

DRAFT
Planning Board Meeting Minutes
5/9/2023

1. **ROLL CALL:** Amanda Guerette*, Timothy Deroche*, Evan Cyr, Paul Jacques**, David Trask, Darren Finnegan and Riley Bergeron.
*=elevated to full member for this meeting
**=elevated to Chair
Absent: Toni Ferraro and Stacey LeBlanc
2. **MINUTES:** Motion to approve March 28, 2023, and April 11, 2023, meeting minutes made by Evan Cyr and seconded by David Trask. VOTE: 7-0-0 Motion passes minutes accepted. All meetings are available on YouTube
<https://www.youtube.com/c/CityofAuburnMaine>
3. **PUBLIC HEARING/ TEXT AMENDMENT: City Council Directs Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay as an ordinance text amendment as shown on the attached proposed text changes. This item is pursuant to Article XVII Division 2 & 3. as shown on the proposed text changes available at**
<https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the planning department in city hall. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map

Staff Report: Eric Cousens

Planning Board members discuss and raise questions regarding the City's Comprehensive Plan, LD 2003, and resource protections currently in place. Staff clarifies that LD 2003 is going through the State House. Staff gives examples of resource protections in place: shoreland zoning, flood plan ordinance, Taylor Pond Watershed, and state standards for protecting natural resources.

*Motion to open public comment made by David Trask and seconded by Evan Cyr. **VOTE:** 7-0-0 Motion passes.*

Jeff Harmon of 34 Vista Dr speaks against making a text amendment, urges Planning Board to review the goals of the Comprehensive Plan.

Stephen Beal of 575 Johnson Rd discusses four proposals, suggests utilizing Federal Land Bank and Farm Credit Service for value judgments.

Camille Parrish of 42 Lake St speaks opposed to text amendment to Ag zone, cites potential unnecessary increase in property taxes due to sprawl.

Katie Boss of 7 Morse St speaks in favor of city staff recommendation, urges Planning Board to determine how proposals align with Comprehensive Plan and the consequences of moving away from that plan.

Rita Mae Morin representing 150 Sopers Mill Rd, 4th generation farmer, speaks in favor of protecting the AGRP zone in order to preserve function of working farms.

Chelsea Eaton of 576 Trapp Rd speaks about concerns in dip of city services, increase in property taxes due to sprawl.

John Cleveland of 183 Davis Ave speaks about legal jeopardy that arises from inconsistencies between zoning changes and Comprehensive Plan.

Rob Nielson of 1045 Old Danville Rd speaks in favor of preserving Ag zone for wildlife habitat and open space for recreation.

Ryan Smith of 14 Weaver St refers to LD 2003 and Comprehensive Plan to help define zoning, asks about results from community surveys regarding zoning.

Pam Rousseau of 745 West Auburn Rd speaks in favor of preserving Ag zone for open space for recreation, states taxes will not cover city services needed.

Mike Ouellette of 242 West Auburn Rd speaks opposed to rezoning of AGRP zone, recognizes need for new housing but states proposed changes in zoning would result in large development of subdivision, doesn't coincide with city's Comprehensive Plan.

Peter Moore of Pownal Rd and Jordan School Rd speaks in support of proposed zoning text changes to Ag zone, states non-resident landowners in Ag zone should have same rights as existing Ag zone residents.

David Haines of 384 Butler Hill Rd speaks opposed to the proposed zoning text change citing the reasons for the original AGRP zone was both to protect farmers and to avoid sprawl across 66 square miles which would drive up costs to taxpayers. Shares comment suggesting Auburn conduct a vacancy study and challenges the assumption that there is a housing shortage in Maine.

Michelle Malerano of 576 Trapp Road speaks opposed to the proposed zoning text change because it does not align with the Comprehensive Plan, and numerous studies,

reports, and public opinion. Also asks that property owners who have been unable to build a primary residence on their land be allowed to do so without subdividing. States that new housing in AGRP zone will not be affordable.

Chris Carson of 110 Jacques Road asks to do a community services costs study because this discussion is missing data. Commends staff's report to the Planning Board.

Ray Nichols of 85 Quail Run, 96 Quail Run, 125 Brighton Hill suggests that if people want to build on their property there should be a permit and fee to do it on a case-by-case basis rather than rezoning land that property owners don't want to build on.

