



# City of Auburn, Maine

Office of Planning and Permitting

60 Court Street, Auburn, Maine 04210

www.auburnmaine.gov 207.333.6601

April 14, 2021

**Applicant:**

BD Solar Auburn, LLC  
Attn: Nicholas Mazuroski  
PO Box 9729  
Portland, ME 04104

**Agent:**

Haley Ward, Inc.  
Attn: Sean Thies  
1 Merchants Plaza, Suite 701  
Bangor, ME 04401

Re: Amendment to the Approval of BD Solar Auburn, LLC Granted on March 10, 2020 to Split the Approved Project into Two Projects with Two Ground Leases for State Regulatory Purposes and to Amend the Port of Auburn Planned Unit Development to Add Additional Land to Unit 4 at the Parcel Located on Lewiston Junction Road (PID: 142-007) in the Industrial Zoning District.

Dear Mr. Thies,

This letter is to notify you that approval for your application, on behalf of BD Solar Auburn, LLC was granted by the Auburn Planning Board under Subdivision review at their April 13, 2021 meeting with the following findings and conditions:

Findings: The Planning Board approved the project with the following findings:

A. Subdivision, Section 60-1359:

1. Will not result in undue water, air or noise pollution. In making this determination it shall at least consider:
  - a. The elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal;
  - b. The slope of the land and its effect on effluents;
  - c. The availability of streams for disposal of effluents; and
  - d. The applicable state and local health and water resources regulations, including stormwater management requirements in accordance with section 60-1301(14).
2. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
3. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
4. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
5. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
6. Will provide for adequate sewage waste disposal;
7. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
8. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;
9. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;

10. Is funded by a subdivider which has adequate financial and technical capacity to meet the standards of this section;
11. Will not adversely affect the character of the surrounding neighborhood and will not tend to depreciate the value of property adjoining the neighboring property under application;
12. Has provisions for on-site landscaping that are adequate to screen neighboring properties from unsightly features of the development;
13. Will not create a fire hazard and has provided adequate access to the site for emergency vehicles;
14. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater;
15. Does not have long-term cumulative effects of the proposed subdivision that unreasonably increase a great pond phosphorus concentration during the construction phase and life of the proposed subdivision.

B. Sec. 60-1365. General Subdivision Requirements:

1. *Subdivision plan shall conform to the comprehensive plan.* Any proposed subdivision shall be in conformity with the comprehensive plan of the city and with the provisions of all pertinent state and local codes and ordinances.
2. Preservation of natural and historic features. The board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.
3. Lots. A. The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated. B. Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated. C. No person shall make a subdivision within the City unless all lots of the proposed subdivision have frontage, as regulated by the zoning ordinance, upon a way granting legal access.

As part of their review, the Planning Board also granted a 12-month Site Plan/Special Exception extension in accordance with Section 60-1308 of the Auburn Code of Ordinances on the original March 10, 2020 approval.

This approval is granted based on the following **Condition** being met:

1. All conditions from the original BD Solar Auburn, LLC plan granted on March 10, 2020 shall be addressed as part of this approval.
2. Should the leases constitute any changes to the Site Plan approved by the Planning Board, those changes shall be identified and brought to Staff for a determination as to whether they can be approved at a Staff Level or require Planning Board approval.

Megan Norwood

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Megan Norwood, City Planner

C: File