that are appropriate to be developed on land adjacent to major recreation uses located in Auburn. These major recreation uses of land are designed for outdoor use of large acres of land, have indoor facilities to accommodate groups of people and while they may open year round, they primarily operate seasonally. Homes, condominiums, and hotels will help support the economics of a seasonal business and bring more people to Auburn by becoming a recreation destination point.

Eric read the staff report.

James McPhee, on behalf of Jim Day added to the presentation.

Kenneth Bellefleur asked Mr. McPhee, why he chose 100 for a number of acres verses any other denomination. Mr. McPhee said he looked at several large parcels of land with recreational uses and found they ranged from 109 to 200 acres so he chose 100 acres.

Mr. Bellefleur asked if all of the parcels had a structure over 5,000 sq ft and Mr. McPhee answered they did not.

Dan Bilodeau asked if the 5 areas Mr. McPhee spoke about had sewer services. Mr. McPhee answered they did not but a few could hook up.

Kenneth Bellefleur asked why he felt it was important that they be restricted to public sewer. Mr. McPhee answered it was the direction he thought he heard from the Planning Board that it was desirable. He said he used the same language in Section 3.51 as the performance standard in this section regarding sewerage.

Robert Bowyer commented on the following:

- Supports the concept of flexibility
- Questioned if it was to be tied to major recreational uses existing or to be built and added to it?
- Asked what uses are eligible as of a certain date?
- Can be a mechanism for substantial development.
- Questioned the 100 acre limit / could have smaller (25 or 50 acre)
- Should have run-thru of City database to see how many parcels of certain thresholds are either vacant or so underdeveloped that they could accommodate a development of this type.
- Questions the absolute requirement that it be connected to public water and sewer. Could be onsite community sewerage treatment systems.
- Permitted uses; attached SFD. No definition. Needs to be clarified.
- Basically a golf course subdivision. Designed in relation to housing nearby.
- In a review of potential sites, need to focus on connection on arterial or collector street access. Develop a definition of standards.
- Off season use – complimentary – deficiency in this area of “travel parks”. Very temporary or seasonal accommodations to travelers.
- Need to address the issue of density. Could be restrictive.
- Some standards to review the suitability of the access to the development in relation to the type of uses that are permitted.
- Hotels in relation to other hotel developments proposed in the city.
- Special exception uses – major recreational use of 18 hole golf course or 2-lift ski resort – unclear if both or separate.
- Supports concept but has a number of general issues.

James McPhee responded with the following statements:

- Said he worked with Eric Cousens and Roland Miller when drafting this amendment.
- In the proposed ordinance recreational uses are allowed. Special exception uses would come before the board.
- Does not recommend less than 100 acres.
- Explained why having the city staff complete the study was not feasible.

Kenneth Bellefleur commented that he did not understand how lot size or acreage ensured that it would be a significant investment. Mr. McPhee replied that the theory when they discussed it was the larger the acreage, the bigger the investment was going to

be and gave the example of a golf course. Mr. Bellefleur said they weren't looking at a golf course but at recreational uses and all the board is saying is that 100 acres seemed arbitrary and that they wanted to take a look at that.

Mr. Bellefleur asked Eric if the database could search how many 100 or 50 acre parcels could be impacted in Auburn. Eric replied that the City has the means to conduct such a study and that it would not take staff very long to complete.

James McPhee continued with the following statements:

- Mentioned the reading of b-1. Could not think of any other major recreational uses that would come to Auburn
- Ordinance is not at its end.
- Does not think the city should venture into studying where hotels could or could not go. Those are market place decisions.

Chairman Greim said what he thought Mr. Bowyer was referring to was the marketability of one or two or three more hotels combined with what was already potentially in the pipeline. He said he agreed that the Board is not in the position to evaluate marketing ability.

Robert Bowyer mentioned that there were 2 parts that he was commenting on. The first was simple access into particular locations. The second was that it was not the board's decision to preserve or protect existing or future hotel markets.

James McPhee added the following:

- That the classification of roads is defined in the ordinance.
- The wording of attached single family dwellings starts in the ordinance under Section 3.41 and was copied verbatim.
- This ordinance does not require connection to city water but does require connection to public sewer.

Jeremy Hammond asked if anything specific prompted the petition. Mr. McPhee replied that a local owner of a major recreational use (Martindale Country club) who has had discussions, as this is something that he may want to do in the future. Mr. McPhee added that he would not agree to take on a job he did not think was good for the City of Auburn and he believes this is good for the City. He asked what would entice people to come and make Auburn a destination location.

Eric Cousens supplied the following statements:

- The 100 acre threshold is not set in stone. Should be some measure that there is some significant investment and a primary purpose for the recreational use other than to get these other uses of land.
- The public water and sewer is consistent with other PUD ordinance.
- Dwelling unit definition – Single family dwelling attached is not defined.
- Arterial and collector access. Some are defined in the current Comp Plan.

- Traffic – safety concern, can work some language in to set a standard and possibly require a traffic study.

James McPhee mentioned in reference to a traffic study, asked how it would be written in the ordinance when it's part of a review that would be done anyway.

Chairman Greim spoke about the sensitivity of this type of a development and asked if any of the board members had any other questions or comments. He added that he would like all comments and suggestions that have been presented by the board be compiled so as to modify the language of the proposal before action is taken.

Robert Bowyer asked if all golf courses in the City were 18 hole. Mr. McPhee answered there were 3 - 18 hole golf courses and 1 - 9 hole golf course.

Dan Bilodeau mentioned that a decentralized system should be considered instead of requiring public sewer hook-up.

Open Public Hearing

Robert Baskett of 564 Beech Hill Road asked if there was not already a method for exceptionality to the ordinance so that an entity like Martindale could request a zoning change in a specific location. Chairman Greim replied any citizen could petition to request a zoning change. He explained that this was a mixed use in a Planned Unit Development.

Mr. Baskett asked if there was a more local solution instead of a City wide ordinance. Eric answered that another solution would be to have a zone change as most of the recreational uses are in a rural, residential or agricultural area. He said if they fell into a commercial category, most of the uses couldn't pay their taxes as their land values would be so much higher. He added this creates a method for the Planning Board to be able to consider a proposal for one of these uses without opening up land to much less restrictive commercial development.

Mr. Baskett asked about Beech Hill Road and Route 4 being placed in the same classification. Eric answered that Beech Hill is classified as a collector and Route 4 is an arterial.

Mr. Baskett commented that if there are any developments planned, he would encourage the developers to consult early and often with the abutters.

Roland Miller, Director of Economic Development for the City of Auburn spoke about the following:

- Participated in the development of this ordinance
- Explained Planned Unit Development (PUD)
- There are mixed use category already within PUD; PUD-R and PUD-C both allow for mixed uses.

Kenneth Bellefleur asked if there were any current PUD's existing that had commercial uses associated with them and where are were located. Mr. Miller answered yes, across the street at 2 Great Falls Plaza where it has the residential uses in the Esplanade and a lot of commercial uses and offices around it.

Mr. Miller continued with the following:

- Neighborhood Business is similar.
- In traditional zoning, there have been ways of trying to get there from here, in allowing for exactly that kind of an urban arrangement.
- Cluster developments were developed.
- We do want to set thresholds so that we aren't looking at circumvention.
- Only being able to apply a PUD when it is to the benefit to both the project and to the community. There has to be a reason why we are doing this and it has to show a benefit.
- All streets in Auburn are classified.
- Density, underlying zoning districts would be the guide for density.
- Approving the project, will be applied for and approved just like today.
- Responsible for attracting \$38,000,000 in new taxable investment every year. It's really necessary for the City of Auburn to have its ordinances that protect those who have made investments in our community.
- Want to create flexible mechanisms whereby creativity of investors doesn't stop at our border.
- Other communities have these developments. (Florida & Hilton Head are examples)
- Developments that are good tax ratable development and have low demand for city services.

Kenneth Bellefleur commented that this ordinance is not very flexible and is pretty targeted. Mr. Miller responded that the current board can make those decisions. He said he can think of many areas in our community where this ordinance, as it is drafted today would provide an investor an opportunity to make a significant investment to create a recreational complex and a destination oriented type of service center that would be centered on that recreational entity.

Susan Gaylord of 432 Beech Hill Road said she had concerns about commercial uses being allowed in established single family neighborhoods. Chairman Greim explained that at this time, there is no discussion of changing zoning in that area. He said if there was something brought forward, there would public notice in the paper and abutters' letters would be sent.

Ms. Gaylord commented that there would be a series of discussions to bring development to fruition and said this is the first step so she wanted to voice her concerns.

Katherine Grondin of 261 Beech Hill Road said she recognizes the citywide nature but Martindale is bringing the issue up. She said she wants to reiterate what other neighbors

had said and that she was concerned about traffic and development in the Martindale community.

Jim Day, owner of Martindale Golf Club said the following:

- There was no project planned at this time and if and when there is it would be acceptable to the entire neighborhood.
- Martindale is accessed by Hotel Road and Kittyhawk.
- The Comp Plan has the land across from Martindale commercially zoned.
- The vision he has does have residential development and possibly a small boutique type hotel.
- Trying to add accessory uses to the existing function facility and golf course and making it a destination.
- Does not have anyone interested in this.
- Will try to satisfy everyone's concerns.

Eric Cousens read a note from the owner of 455 Beech Hill Road which stated that she shared the concerns of the other neighbors regarding the traffic.