Dennis Wheeler of Jordan School Road asks to build on land that has been in his family since it was Massachusetts.

Rudy Wing of 499 Penley Corner Rd. Speaks in favor of the proposed zoning text change and asks to use the church he caught in fire condition to serve veterans, specifically homeless veterans. Wants to run programs based in Agriculture on property that he owns which is non-conforming.

Kathy Shaw of Valley View Farm and State Representative reads a letter from her neighbor, Dave Moreau, who is a farmer and owns 100 acres of forest. Mr. Moreau opposes the proposed text amendment stating that it's affects, like land clearing, will exacerbate the Auburn's Carbon footprint.

*Motion to close public comment made by David Trask and seconded by Evan Cyr. **VOTE:** 7-0-0 Motion passes.*

Evan Cyr clarifies that existing and new language proposals both allow "spaghetti lots, meaning lots that have a minimum of 250 ft. Of road frontage but 10-acre minimums. And also verifies that existing AGRP zone does not explicitly prohibit development on prime soils or fragmenting land or particular habitat. The income standard does this by connecting housing to agriculture but does not constitute protection for the land on its own. He also believes that residences should be accessory to an allowed use in the zone. He also does not believe that housing should allowed here in a Special Exception The Board discusses the options before them.

Riley Bergeron comments that he doesn't believe the proposed text amendment aligns with the Comp Plan so does not offer an appropriate alternative to the AGRP zone. Riley Bergeron recommends not eliminating the income standard or strip zones and have more public workshops. Evan Cyr and Riley Bergeron discuss what zoning can limit growth in the AGRP zone in light of LD 2003 and what zoning constitutes appropriate protection of the land.

Evan Cyr suggests that staff's proposal is more about land banking for future transportation expansion near the turnpike.

Paul Jacques is opposed to the proposed text amendment and suggests adding more uses to which housing can be accessory in alignment with the existing AGRP zone. Supports the idea of housing being developed closer to the urban core.

Eric Cousens suggests there be an alternative way to measure accessory rather than the income standard.

David Trask is in favor of adding protections as listed in proposed text amendments, but wants to see it better aligned to the Comprehensive Plan by maybe tying it to a purpose.

Tim DeRoche asks staff to draft a new version that incorporates the ideas presented tonight, is enforceable, and legally feasible.

Eric Cousens believes that there should be public process to decide how to determine who reviews housing: staff, committees, or the Board.

John Blais doesn't want to see spaghetti lots and Evan Cyr offers an alternative anecdote.

Amanda Guerrette asks if considering lots in a case-by case bases would encourage sprawl, and Evan Cyr asks if it would be akin to spot zoning and believes that someone may argue for their due process rights. It is more feasible to have a standard set of criteria to apply to everyone.

Amanda Guerrette believes that affordability differs by person.

Motion: Evan Cyr; Second: David Trask.

*I make a motion to table until the next meeting with the following direction to staff that staff create options for the planning board to review of final language that incorporates the idea presented the idea presented in the resident version tonight regarding tying residences to uses within the ag zone that would be congruent with the comp plan and the language that we were previously reviewing that staff had presented for tonight. **VOTE: 7-0-0 Motion passes.***

4. **PUBLIC HEARING/ SPECIAL EXCEPTION/ SITE PLAN REVIEW: John F. Murphy Homes, Inc is proposing an eight-bed care home located off Hotel Road, Parcel I.D. 237-070-001. The proposal is pursuant to Chapter 60, Division 5- Suburban Residence (SR) District, Chapter 60, Article XVI, Division 2- Site Plan Review, Chapter 60, Article XVI, Division 3- Special Exception, and Chapter 60, Article XII, Division 5- Shoreland Overlay District (SLO).**

Staff Report: Katherine Cook. Staff presents changes in plan including buffering and lighting. The fence was the preference of the homeowner of the farmhouse next door.

Evan Cyr asks Mike Gotto about turning lights off at night. Lights would remain on until after shift change. Points out lighting shield.