A motion was made by Robert Bowyer, seconded by Dan Bilodeau and all voted unanimously to close the public hearing. (6-0-0)

Robert Bowyer said over the years he observed golf courses becoming developable land for subdivisions or more intensive development. He said in a suburban area, if the housing market is hot enough, golf courses are under tremendous pressure so part of the potential consideration in Auburn would be not attracting new major recreational developments but maintaining the ones we have. He added the Board has to balance what is good development for the city without adversely impacting neighborhoods where people have the largest investments of their lives in their homes.

A motion was made by Robert Bowyer to table until a new draft be supplied to the board incorporating many of the comments and suggestions that had been made. He said he was in favor of supporting the concept of flexibility within planned unit development to permit major recreation uses to have ancillary development which would enhance the likelihood of the sustainability of those recreation uses.

The motion was seconded by Emily Mottram.

Dan Bilodeau commented that the community was mentioned several times and asked that the language in the new draft include the neighborhood as a beneficiary in a PUD. Mr. Bowyer and Ms. Mottram both agreed to the amendment. A vote was taken and all voted unanimously to table the hearing. (6-0-0)

OLD BUSINESS:

Tom Donahue, Construction Analyst for CEI is seeking a one year extension of the Special Exception, Subdivision & Site Plan Request of John Egan on behalf of CEI Housing Inc. to replace the existing multifamily buildings with a new 22 unit multifamily building and associated parking at 268-272 Main Street pursuant to Section 3.52.B.2.a of chapter 29.

Eric explained the situation as to why they needed an extension.

A motion was made by Robert Bowyer, seconded by Emily Mottram and all voted unanimously to allow a one year extension of the approval of the Special Exception, Subdivision & Site Plan Request of John Egan on behalf of CEI Housing Inc. to replace the existing multifamily buildings with a new 22 unit multifamily building and associated parking at 268-272 Main Street pursuant to Section 3.52.B.2.a of chapter 29.

MISCELLANEOUS

Robert Bowyer commented that in the cascade of minutes the board received there may have been tabled items that were never brought back for action. He suggested that all tabled items be placed under Old Business on the agenda until they are heard and voted on. Eric said staff would look back to be certain that all of the tabled items in the past had been taken care of.

ADJOURNMENT

A motion was made by Jeremy Hammond, seconded by Kenneth Bellefleur and all voted unanimously to adjourn. (6-0-0)

Auburn Planning Board Meeting Minutes

October 11, 2011

Roll Call - Present:

City Council Liaison Robert Hayes, Daniel Bilodeau, Emily Mottram, Robert Bowyer, Chairman Clifton Greim, Kenneth Bellefleur, Robert Gagnon, Tim Goss, Richard Whiting and Roland Miller represented City staff.

Chairman Greim stated there was a quorum and welcomed the Board's new members.

Request to approve the May 11, 2010, June 8, 2010, November 9, 2010, July 12, 2011, August 9, 2011 and September 13, 2011 was made by staff.

A motion was made by Richard Whiting and seconded by Robert Bowyer. After a vote, the motion passed to approve the May 11, 2010 Planning Board meeting minutes as amended. (4-0-4) 4 members abstained due to not being present at the meeting.

A motion was made by Robert Bowyer and seconded by Emily Mottram. After a vote, the motion passed to approve the June 8, 2010 Planning Board meeting minutes. (4-0-4) 4 members abstained due to not being present at the meeting.

A motion was made by Robert Bowyer and seconded by Richard Whiting. After a vote, the motion passed to approve the November 9, 2010 Planning Board meeting minutes as amended. (4-0-4) 4 members abstained due to not being present at the meeting.

A motion was made by Daniel Bilodeau and seconded by Richard Whiting. After a vote, the motion passed to approve the July 12, 2011 Planning Board meeting minutes as amended. (4-0-4) 4 members abstained due to not being present at the meeting.

A motion was made by Richard Whiting and seconded by Robert Bowyer. After a vote, the motion passed to approve the August 9, 2011 Planning Board meeting minutes as amended. (6-0-2) 2 members abstained due to not being present at the meeting.

A motion was made by Daniel Bilodeau and seconded by Robert Bowyer. After a vote, the motion passed to approve the September 13, 2011 Planning Board meeting minutes as amended. (5-0-3) 3 members abstained due to not being present at the meeting.

Public Hearings:

A Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD). The purpose of this PUD Type is proposed as follows: The Recreation/Residential Planned Unit Development (RRPUD) is to recognize that there are customary and complementary residential and commercial uses that are

appropriate to be developed on land adjacent to major recreation uses located in Auburn. These major recreation uses of land are designed for outdoor use of large acres of land, have indoor facilities to accommodate groups of people and while they may open year round, they primarily operate seasonally. Homes, condominiums, and hotels will help support the economics of a seasonal business and bring more people to Auburn by becoming a recreation destination point. *Item was tabled at September 13, 2011 meeting. Request that it be taken off the table.*

Roland Miller asked to have the petition taken off the table.

A motion was made by Robert Bowyer and seconded by Emily Mottram to take the petition off the table. After a vote, the motion passed to take the petition off the table. (5-0-3) 3 members abstained due to not being present at the last meeting.

Roland Miller gave details of how the draft was restructured and explained why the City was in favor of the proposal. He pointed out that a new Planned Unit Development section would be added to the Planned Unit Development ordinance. He said that a major change in the way this would be reviewed is that now there is certain criteria that would need to be met even to apply for this. The need to be on public sewer and have at least 100 acres of land that is devoted to the principal use are two of the primary criteria. A third criterion is that it would have to be located on a collector or an arterial street system so that traffic, density and use could all be looked upon in the context of one single development. He reiterated what the staff report stated; that this is an ordinance that does not change any of the underlying zoning that appears anywhere in the city. It is rather an ordinance that can be used to arrange developments on that land and cluster together a group of uses that are complimentary one to another. He went on to read the General Purpose section and explained other changes in the draft.

Robert Bowyer added to Roland's presentation. He said this was a new form of zoning. Each proposal is likely to be unique, a one of a kind proposal. Another shift in zoning is off-site impacts, how does the development affect the area around it more so than how is it developed within the boundaries of the site. An important issue is volume of traffic at certain times of the day. Does the volume of traffic, the time of day of traffic, materially affect the character of the neighborhood of which it's located? Some criteria that respects and protects the neighborhoods that would be impacted should be added along with a much greater emphasis on quality of land planning. Mr. Bowyer suggested that the Board consider revamping the language in a workshop.

Tim Goss commented that the Beech Hill Road area has challenges now with just the golf course traffic. What if a hotel or something that brings more traffic to the area were to be built there? He said he would like to see guidelines as to who would cover infrastructure improvements to the area such as sidewalks. Would it be the developer's responsibilities or someone else? He gave the example of the Park Avenue School project in which the sidewalk was never constructed. He said a lot more work needs to be done to the draft before this Board can sit down and work with it.

Chairman Greim asked Roland who drafted the amended portions of this ordinance. Roland replied that it was Mr. McPhee, Eric and himself.

Kenneth Bellefleur commented that it appeared 7 parcels on the map had sewer and asked Roland to explain why it was important to include sewer as part of this ordinance. Roland replied if these developments are going to bring a fairly intensive demand for dealing with sanitary sewer flow, it was necessary to have facilities that would be able to accommodate those flows. Because it is required that they be off of a collector or an arterial road, we set this as a criteria so that there will be no potential problems with water with the clustering of the housing and everything else that may be done.

Dan Bilodeau commented that in the 4 months that he has been on the Planning Board, this is the 2nd text zoning amendment that has brought out a neighborhood. He said that the City of Portland conducts neighborhood meetings where it has to pass the neighborhood muster before it can go before the Planning Board. He asked if that was something the City of Auburn might consider doing someday. Roland responded that this was foundational to all land use regulations. The foundations of all law, land use law in particular, and all of the litigation around it are built on 2 basic principles: equal treatment and due process. The zoning ordinance, in breaking the City's land into various use districts, clearly differentiates uses one from another. When you look at the structuring of the law, you want to make sure that everybody's rights are protected equally. The determination for the laws that apply equally to all citizens across the community is really the City Council's and that's why we have a set of rules and regulations known as the municipal code that are enacted by the council for the governance of all kinds of things not just land use but nuisance ordinances, etc... He said it's great that neighborhoods are getting involved because we have better products when citizens get involved. But if you're asking should this Board, from a policy prospective grant a veto authority to another entity that does not have any police power but just happens to live in the same vicinity of another piece of property would undermine the validity of our overall ordinances if we did that.

Mr. Bilodeau commented that he was just referring to the procedural way of bringing forward a text amendment change. In Portland there are neighborhood meetings that take place, and once a report is done it goes to the Planning Board so some of those concerns are known ahead of time, before staff comes up with the language to make the amendments. Roland stated that in this instance, we were responding to an amendment proposal initiated by a citizen who owns property in Auburn.

Richard Whiting asked about the density information that was put together by staff. Roland replied that when you are looking at flexible ways of designing developments, you really need today to take into consideration all of those unique characteristics that you have in every individual parcel.

Robert Bowyer added that perhaps there needs to be a statement that says no one is entitled to the maximum to what is permitted.

James McPhee, on behalf Jim Day, added to the presentation. He said there was only one change that he would like to make to this draft and that was at Section 60-388 Section #7 to add to the end of that sentence: traffic volume, time of day or peak traffic hours, and the material impact on the neighborhood where located shall be reviewed.