*Motion to open public comment: Tim DeRoche; Second David Trask. **VOTE:** 7-0-0 Motion passes.*

Mary Booth of 32 Lepidolite Court is concerned about the buffering from Granite Mills. Does not want to look at a parking lot and a dumpster

Ed Calmer of 57 Aquamarine Court and president of the condo association is concerned about the water table. Does not think it's on the right lot because he believes there are negative stormwater, groundwater, wildlife, and visual effects of the lot which will affect property values. Asks what contingencies are made for stormwater around the site? How is the wildlife being protected? What was the process to select the site? What's the connection between Evan Cyr the Board member and Evan Cyr the realtor? Evan Cyr the board member clarifies that there is no connection. Ed Calmer suggests providing a buffer of conifer trees starting at the beginning of filter pond 1 and extend to the cul-de-sac near the generator. Further expansions or additions will not be permitted and no new zoning change should be implemented. Asks to verify that stormwater will not exceed present amounts and to correct grading between filter pond 1 and filter pond 2

Ryan Smith 14 Weaver Street questions whether this use is allowed in the Shoreland Zone.

Todd Goodwin, Chief Executive Officer of John F. Murphy Homes offers context for those who they serve. There is no plan to develop further. This is the highest level of care available in Maine and they deserve highest care.

Richard Moore of 11 Amethyst Circle is concerned about the water table and changes in the weather and asks to protect the wildlife.

A neighbor was concerned that she didn't believe she received a notice she was supposed to (Staff resolved the reason after the meeting)

Esther answers question from Board about tree removal and buffering. And clarified the reason for the fence instead of tree buffering.

Evan Cyr requests that there be a time given to turn off the access road and parking lot lights, and David Trask opposes this as it's normal to have lighting in a neighborhood

and the shields mitigate the impact as it stands. Amanda Guerrette asks what the lighting schedule in the condo association is, and learns there is none. Evan Cyr takes back his comment on the lighting.

Motion: Amanda Guerrette; Second: Evan Cyr

*"I propose the approval of the John F. Murphy Homes Taylor Brook Plan for the proposed eight-bed care home located off Hotel Road Parcel I.D 237-070-001 the proposal is pursuant to Chapter 60-Division 5 Suburban Residence District, Chapter 60, Article 16, Division 2, Site Plan Review, Chapter 60, Article 16, Division 3 Special Exception, and Chapter 60 Article 12 Division 5 Shoreland Overlay District with condition A No development activity until any bonding and inspection fees are determined by the Auburn Engineering Department. **VOTE:** 7-0-0 Motion passes.*

*As it's after 9:00p.m. Evan Cyr makes a motion to take up items five, seven, eight, and nine. Second: David Trask. **VOTE:** 7-0-0 Motion passes.*

5. **WORKSHOP/ TEXT AMENDMENT: Consider amending Sec. 60-500 (2), Sec. 60-526 (2), and Sec. 60-579 (2) of the zoning ordinances to increase the maximum building coverage in the General Business (GB) and Minot Avenue (GBII) zoning districts from 30 percent coverage to 60 percent coverage, and increase the maximum building coverage in the Industrial (ID) zoning district from 40 percent coverage to 60 percent coverage as shown on the attached proposed text amendments. This topic is pursuant to Sec. 2-471.- Workshop or informational meetings.**

Staff Report: John Blais.

Motion: Evan Cyr; Second: Darren Finnegan (?)

*I'm, going to make a motion that Planning Board initiate a zoning change process specific to the language presented by staff this evening with regard to the General Business, General Business II, Industrial zones. **VOTE:** 7-0-0 Motion passes*

~~6. REVIEW PLANNING BOARD POLICIES AND PROCEDURES:~~

7. PUBLIC COMMENT:

Paul Jacques opens and closes public comment

8. MISCELLANEOUS:

- a. Upcoming Agenda Items
- b. Review of policies and procedures (time permitting)

Staff reviews upcoming agenda items. Watershed zoning changes coming up in June in July. Area's A, B, C, and D will also come back before the board. There will also be 186 Main Street. There will also be an extension request for 607 Lewiston Junction Road, GB GB II, and AGRP zone change, and 37 Loring Ave zone change.

*Motion to Adjourn: Tim DeRoche; Second: Evan Cyr. **VOTE:** 7-0-0 Motion passes.*

9. ADJOURNMENT