Mr. McPhee answered why we should look at large parcels of land and why with sewer. The primary reason for this is to guard against urban sprawl. About adding language that says you cannot develop to your maximum, he said to what percentage below the maximum do you pick? The beauty of this ordinance is that the Board gets to negotiate with the developer. If the Board looks at the project and can substantiate that the maximum development is too much, that we don't think that the area can handle the maximum, we could say we think that based on our review you cannot have this many units, only this many units. As for having more criteria in this PUD, in any PUD it's hard to keep writing substantial criteria because it starts to go against exactly what the PUD section is set up to do. For Martindale alone, there are 103 pages of criteria that city staff and the Planning Board look at in evaluating any development that happens there. The Planning Board is in a good position because there are a lot of standards to use. This ordinance puts you in an even better position because there are more standards to apply. He said it is a well written ordinance and the change from a standalone ordinance to putting it in the PUD section where it belongs is correct and will serve as a benefit to Auburn in attracting uses and hopefully branding Auburn as a destination place that people want to come to.

Mr. McPhee stated that Mr. Day was in the audience and reiterated that Mr. Day is the primary impetus for this to go forward, that it does fall behind our Comprehensive plan but it's not because he has any plan in mind for Martindale Country Club.

Robert Bowyer said he was prepared to go through section by section of the whole draft if that was what the rest of the Board members wanted to do.

Chairman Greim suggested that they open it up for public comment first because it might impact some suggestions or recommendations that the Board may have. Mr. Bowyer agreed.

Open Public Hearing

Marj Patrick of 65 Beech Hill Road stated that this was the 3rd time that she and her husband Lucien Mathieu had visited the Planning Board over Beech Hill Road issues in general. The issue they are most concerned about is traffic and are very glad to hear Mr. Bowyer and Mr. Goss suggest that more work needs to be done on this proposal. She and her husband like to walk on their rural residential street but have found that their street is the most difficult to walk because of the volume and speed of traffic. She said the offsite impacts are of great concern to them as are the challenges that they currently have now. She appreciates the Board's attention and hopes they review the draft further to add protection for them. She and her husband support the letter written by Michelle Vazquez Jacobus of 564 Beech Hill Road.

Nilda Jacobus of 455 Beech Hill Road agreed with everything that Marj said and was extremely concerned about this issue and what is planned and not planned. Nobody notified the neighbors about the meeting of which they found out haphazardly. She is concerned that Mr. McPhee who is an advisor and who wrote the amendment is also Mr. Day's consultant. Mr. Day and Mr. McPhee were well informed about the meeting and discussion while the neighborhood was not. It took quite an effort to inform everyone in the neighborhood for a neighborhood meeting. She is an abutter to the golf course on three sides and so is her daughter Michelle who wrote the letter. They are also concerned about activities that take place at the golf course without notification. She has been told that Mr. Day is a neighbor and is very glad to receive him as a neighbor, however; they have had some instances of very non-neighborly issues. The golf course is rented out for celebrations that last late in the night making it difficult for close neighbors to sleep. If there is more development in that area, it will be affecting them a lot more. At another instance there were fireworks at the golf course of which none of the neighbors had been warned were going to happen. She thought they were explosions until her daughter called her to explain they were fireworks. At another occasion, she heard a roaring sound in her back yard which happened to be a very low flying helicopter where someone was throwing golf balls from it to people below. She said they aren't criticizing nice occasions but would like to be told when these things are happening. She reiterated that she agrees with everything that Marj said and everything that Michelle wrote in her letter to the Board.

Marcia Russo of 7 Jennifer Drive asked what some city examples of major recreational areas were. Roland read the actual definition from the proposed ordinance. He said this particular ordinance would allow all of the uses in the underlying district and would also provide hotels / motels adjacent to existing major recreational uses or major recreational use if construction of the major recreational use is substantially complete. He said that wording was put in there as a reference to the question about what comes first, like the chicken or the egg. He added they are approved by the Planning Board as a site plan special exception. And then there are also what would be considered accessory uses such as a garage or shed. So it would be all of the principal uses listed, all of the special exception uses under the underlying zoning districts and this would allow hotels / motels and all of the accessory uses that commonly go with those other uses.

Ms. Russo asked the applicant since there was no specific plan, why make the change to the PUD? Roland replied that there has been a series of requests over many years for different types of large scale uses. Some of those around existing recreational uses that currently exist here in Auburn and others that were not around anything but they were talking about establishing a recreational use then putting all the ancillary things around that. So, this has been on our drawing board for some period of time to create a zoning mechanism that would allow for these types of developments where as our ordinance currently does not. Roland said the immediate impetus for this was a discussion he had with another party which happened to be Mr. Day as Mr. Day was exploring the use of his land.

He explained the Comprehensive Plan to Mr. Day but that it would take 6 months to several years to implement so Roland suggested to Mr. Day that if he would like to see this move forward on behalf of the community he could engage somebody who could draft

such an ordinance and do it under the petition form. The most common way to change an ordinance is a citizen initiated change which is what Mr. Day decided to do.

Ms. Russo said she would like to second what Mrs. Mathieu and the letter from Michelle Jacobus said. Speed is an issue on Beech Hill Road. We as a city see our land use, Martindale, Prospect, and Fox Ridge as they exist now; they all seem to flow well into residential areas around them. They fit but at Martindale they are pretty tight so it does impact the neighbors when there is more than just golf going on. It's important to keep residential, residential with some separation of the land use.

Doug Breunig of 398 Beech Hill Road said they have seen a lot of development since purchasing his land 28 years ago. Part of the attraction to moving there was the presence of Martindale and they have been good neighbors and enjoy living in that area. However, they are concerned about further development to the area and not sure how much more the area could withstand. He shares a lot of the same concerns that were expressed here tonight particularly about traffic in that area and walking on the road is dangerous. Came to the meeting tonight partly for reassurance that any large proposals of development would be carefully scrutinized by this committee.

Link Hayes of West Auburn Road wanted to point out that Lost Valley was not on public Sewer. Roland replied that they were aware that Lost Valley was not on public sewer but had access to it.

Jim Day, owner of Martindale Golf Club said Martindale wants to be a good neighbor and apologized for any of the difficulties that some of the neighbors may have had. He explained that the one outside event which Martindale held with music had a history before he owned it, the fireworks were part of a wedding and the helicopter was a fundraiser for CMMC. He asked a member of the audience for contact information so they could be communicated to when these events occurred. Mr. Day said he had just recently purchased Martindale when it was in financial distress and believes the community wants it to survive. If Martindale was not a golf course it would be residential development which is the highest and best use when it's appraised. 200 homes would create more traffic than what is being discussed now. He is aware of the traffic issues and described several ways of getting to Martindale. He recognized that this was just a mechanism to put in place so that he then could go out and try to develop a master plan for the golf course to ensure its future in this city. When there is a plan he will come forward to the neighborhood so both will come marching in to the Planning Board to present the plan. He believes he will have the neighbors on his side at that point. He said he needs to have the mechanism in place before he can get somebody to be interested. He reiterated that there is no plan at this time and when he has a plan he will come forward with that plan. He only has a conception which he thinks could put some good accessory uses to this property to ensure that it will be a golf course and not the 200 house lots that it could become by zone. And finally, Mr. Day said he was not promoting the sewer and non sewer issues that had been discussed. He believes that is something that is PUD driven and not something that he suggested.

Richard Whiting asked about the parking issue that someone mentioned in a letter which had been submitted to the Planning Board. The letter stated that people would park their cars on a neighbor's lawn which abutted the golf club. Mr. Day responded that a development will correct parking issues. Martindale does not have parking issues on a regular basis and not to be argumentative, stated that the cars were actually parked in the City's right of way and not on her lawn. His hopes and desires are to increase the parking at Martindale when a new plan is created.

A motion was made by Tim Goss, seconded by Emily Mottram and all voted unanimously to close the public hearing. (7-0-0)

Tim Goss suggested that instead of the Board going through the draft line by line he would rather it be work-shopped with City staff. He commented that we are moving forward into the 21st century and this isn't something that we should make a quick decision on right now.

Chairman Greim asked if the Board should have a workshop that includes the City Council when going over the draft. Robert Hayes, City Council Liaison replied saying it's an important enough issue that the invitation should go out to members of the City Council in case any member would like to sit in.

Chairman Greim asked for a show of hands who would like to have a workshop at a later date verses continuing with a workshop tonight. A majority of the members wanted to hold a workshop at a later date.

Chairman Greim stated he would like to have a date set for the workshop prior to entertaining a motion to table.

Roland Miller asked if the appellant (petitioner) would be included to participate in the workshop because we have a petition that has been submitted, paid for and processed. Chairman Greim replied that workshops are open invitations to the public to sit and listen and since the petitioner generated this discussion and advanced it they also should be allowed.

The date chosen for the workshop was Tuesday, October 25, 2011 at 6:00 pm.

A motion was made by Tim Goss to table the Citizen Initiated Petition until after the workshop scheduled for Tuesday, October 25, 2011 at 6:00 pm. Robert Bowyer seconded the motion. After a vote, the item was tabled. (7-0-0)

Roland asked the Board members to send any comments they would like to have in the draft to him or Eric Cousens via email before the workshop so changes could be incorporated before the meeting.

OLD BUSINESS: None at this time.

MISCELLANEOUS

The meeting date for the November Planning Board meeting was discussed. The 2nd Tuesday happens to fall on election night so the members agreed to postpone the meeting to the 3rd Tuesday, November 15, 2011 at 6:00 pm.

Roland distributed maps showing the section where Manley Road and Rodman Road intersected. He explained that the owner of 146 Manley Road was thinking about changing the zone of that property and the next abutting property from Urban Residential to General Business. He asked Roland to bring it to the Board to get a sense of how the Board felt knowing this was not part of the Future Land Use Plan.

Robert Bowyer asked if the zoning is changed, do they have to come back before this Board so entrance and screening conditions can be mandated. Roland responded, not necessarily. If the development proposed for the lot is greater than 5,000 square feet or if it is a Special Exception use they would have to come back to this Board but if it is a permitted use or less than 5,000 square feet then no review would be required. Roland said the owner of the 2 parcels intended to combine them into one parcel. After a brief discussion with the Board, Roland said he would encourage the owner to move forward with his proposal.

Chairman Greim stated the whole idea integrating the recreation / residential PUD into the overall PUD document is a much better approach in his opinion than having a separate stand alone document. Roland said in retrospect, he and the petitioner felt the same.

Richard Whiting mentioned that he had received a Planning Training brochure from AVCOG and asked if the City might be interested in sending some of the new Planning Board members for training. Roland responded that he and Eric had discussed this because they know the daunting task it is for people that have been appointed to a Planning Board. He said they were thinking of conducting a series of training sessions specific to our ordinance just to refresh people's memory. He mentioned various entities that perform the training and said he and Eric would be looking to schedule some sessions during the normal workshop scheduling dates sometime after the holidays.

ADJOURNMENT

A motion was made by Tim Goss, seconded by Richard Whiting and all voted unanimously to adjourn. (7-0-0)

Auburn Planning Board Workshop Minutes

October 25, 2011

Present:

City Council Liaison Robert Hayes, Daniel Bilodeau, Emily Mottram, Chairman Clifton Greim, Kenneth Bellefleur, Robert Gagnon, Tim Goss, Richard Whiting and Eric Cousens represented City staff.

The Planning Board Workshop was called to order by Chairman Greim. He said the workshop was intended to address the Planned Unit Developments and more specifically the PUD – Recreation/Residential proposal that the Board was reviewing because there had been a considerable amount of public and Planning Board input the last couple of times this had been discussed. He suggested that they go paragraph by paragraph to see suggested changes, have a discussion and come up with a recommendation for a final draft which we would then bring back for public hearing. He asked Eric to shepherd the Board members through some of the terminology and language.

Eric said this draft was a modified version from the last meeting based on the input that Roland Miller and Keith McBride had heard from the Planning Board. After incorporating that input, they shared the draft with Robert Bowyer who could not attend this meeting. Mr. Bowyer had some additional comments which the Board saw for the first time on Friday. Eric agreed that going through the draft paragraph by paragraph was the best way. He proceeded to read the most recent draft of the ordinance which is referenced as:

Division 10 Planned Unit Developments – DRAFT for Workshop (Comments Incorporated) 10.21.11.

As Eric went over the draft, there was discussion amongst the Planning Board members and several members offered suggestions as to how they thought it should read.

James McPhee, petitioner and co-author of the proposed ordinance clarified some of the proposed language.

Tizz Crowley, Michelle Vazquez Jacobus and Nilda Jacobus stated their concerns for the proposed ordinance.

It was mentioned that the City of Portland has a different procedural way of bringing forward a text amendment change. In Portland, there are neighborhood meetings that take place and once a report is written it goes to the Planning Board so some of those concerns and suggestions are known ahead of time, before staff comes up with the language to make the amendments.

Eric explained that this would be specific to a site plan review and to proposals that affect a certain area. He said we are available as staff to participate in neighborhood meetings. He said there have been a couple of public hearings on this item and there is no effort to avoid public input. We make a lot of efforts to provide for opportunities for public input. We've attended a neighborhood meeting with the Beech Hill Road neighborhood, have had a few public hearings so far, and this workshop tonight which isn't the best public forum but it's an opportunity for the board to digest and discuss amongst themselves the public input already received and come up with a draft for the next public hearing on November 15th. He mentioned that we will be running a newspaper ad for that hearing and can send an email notification to anyone who requests it. He said it was essential that it's not neighborhoods making decisions for the City trying to accomplish the goals of the Comprehensive Plan; that it takes into account a larger representation of the City when making those decisions.

Auburn Planning Board Meeting Minutes

November 15, 2011

Roll Call - Present:

City Council Liaison Robert Hayes, Daniel Bilodeau, Emily Mottram, Robert Bowyer, Kenneth Bellefleur, Robert Gagnon, Tim Goss, Acting Vice Chairman Richard Whiting and Eric Cousens represented City staff.

Richard Whiting stated that he would be acting as Vice Chairman for this meeting.

A request to approve the October 11, 2011 meeting minutes and the October 25, 2011 workshop meeting minutes was made by staff.

A motion was made by Robert Gagnon and seconded by Tim Goss. After a vote, the motion passed to approve the October 11, 2011 Planning Board meeting minutes as amended. (6-0-0).

A motion was made by Tim Goss and seconded by Robert Gagnon. After a vote, the motion passed to approve the October 25, 2011 Planning Board workshop meeting minutes. (5-0-1) Robert Bowyer abstained due to not being present at the meeting.

Public Hearings:

A Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD). The purpose of this PUD Type is proposed as follows: The Recreation/Residential Planned Unit Development (RRPUD) is to recognize that there are customary, and complementary residential and commercial uses that are appropriate to be developed on land adjacent to major recreation uses located in Auburn. These major recreation uses of land are designed for outdoor use of large acres of land, have indoor facilities to accommodate groups of people and while they may open year round, they primarily operate seasonally. Homes, condominiums, and hotels will help support the economics of a seasonal business and bring more people to Auburn by becoming a recreation destination point. *Item was tabled at the October 11, 2011 meeting. Request that it be taken off the table.*

A motion was made by Robert Bowyer and seconded by Daniel Bilodeau to take the item off the table. After a vote, the motion passed. (6-0-0)

Chairman Whiting explained that there was a follow-up to the last Planning Board meeting which was a workshop on October 25, 2011 of which the minutes were completed. Eric mentioned that emails from the neighborhood had been printed. He explained one was a

summary of questions, concerns and suggested provisions or modifications from the residents of Beech Hill Road which were very similar to the ones he had emailed to the Board last night. The only changes were minor spelling corrections. He also had a copy of the email that conveyed the summary and a copy of the ordinance with changes that are suggested by the Beech Hill Road neighborhood.

Robert Bowyer suggested that the Planning Board members go thru the most recent draft among themselves before it is opened up to the public.

Chairman Whiting suggested that the agenda items move out of order with the 2nd item being heard first since it appeared to be a less controversial item and would be a more efficient use of time management.

AGENDA ITEM #2:

Michael Gotto is seeking Special Exception and Site Plan approval for 179 High Street, LLC for the construction of a 3800 square foot self storage building at 179 High Street (PID 230-160), pursuant to Chapter 60, Sec. 60-499, (a)(17) and (b)(17) of the City of Auburn Ordinances.

Eric read the staff report.

Robert Bowyer asked for clarification about the property line that did not appear to close the site between the subject property and the neighboring property. Eric said the petitioner could probably speak to that better than him but his understanding was that there had been some transfer of land since the construction of that parking lot. Mr. Bowyer mentioned that the site plan was dated September 2011. Eric explained that the parking lot existed when the property owner sold land to the owner of the Village Inn to help them meet setback for a future expansion. He added that he did not know for sure that that was true but he believed it to be the case.

Michael Gotto of Stoneybrook Consultants, Inc. and representative of 179 High Street, LLC spoke about the proposal. He said several years earlier there was a conveyance of land to the village Inn in order for the Village Inn to be able to meet setbacks.

Robert Bowyer asked if there was an easement. Mr. Gotto replied there was not. He added they do not oppose having a dumpster, landscaping requirements and full cut-off lighting as the City is asking for.

Chairman Whiting asked if there would be any sprinklers and Mr. Gotto replied they were not required.

Open Public Hearing

Norm Vallee, owner of Eddy's Drive In Diner and the Village Inn said he and his son Michael were not against their neighbor expanding their operation but what they were concerned with was the visibility of their restaurant from the highway. They aren't against

them building another building but where it's being built. They would like it to be set back another 10 or 15 feet and request that they be able to talk to Mr. Gotto privately before a decision is made from the Board. He described the location of the loading dock and where trucks would be parked and said this would obscure his restaurant 1,000 percent which he did not like. He said the neighbor was a great guy and business man but this was not in the Village Inn's favor. Mr. Vallee asked the Board to consider the livability and livelihood of the 60 people that the Village Inn employs because they have to get paid every week. He said the more encroachment they have like this, the more we are going to hurt. We have to get people from the highway which is quite far from where we are and keep on doing business. We've been at it for 50 years and we keep on going. We have a lot of young people to take my place and they're doing a good job but this is not for us.

Michael Vallee asked for permission from the council to discuss the matter with Mr. Gotto amongst themselves for 15 – 20 minutes so as to have a better idea of what we can do to rectify the situation without involving the Board at this time.

Chairman Whiting said he understood their concerns. He said he looked at the location where they proposed to put a building and it's in alignment with your property which is in good accordance with standard planning practices.

Michael Vallee said he did not have a problem with that. If Mr. Gotto would have come to us and shown us the proposal, we could have asked that they move the building perpendicular or parallel to that one.

Michael Gotto said there was a miscommunication with his client and that he did not talk to the Vallees. He said he had submitted an application over 30 days earlier and public notices were sent out by City staff. He suggested that with the Board's approval, he can meet with the Vallees afterward to make a minor adjustment to the site plan, and if we need to with City staff. He explained that this building is fit very tightly into the site. We needed to have truck maneuvering areas to get to the back of the building and areas to get to the front of the building. We did attempt to align it with the frontage. He said you can see from the intersection down to the Village Inn as we are not going to block that any more than it's blocked today. He proposed to the Board that they decide whether or not this meets the requirements to be able to put this building on this site and we will meet with the Vallees and with staff and if we must make a minor adjustment we will do that with staff level review.

Robert Bowyer asked Eric for guidance. He said he understood the visibility of the site but said as a patron to restaurants, he does not have to see a building, just as long as he sees a sign for the restaurant. He asked Eric about the City ordinance for the location of a sign.

Eric replied the sign for the Village Inn is out by the street. City Ordinance does not provide any standards that would limit the location of a building from blocking a sign other than the standard setback requirements which in this zone would be 25 feet from the front (they are proposing 52.5 feet) and 25 feet from the side which they are proposing exactly that. He said after getting a message from Mr. Vallee last week, he drew the lines on this

plan so the Board could see the site lines. Eric continued by showing the site plans and described the different scenarios of visibility.

Robert Gagnon asked if you can see the building if you are standing at the corner of High Street and Minot Avenue elevation wise. Eric replied that you can see the building but you probably cannot see the first floor entry way of the restaurant.

Mr. Gotto submitted some photos that he had taken of the area to the Board for their review.

Chairman Whiting stated it was not appropriate in a commercial district with 2 commercial businesses for the Board to start saying that we have to change alignments of properties, as long as they are in compliance with our ordinance. But he does think that it's appropriate that one sign should not block another sign.

Mr. Gotto said they were not proposing any signage at this time even though the owner of the property had a sign permit. He continued by describing the photos he had just submitted to the Board members. He reiterated that he was representing 179 High Street, LLC and that the owner would trust him to make any decision about the location of the building but he would prefer to have the owner and City staff involved when speaking to the Valleys.

Tizz Crowley of University Street said that this was another example of something that has come before the Board several times which is the issue of neighborhood impacts even though this was a commercial property that was being discussed. There isn't a mechanism to encourage discussions with neighbors. She mentioned that Bill Turner of Maine Source did an excellent job contacting his neighbors prior to having a Public Hearing but he stands out as the exception.

Ms. Crowley said that Eric's report brought up a few questions. The first was the applicant is proposing 25 parking spaces which 23 are dedicated to the current retail business but it's only going to have 2 spaces for a self storage unit of 3,800 sf. Weekends bring a significant amount of traffic to self storage facilities so she is very concerned that there isn't sufficient parking and the way that this was written, she didn't know if 25 spaces is all that is required.

Ms Crowley mentioned that the report states that the current plan does not show a dumpster and that there would be some discussion tonight. She said, quite honestly whatever you require should be required in writing prior to approval because we have had the experience before this committee with the developer where promises were made and not followed through. The same thing is true about the trees, if they are recommended by staff, then it should be put in writing prior to approval.

Ms. Crowley continued about the oral commitments that the staff report mentioned stating again that quite honestly, you cannot rely on oral commitments. Whatever commitments you expect to be followed through she would appreciate the Board getting them in writing because oral commitments are not enforceable.

Ms. Crowley ended stating that the issue of the parking lot boundary should be settled and clarified for everybody involved before approval of the Special Exception.

Michael Gotto responded saying that in the Board's application there is a boundary survey and we know exactly where the boundaries are. He explained that he has been working for years on the oral commitments with this Planning Board and with conditions of approval and hopefully can go on with that tonight. He would put in the trees if they are required but recognizes that trees would potentially impact the Village Inn's sign from the visibility. He suggested putting ground level landscaping so it doesn't impact their visibility as much. Chairman Whiting stated historically, the Board has often allowed for negotiation between neighbors on landscaping with some oversight from City staff which puts a little burden on City staff at times but that usually works reasonably well. Mr. Gotto agreed.

Daniel Bilodeau asked if there was a chance the Board could get a follow up staff memo even if it's a few months later to show that the decision that was made and the process worked out well. Eric replied that we could bring a modified plan back probably by next month's meeting that shows what landscaping will be installed. Eric continued saying that he did not have a problem negotiating the landscaping. He said he certainly does recognize that those trees as they grow would have an impact on an abutting business.

Robert Gagnon asked if there had ever been a problem with garbage in that area lying on the sidewalks or beside the buildings. Eric replied that there had been a clean-out of a number of storage units under the previous ownership that left quite a mess but under the current ownership there have not been any problems.

Chairman Whiting asked if the Board has required dumpsters for other self storage facilities. Eric replied that he did not know if they've been required but he thinks the real requirement is that if they plan to store trash outside of buildings in a dumpster or other container then it needs to be screened or enclosed in some way.

Eric mentioned that if you move the building back parallel to that property line you start to reduce that drive aisle between the existing and proposed buildings which is slightly over 20 feet now and 20 feet was what the fire department was looking for. If we were to move the building back, we would have to look at reducing the side setback in order to accommodate the fire department's requirement.

Norm Vallee said he was not against the neighbor expanding, he said he never would be. He would like that they push the building back another 10 to 15 feet so they can at least see the peak of his building. He said he did not know how many people this guy would employ and wants to tell the Board again that the Village Inn employs 60 people and they all need to get paid every week.

Michael Vallee asked the Board if it was a possibility to speak to Mr. Gotto outside the Chamber door for 5 minutes. Chairman Whiting said he had never seen the Board do that. Mr. Vallee said in that case he asked if they would allow reduced setback to jog the

building back 10 feet to allow better visibility of the Village Inn from the road. He said in his view, he sees the Village Inn as an old Tudor style building which you would not get the same effect when looking at a steel building. He said he was just trying to look out for himself, his family and their future and as Norm and he are the owners, they would allow the reduced setbacks. Chairman Whiting explained that the reduced setbacks would have to be approved by the Planning Board as it isn't a neighbor's prerogative to take on Planning Board responsibilities.

Robert Bowyer asked if it was within the Board's discretion to allow a reduction of the side yard setback or if it's a variance that they would need to seek. Eric replied that it was the Board's discretion if it helps you accomplish the goals or objectives of the site plan review in the Special Exception requirements. He said it was unusual that the Board would do that for reasons other than the request of the applicant. The applicant has proposed a building that meets or exceeds all of the setback requirements that they or the neighbors would read in the ordinance and expect to meet. If the applicant chose to move the building back, then you could make a strong argument for the necessity of that side setback modification to improve the vehicular circulation especially for emergency vehicles and to keep 2 lanes of traffic open to access the rear of the property. It is possible to make that allowance; it's just unusual for you to ask the property owner to make that change when they meet all of the requirements of the written ordinance.

Chairman Whiting asked Mr. Gotto if he had any interest in or ability to do that. Michael Gotto said they have a telephone pole that is a concern so there is some ability, but we are trying to keep 2-way traffic through the site. He said, more importantly, winter is coming so they do not want to delay this a month. He said this is a strange situation but if the Board wants to put this on the table to allow him and the Vallees to go out of the room and come back in an hour, he said he would do his best to come up with a solution. Or if the Board would prefer to approve and let staff and him work it out this week so a building permit could be started would be fine as well. Mr. Gotto stated that they will have a meeting with the Vallees so as to try to come to a consensus. He did ask that if he agreed with the Vallees to move the building closer to the side line he would need to have a waiver from the Board to be able to let the traffic flow according to the rules, and he would rather get that this evening.

A motion was made by Tim Goss, seconded by Robert Gagnon and all voted unanimously to close the public hearing. (6-0-0)

Robert Gagnon asked if the Board could authorize staff to address that setback line to meet whatever dealing they have been dealt with here. Eric replied that this is unusual but if the Board made a motion that included a setback reduction to a specific distance of no less than 15 feet to accommodate the onsite vehicular movements and safe circulation on the site that the fire department requires would be acceptable. It would have to be very specific to meet the objective of onsite circulation and safe vehicular movements to reduce that setback to not less than a specific number. The only way for the Board to approve one of those reductions is to have to do that to meet one of the objectives of site plan and special

exception and that is one of the significant ones that would be affected by moving that building back.

Robert Bowyer stated that it's always a risky proposition to be designing sites on the floor of the Hearing room but said he would support a reduction of the side yard setback provided there were no site conditions on the site that make it burdensome on the applicant.

Daniel Bilodeau said it would send a positive message to the community working this issue out with the neighbor so he said he was in favor of them working it out and coming back to be approved this evening.

Chairman Whiting said that was one approach and another approach would be doing a conditional approval with some rights to negotiate.

Robert Gagnon stated that he knows it would take longer than 30 minutes for Mr. Gotto to design that site and come up with a plan that would make things fit. Mr. Gotto agreed and said it would probably cost his client a little more money to move it back but he thinks they can accomplish that and that he leaves it up to the Board.

Eric commented if the Board takes that approach that it's absolutely critical that the applicant agrees to it because to expect the applicant to exceed the requirements laid out in the ordinance because their neighbor wants them to is unfair treatment. Chairman Whiting said he agreed because it sets a dangerous precedent if we start letting neighbors come in and do negotiations about every request. We will have mayhem in the City. He said he was comfortable with the Board making a decision now through a motion.

Tim Goss said the last thing he would want to do is send them outside to try and work something out when the applicant already meets all of the requirements to move forward with a project. In knowing Mike and the way he has always conducted business, when he states that they will discuss it and will see what they can do to work within the limitations, that is what is going to happen. Mr. Goss said he appreciates the neighbors' concerns. He said in his passing the site, he sees that there is a lot of vegetation that also block the building. He did not know if those were coming down during the construction of the new building. He struggles sending anybody outside and is sitting here trying to come up with the words so as to cover all of the bases.

Kenneth Bellefleur suggested that they accept the plan and grant staff the ability to reduce the setback as 2 separate motions.

Eric explained that reasons for a modification and the findings of the Board would have to be spelled out pretty clearly. In his opinion, as that building gets moved back it would be necessary to meet the site circulation and vehicular movement that is required. If the Board found that the site plan met the requirements of the Special Exception and site plan review but that the building could be moved back to allow for safe vehicular movements the side setback could be reduced to as little as 15 feet if the applicant agreed to that at staff level

review. This could help appease the neighbor but also not hold the applicant hostage but give them the flexibility to appease the neighbor.

A motion was made by Robert Bowyer to approve the Special Exception using the language that Eric had just mentioned; that the applicant complies with the requirements but in the interest of improved vehicular circulation on the site the Board would authorize a reduction of the side yard setback to not less than 15 feet, if there is to be any outdoor storage of dumpsters or trash receptacles that they be screened, and that the landscaping would be a reduced scale type shrubbery to prevent obstruction to the neighbor's sign. Robert Gagnon seconded the motion and after a vote the item passed. (6-0-0)

Chairman Whiting said the Board would now go back to the 1st item on the agenda and apologized to the people in the audience who had been waiting for this item.

AGENDA ITEM #1:

A Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD). The purpose of this PUD Type is proposed as follows: The Recreation/Residential Planned Unit Development (RRPUD) is to recognize that there are customary and complementary residential and commercial uses that are appropriate to be developed on land adjacent to major recreation uses located in Auburn. These major recreation uses of land are designed for outdoor use of large acres of land, have indoor facilities to accommodate groups of people and while they may open year round, they primarily operate seasonally. Homes, condominiums, and hotels will help support the economics of a seasonal business and bring more people to Auburn by becoming a recreation destination point.

Eric explained the handouts that had been distributed at the start of the meeting. He said there was a copy of the ordinance that showed all of the changes from the last 30 days with the input from the workshop incorporated into that. The website had a copy of the ordinance that only showed the changes from the workshop. He said Staff added a copy of all of the changes of the ordinance to the website earlier this morning. Before that it was a progression of each meeting's draft up to the workshop and now on the website we have a draft showing only the changes that were made at the workshop and a draft that shows all of the changes to date. He said there may be a concern that the draft showing all of the changes to date was just placed on the website today. It has been available to the public all along and we've emailed it to a number of people as well. He wants the Board to understand that each meeting's draft as they have progressed from the beginning have been on the website all along. What we've just handed out is a document that is a summary of questions, concerns and suggestions from the Beech Hill Road neighborhood. You also have an email dated today from Michelle Vasquez Jacobus and that is an actual copy of the ordinance with track changes as they are suggested by the Beech Hill Road neighborhood area. The Planning Board packet also has a document that Dan Bilodeau put together showing a number of other recreational uses throughout Maine. This document details the zoning district they are in, number of acres and whether or not they are served by public or

private water or sewer. Eric said he would like to read the staff report and then work through the remaining issues.

Chairman Whiting agreed that he should read the staff report and mentioned that he will need some help determining which document is which.

Eric then read the staff report.

Chairman Whiting stated that they should go through the draft page by page and then open it up to the public. The Board members decided to go through the draft version dated 11.2.11.

Eric said the Board suggested to staff that the following language be removed: “does not entitle an applicant to the maximum development density nor is the applicant entitled to approval of the Special Exception”.

Robert Bowyer mentioned he was not at the workshop due to medical reasons and urged that this language appear somewhere in this document because it’s important that all parties are put on notice that the density provisions which are stated later on are not an automatic entitlement. It’s the merits of the site plan and the proposal and impact on adjoining properties that are consideration as to what the density would be.

Chairman Whiting explained that there had been much discussion about this at the workshop and it was decided to remove the language because it appeared to be aggressively anti business sounding and sent out an unnecessary negative connotation. He said the bulk of the ordinance clearly states that they aren’t entitled to the maximum so it was a consensus to leave this out. Eric added that the following couple of sentences sort of accomplish that without saying it the same way. He proceeded to read those sentences.

Eric stated that on the following section he added the onsite wastewater option with a question mark. He said it comes up a few times in the ordinance and it’s a significant decision that the Board needs to make. He said he could either edit it to not require public sewer or continue to require public sewer for all of the PUDs as the City has done in the past.

Emily Mottram asked if the Board could discuss that now to decide what the Board wants to say. She thanked Board member Dan Bilodeau for providing the data of other recreational uses throughout the state. She asked how many properties are we talking about that would be affected by this. Robert Bowyer said 3 properties; the 2 golf courses and the ski resort. Chairman Whiting added that 2 of the 3 properties would have it or access to it. Eric explained that we aren’t limited to 3 instances as there certainly could be other uses developed over time. He said in the long term, this is a broader reaching ordinance than just those facilities that currently have sewer very close to them even if the Board requires that developers extend public sewer to any recreational facility that has a Planned Unit Development recreational/residential surrounding it.

Kenneth Bellefleur stated that he did not disagree with the need to control sprawl. He disagrees with using sewerage to control sprawl. What the Board is talking about here is growth in concentric circles but sewer is not extended in concentric circles. It's also heavily affected by topography and other issues. So when we talk about extending from the core in concentric circles, using sewerage is not something that accomplishes that.

Chairman Whiting said another point to this is typically when you do a revision to an ordinance, you do the minimum necessary. They already have the requirement for Planned Unit Developments that they have public access to public sewer so by not changing that we aren't changing anything that's been in effect since around 1978.

Daniel Bilodeau stated that we are adding simply more of a rural recreational attraction. If you look at other recreational attractions in other communities that are near us, these sometimes are areas with only 30 or 45 acres and most are on private sewer and water. If we are going to stick to golf courses and ski areas then we should probably look at the definition of the major recreational use because the major recreational use is not just 2 lift ski areas and golf courses. There are an amazing amount of many other things that can come up in this ordinance in the rural areas of our community. If they pass the muster to get into our rural area, then public sewer should not be required criteria.

Robert Hayes said we aren't preventing a recreational use out into a resource protection area. We still allow a recreational use to come before the Board as a Special Exception out into the resource protection zone.

Eric stated whatever recreation uses are permitted today in all of our zoning districts would continue to be permitted without access required to public sewer. Eric continued, it's really only when you add either a commercial hotel type use or a residential component to a recreational use in an Ag zone that would trigger the need for a sewer. He said absolutely you could have the recreational use as you can today on private wastewater disposal, it's really when you trigger that next level of higher density residential or commercial use that requires sewer.

Kenneth Bellefleur asked if that higher density is also controlled by the underlying zoning as the ordinance is written. Eric replied that was correct. Mr. Bellefleur continued saying what we could be looking at is a 100 acre or more site that could have a maximum of 1 housing unit per 10 acres in the Ag zone and other zones like where Martindale is located could have a higher density. Eric replied that was correct.

Mr. Bellefleur said he went on the map site and measured the distances of 4 recreation areas from the City building. Martindale with sewer measured to be 4.13 miles from the City building, Prospect was 2.68 miles, Fox Ridge at 4.59 miles, and Lost Valley 4.38 miles from the City building. He said he is trying to understand how sewer not being extended to Prospect, Fox Ridge and currently Lost Valley is an impediment to or somehow increasing the possibility of sprawl with all of the other controls that we have in this plan.

Eric responded that it has been a concept in this ordinance all along that requiring access to public utility, sewer specifically, allowed for a higher density development and a big part of that is growth control. Whether it's exactly concentric circles or not, where we do have sewer is closer to our more heavily developed areas than where we don't have sewer generally and the growth areas that we do have were more likely to extend sewer to; that the City desires growth there and that would open up this additional flexibility. It's not specific to concentric circles and it's a long way to City sewer in the northern part of Auburn above the lake so it certainly limits that area. It's a long distance to City sewer to the southern tip of Auburn so it does keep the development closer to the center part of the City. He said he agrees that it's not exactly the same number of miles from here to the end of sewer in every direction because it's absolutely influenced by topography, wetlands, ledge and all kinds of other things but it does have the effect of limiting development closer to the core of the City than if it were allowed everywhere regardless of sewer.

Kenneth Bellefleur asked wouldn't a mileage point from the City center also do the same thing verses requiring a public sewer. Eric responded that it could but it would also be an additional departure that wasn't part of the proposal that was in front of the Board.

Daniel Bilodeau stated he was just trying to think of a straight forward way of presenting the limitations instead of using sewer.

Chairman Whiting mentioned that what was discussed during the workshop was the idea of this opening Pandora's Box; that what you'd have potentially is people coming in with some marginal recreational use as really a ruse to bring in residential which would not be in the interest of the City to be providing bus service, police and fire protection and all of the municipal costs which the City cannot afford.

Kenneth Bellefleur agreed that that was discussed but he said the Board also decided that they would define major recreational use in a very tight box. Chairman Whiting said another option would be to restrict it to these particular golf and ski facilities where you could be more flexible in terms of sewer. Mr. Bellefleur stated that the Board did that in the definitions section in the back of this draft.

Robert Hayes said there is another area that adds cost to the City that is often not recognized in that we all may end up paying higher insurance premiums. If we see more residential developments beyond certain reaches of our existing hydrant systems we all pay for it. Kenneth Bellefleur said the rating is done by property location. Mr. Hayes said that was correct but overall the City's citizens all pay additional premiums if we extend residential development beyond what our fire suppression systems can handle. Mr. Bellefleur replied he did not believe that to be a true statement.

Eric commented that the City has to provide an explanation of what fire protection they have, over what percentage of the City where the dwellings are, what we have for flood protections and all of those things play into a City wide rating for the Insurance Services Organization (ISO). The rating also varies based on the amenities that you have at your property when they set a premium but there is a City wide blanket rating as well.

Chairman Whiting asked for a show of hands from the Board members that would be in favor of leaving the ordinance as is where you would require public sewer. 4 members raised their hands in favor of leaving as is and 3 members opposed so the majority won to leave this section of the ordinance as it was written.

Eric continued to go over the draft ordinance section by section.

Open Public Hearing

Eric commented that we have listened very loudly to the desire for additional opportunity for public input. He said this process is a good example as there will have been a total of 7 to 9 public meetings which includes public hearings, neighborhood meetings, Planning Board and City Council workshops, and the Council public hearings before a final decision is made on this ordinance. He does not think there is a lack for public input, but where we have not met the public's expectation with our processes is making sure that people don't have to look in the back page of the newspaper to find a notice if something is going to happen that comes before the Planning Board or making the public look to the City's website weekly or monthly to find out about a new public hearing. He said one way that we can improve on that is a new communication tool that City staff has come up with called participate@auburnmaine.gov. He encouraged people to sign up if they want to be notified any time there is a Planning Board meeting, Engineering construction project and for Assessing information. It's evolving so other things will be included but we are trying to focus on making sure that anybody who wants to be made aware of all public meetings and issues that come before the Planning Board, Engineering Division, Economic Development Department and Assessing will be notified.

Michelle Vasquez Jacobus of 564 Beech Hill Road said the following: Whether or not this proposed ordinance applies to 2 or 3 specific properties or has more general applicability, it's certainly written as a proposal which has potential broad reach. As such, we believe it's vital that due consideration be given to the fact that these areas are by merit of their definition as major recreational areas unique from other areas of the City for which development is generally proposed. They are different because they are inherently rural areas of open land. Areas that people choose to live in or recreate at specifically because of their rural nature, thus, even in a pro-development climate that you all are working in, we believe you must recognize that development in these special rural recreational areas merits more substantial analysis and review. You have much at stake that must be considered. Some of these, Martindale is the one I am familiar with, is not only in a beautiful land area but is situated smack dab in the middle of a residential neighborhood and all of the potential areas contemplated under this ordinance includes substantial open land areas that are assets to the City in and of themselves though there may be potential economic benefits. We do understand the importance of these; there are also even more dramatic potential costs which must be fully considered; substantial economic costs, environmental costs and quality of life costs to name a few. The potential immediate gain, economic immediate gain may be appealing but it opens the flood gates for development that could come at great and irreversible cost to the City. I believe that this is a radical statement in

this climate but not all development is good in all cases. My family very intentionally moved to the Beech Hill Road neighborhood in Auburn, Maine from Brooklyn, New York and we moved here because of the rural and beautiful character of the neighborhood. And I know we are not alone; we live in Maine! It was sad to hear some of you refer to the chaos of neighborhood involvement and being averse to neighborhood input as it would be such a mess. We are your constituents are we not? We believe that the residents of this City should be at least given as much deference as businesses. The City certainly derives as much benefit both economically and not from its residents as it does from its businesses. In fact, we continue to call that we businesses and residents should not be pitted at odds with each other. All of us neighbors live and do business here. We are not interested in eradicating either.

Ms. Vasquez Jacobus continued with the following points:

- Does not understand the definitions and the characterization but as they understand it, this PUD Amendment hinges on a recreational / residential layer to be determined by the characterization of a major recreational area. So the proposed amendment takes for granted that the recreational / residential layer applies de facto to Martindale and other similar areas that have a minimum of 100 acres, etc...
- We believe there should be another step added to the process whereby first the determination is made whether or not to characterize an area as a major recreational area and then to discuss whether the amendment should apply rather than it just applying per definition.
- In the opening of the document under purpose, there is only mention of consideration of benefits to the community and developer. We believe that by community you mean the City of Auburn as a whole. Noting benefits is relatively meaningless without also considering costs and balancing these as impacting local neighborhood as the City as a whole. We do not believe the developers benefits need to be included as there would be no proposal if the developer did not intend to benefit himself thus we would revise the purpose section as follows: "This section should not be used as a device for circumventing the City's development regulations and may only be employed in instances where there is greater benefit to be derived from its use for the local impacted neighborhood and the community than there is projected harm to be sustained. The type and amount of development permitted shall be based on the Planning Board's evaluation of the development proposal and the purposes standards in the provisions set forth in this division and will only be permitted after a neighborhood impact study has been conducted and the results of that study reviewed by the Planning Board and shared with the public with opportunity for input and questions."
- We would add a provision recognizing the need to balance business development and residential development in our community. A neighborhood impact study would be required whenever the proposed development would potentially impact (we had written 5 or more properties but that would be awkward objective measurement – we were looking for a measurement of relative residential density or number of residences impacted such as the City uses a 500 foot measurement around a development). We believe that this should be conducted by a party or organization not interested in the outcome of the proposal, should be paid for by the

party proposing the development and would include information about such areas as an economic impact, traffic, congestion, noise, safety, parking, environmental impact and any other possible impact or nuisances that might impact neighbors and the surrounding area.

- Once a recreational facility has built a hotel, is there anything keeping them from extending that building or adding uses seeming to be consistent with a hotel; a casino for instance, a bar, restaurant or larger night club.
- Another concern, seeing reference to preservation in the ordinance, is there anything that would require the assurance that the recreational use would remain permanent open space if someone used this ordinance to build a hotel for example, if someone built a hotel and 10 years from now they want to build more commercial buildings, what would stop the slow expansion of this to allow other projects. In other words, what is keeping the tail from wagging the dog; with the hotel and such businesses becoming the primary operations and the neighborhood becoming a recreational business area.
- We would like to put back the language that you all removed in the workshop about the neighborhood's concerns. We would recommend that Section 60-361 (6) 11 say that the proposed development have an appropriate relationship to the surrounding area and will not have an unreasonable impact on the livability and character of existing development in the vicinity. The reasonable man standard is a complicated one. It's one that the law has been using for 100's of years. It is a very subjective standard and it's one that's based on something that has to be evaluated based on impact on humans. We ask that you consider the complicated touchy feely impacts on us as humans who live in the neighborhood.
- We believe more attention should be paid to the seasonal nature of traffic at major recreational areas such as golf courses
- There is some questions about definitions that are not defined specifically; arterial roads, collector roads...

Tizz Crowley of University Street complimented Eric on the great job with the email changes. She said this is something Eric had heard about only yesterday. She said Michelle had invited her to the neighborhood meeting which was very productive and said Eric should be commended with the quick response. Ms. Crowley said Eric was able to post today at 9:00 a.m. a complete document of what the Board is talking about tonight and could tell the audience was using a different document which made it very challenging to try to follow along. She said the document did not include any information from the residential input. She said the Board mentioned that there had been lots of hearings but reminded them that the workshop was not a public thing so there had not been a great opportunity for residents to speak. She thinks Eric did a great job yesterday and wants to encourage the Board to allow him the time to include in the draft the information that he's gathered and talked about.

Ms. Crowley spoke about the following points:

- Today, at 9:00 am was the first time that a complete document in a single document was available and as the Board knows, what the Board had discussed was a significant challenge to try to figure out documents prior to this one.

- There have been significant changes since the public notice was put in the paper where residents would know what was going to be voted on and if you sat in the audience tonight it was very difficult to understand the changes.
- Strongly supports a residential / recreational development opportunity in Auburn. Believes it's an exciting thing and what we need here in Auburn. It's a great way to keep Auburn as a great place to live and a great place to enjoy life but it goes beyond what you've talked about. Observing the workshop, it seemed the Board was talking about spot zoning (Martindale and possibly 3 other sites). This is just a wonderful opportunity for Auburn but the Board needs to be expanding it beyond this focus of only these 4 sites. It may take a little longer and may mean that Martindale does not get it off the ground quite as quickly. She would like the Board to consider sharing Dan's information with the public as it identifies potentials that we have here.
- This is a city wide proposal and wants to ensure a city wide input as you move forward.
- Asks that they continue to discuss but not take a vote because isn't sure the Board can recite back what they would be voting on just as those sitting in the audience would have a very difficult time.
- Commends the Board on the work and excitement of bringing forth a residential / recreational facility and encourages the Board to continue to solicit resident's input and asks the Board to move cautiously but enthusiastically to look at this opportunity.

Nilda Jacobus of 455 Beech Hill Road said she would like the Board to consider all the points that Michelle Vazquez Jacobus had presented and make the amendments that we as neighbors are suggesting. She added that the thoughts she expressed are the thoughts of our neighborhood.

Roland Miller, Director of Economic Development for the City of Auburn, said the discussion has been a fruitful one and to all of the parties engaged in this, the City of Auburn owes them all a debt of gratitude for their participation and input. He said from the neighborhood and from the public, members have brought thoughtful considerations forward. He thanked the Planning Board members who always sit in the hot seat and are agents of change for the community. The Board deals with change all of the time and change is not easy. Change needs to be thoughtful and this has been a long process. He spoke about how he came to the Board as an add-on item talking about an approach for this type of an issue. This was discussed meeting after meeting trying to get to the approach that would work best for our ordinance and serve our community the best.

Mr. Miller thanked City staff especially Eric Cousens for all of his hard work and also Keith McBride who works in the Economic Development Department who was very instrumental in a lot of the language modifications. He thanked the Planning Board members who had direct input in clarification of which he thinks has made the ordinance a lot better than it ever was. Not only the changes by the addition of the PUD RR but also the modification the Board made to the other sections for clarification and to try to avoid the creation of good ground for litigation. Those were suggestions well received and made the

ordinance a lot better. He thanked the consultant and Jim Day. He said this was an issue that was on staff's and the Board's docket as it was consistent with the City's Comprehensive Plan but quite honestly, with the staffing levels the way they are, it was anybody's guess as to when they could get to it. Mr. Day did step forward and yes, he had an interest but he stepped forward in an area that does apply City wide even though he footed the bill to move this forward.

Mr. Miller continued explaining how the City came about to control growth and anti-sprawl development which started in the 1960's. He spoke about the community's need to be prepared so that when opportunity presents itself, we have an option for the private sector to make the strategic investments, to be successful in those investments and to bring developments and new value to our community that again help it to be an affordable community for people to live in. This ordinance puts more flexible control in the hands of the Planning Board than has ever been there before and it is done by intent. The intent is for the Planning Board to work with all of the constituent groups and someone bringing forward a development proposal to make sure that it's going to make a positive impact for our community. He again thanked the Planning Board members and said this is a testimony to how the system does work and how citizens can get together and face the challenges of the community like ours and come up with reasonable solutions that are going to serve us all very well.

James McPhee, resident of Auburn and consultant to Mr. Day thanked the Board, Eric, Roland and Keith McBride. He said he supported many of the amendments to the existing PUD ordinance. The ordinance is an old ordinance which needed to be updated as some of the wording could be easily misleading and the Board has done a wonderful job at correcting that. He said the ordinance that is before the Board tonight is a good one and he supports the Board supporting it.

A motion was made by Robert Gagnon, seconded by Tim Goss and all voted unanimously to close the public hearing. (6-0-0)

Chairman Whiting stated that Ms. Jacobus did a good job summarizing the thoughts of the neighborhood and asked the Board if they wanted to go over her comments. He said he did not want to give anyone the impression that he was against democracy or neighborhood participation. He said we encourage that. One of the challenges that the Planning Board has had forever is trying to reach people. You can do notices in the paper, but when it's a broad city wide thing, frankly, the City does not have the staff or the money to pay for an individual letter to every resident in the City. The City would go bankrupt in a year if we had to do that so you run into these issues where people think they are not being heard. We absolutely encourage public participation and we want to hear from people.

Robert Bowyer commented that Eric was making a career out of this particular ordinance and mentioned cuts in the staff of the Planning Board and having very limited resources. He said the notion of having early public information is a good one and would suggest that when the Board receives overtures about a proposed zoning amendment, a map change or development proposal, that the developers be encouraged to meet with neighbors for an

explanation of what the proposal is even before it comes to a Public Hearing. Developers will find that to be to their advantage in a number of cases. He says that in the context that we must be careful in the use of our own staff resources and we don't want to have the limited staff available in a position of being out explaining the developer's proposal because it puts the Board and staff in an awkward situation of appearing to be an advocate for a developer's proposal rather than explaining what the provisions of the ordinance would be and procedures that we go through and the like. He reiterated that developers are encouraged to have informational meetings which are directed at providing better information for the public given the limited resources that we have.

Robert Gagnon spoke on behalf of the staff and stated that he has run many major developments in the past and staff has always recommended neighborhood meetings and most developers like Mike Gotto and others have had neighborhood meetings in the past.

Chairman Whiting mentioned that there is also a benefit to the Planning Board that as people develop an understanding of something; it then can make a Planning Board meeting that much more effective.

Roland Miller stated that this issue is a critical one because when a development proposal is happening in a neighborhood, City staff always recommends that they go out and meet the neighbors and talk to them. He said some developers do it and some don't. He said in an instance like this one, you have an ordinance modification that is a City wide application; therefore there is no direct constituency. This is a typical situation when you deal with a textural amendment that applies across the entire community. He compliments the neighborhood for becoming engaged in this process and the extensiveness of their engagement has made a better process and product. He said it was necessary to differentiate between an identifiable constituency that is going to be impacted by a development and one that is City wide.

Chairman Whiting suggested going over Michelle Vazquez Jacobus's letter. Eric said he received a draft of this letter yesterday and emailed it out to the Board and today was the first opportunity to get a paper copy to the Board members. Regarding the first section of the letter which refers to tabling the item until the new Council settles in, Eric said he had spoken to Chief Crowell who is the acting City Manager. He said that Chief Crowell stated that there was no way to get this onto the December 5th City Council workshop agenda so it would be held for the new Council.

Chairman Whiting continued with Michelle Vazquez Jacobus's letter regarding the zoning. He said the PUD amendment would allow for this recreational PUD to come into place. He then spoke about the Neighborhood Impact Study that Ms. Vazquez Jacobus referenced in the letter. He said we want neighborhood participation but we could be so fragmented and so frozen in the Board's inability to get anything done by virtue of going down to that teeny weensy democracy. In his 15 years of being on the Planning Board, one of the biggest challenges was trying to reach those people in the public that wanted to be kept informed. He said it was innovative and great to see the email notifications going out as Eric had

explained earlier. We've always wanted to reach people; it's just that the tools we've had in the past have been expensive and have not been very effective.

Emily Mottram said that much of the items that would be covered in a Neighborhood Impact Study would be covered in the traffic part of the Ordinance. Robert Bowyer agreed and said that what is likely to show up in a Neighborhood Impact Study is already covered in the various sections of the ordinance.

Tim Goss suggested that the City advertise the Participate @ Auburn Maine email notification at the bottom of the screen during a broadcast of a City Council meeting.

Chairman Whiting stated that as long as the staff, which is overburdened, is doing their job, and with the other departments reviewing them: Fire, Police, and Water & Sewer, and also the Planning Board; we have a lot of eyes looking at these things and then if the neighborhood is fully engaged, we really should not be missing too much.

Eric stated the Findings that the Board is required to make for an approval cover all of the elements that he could think of to add to a Neighborhood Impact Study.

The Board continued going over Ms. Vazquez Jacobus's letter. It was decided that the ordinance addressed many of the items that were mentioned in the letter.

Chairman Whiting mentioned that the ordinances are so broad, so widespread and off in every direction that it's easy for lay persons to make an assumption that something isn't covered when in fact the ordinance does cover them.

Robert Bowyer stated there is an added benefit to the neighborhood that is an indirect benefit which is that the use remains; the golf course does not go out of use and some other uses allowed in the zoning district take its place.

Dan Bilodeau asked if the definition of the major recreational uses of land could be added to the general definitions and the recreational uses of land be added to the PUD definitions so they would both be at the same place. He said they are so similar that it would be easier to see the differences if they were defined in the same location of the ordinance. It was suggested that any term that had a definition be italicized.

A motion was made by Robert Gagnon to send a favorable recommendation to the City Council, the ordinance as drafted to include the changes as made in the meeting tonight which were documented by Eric and Rhonda. The motion was seconded by Tim Goss.

Robert Bowyer asked if the Board would see a revised document so as to proof read before sending it to the City Council. Eric replied that he could send it out via email for proof reading.

Tim Goss commented that the ordinance is a guideline that is ever evolving. As things change the Board has to make changes within it. It may not be perfect but it is a good tool

to start with and as the Board goes along and sees bumps in the road, we'll make adjustments to it. He commended the Board and the neighborhood for all of the hard work that was done to get it to this point.

Kenneth Bellefleur stated that he could not support this because all it does is allow one person to be able to build a hotel.

Dan Bilodeau said he did not see this as a City wide text amendment. He added that he was in favor of development and so many aspects of this PUD but not as it is presented tonight so will be voting negatively.

Tizz Crowley asked that the Chairman reread the motion in its entirety. Chairman Whiting said it was impossible because they would have to go over the entire ordinance to do so. Ms. Crowley said the rules required you to do so. Chairman Whiting stated that the public session was closed and he was not entertaining any more public input. He repeated that the motion was to forward a favorable motion to the City Council of the revised Recreation / Residential Planned Unit Development as amended by actions of the Board throughout the meeting tonight. It was moved and seconded. He stated that this is how we've done Planning Board meetings as long as he's been a member.

Robert Bowyer asked if the maker of the motion would accept an additional amendment: "subject to a review of the final wording at our next meeting". Both Robert Gagnon and Tim Goss accepted the amendment to their motion.

A vote was taken and the item passed (4-2-1). Daniel Bilodeau and Kenneth Bellefleur opposed and Emily Mottram abstained.

Eric stated he wanted to make sure that it was clear to those in the audience who had received public notice in the past that the review of the language will be to confirm just like minutes, that we've accurately represented the Board's motion tonight. It is not for an additional public hearing or an additional debate about the language and there will not be another public notice for that meeting.

OLD BUSINESS:

Eastern Fire Addition – 170 Kittyhawk Avenue

Eric stated that this proposal did not have to come before the Board but he wanted to make the Board aware of Eastern Fire's proposal to add an additional 3000 square feet to their building.

MISCELLANEOUS None at this time.

ADJOURNMENT

A motion was made by Tim Goss, seconded by Robert Bowyer and all voted unanimously to adjourn. (6-0-0)