

# **Auburn Planning Board Meeting Minutes**

## **August 13, 2013**

### **Roll Call**

**Full Members present:** Evan Cyr, Emily Mottram, Robert Gagnon, Robert Bowyer Presiding, Dan Philbrick, Dan Bilodeau and Marc Tardif.

**Associate Members present:** Mia Poliquin Pross and Kenneth Bellefleur

**Also present:** Director / City Planner Eric Cousens who represented City staff.

### **Minutes**

Minutes were differed to the end of the meeting

### **Public Hearings:**

**Albert E. Hodson, agent for Becket Family Services, is seeking Site Plan and Special Exception approval to establish a 40 student school and a greenhouse at 31 Holbrook Road (PID# 387-028), pursuant to Chapter 60, Section 60-299(b)(13) of the City of Auburn Ordinances.**

Chairperson Bowyer explained the procedure that is used for Public Hearings.

Eric Cousens listed the items that were submitted for application materials and then proceeded to read the staff report.

Mark McCluskey and Albert Hodsdon, agents representing Becket Family Services described the services that Becket Family Services provides and explained the project in detail.

Dan Philbrick asked if the number of students attending the school could go higher than 40 and how were the students transported to the facility. Mr. Hodsdon replied the student to teacher ratio limits the number of students that can attend so the number would not go much higher than 40 and that some are bused to the school for the day while others may be dropped off by their parents.

Mia Poliquin Pross asked if the school's greenhouses were just part of the school's programming or if the school intended to sell plants and flowers to the public. Mr. Hodsdon replied they were just part of the school's activities so students could experience growing things.

Dan Bilodeau asked if they planned to access Lake Auburn in the future and Mr. Hodsdon replied that he did not think so.

### **Open Public Hearing**

Christine Moore of 444 North Auburn Road which is located directly across the street from the proposed location asked if the other schools already established were in residential neighborhoods and if so, what was the impact to the neighborhood. Mr. Hodsdon answered he had not heard of any impact good or bad. Ms. Moore asked if this location would have lodging for students, where would the students come from and if this was a non-profit or for profit organization. Mr. Hodsdon replied this location would not be lodging students. He said he thought the students came from the surrounding area and did not know if it was a non-profit. He explained it's primarily an alternative education program for students that do not fit well in public schools.

Chairperson Bowyer stated that an application such as this goes through a review of affected departments such as the Fire and Police Departments, Public Works and Parks & Rec Departments for comment. Both the Fire and Police Departments commented that they did not have any concerns. Eric added that the property was used as a school before and this was looked at as a reduction in that scope with fewer students and less likely to cause any of the noise problems. He added that if there were any police related issues, the police would handle just like at any other school.

A motion was made by Robert Gagnon and seconded by Dan Philbrick to close the public hearing. After a vote of 7-0-0, the motion carried.

Dan Bilodeau commented that the septic system inspection be included under item D in the recommendations or be item E to ensure that the Subsurface Wastewater Disposal System has been inspected and be on record with the City. Eric replied that it should be added as item E in the recommendations.

A motion was made by Dan Bilodeau and seconded by Evan Cyr to approve the Site Plan and Special Exception request to establish a 40 student school and a greenhouse at 31 Holbrook Road (PID# 387-028), pursuant to Chapter 60, Section 60-299(b)(13) of the City of Auburn Ordinances with the added condition E that the Subsurface Wastewater Disposal System inspection be completed and any defects found be corrected and an inspection report be forwarded to the Planning Department.

Dan Philbrick asked about the fertilizer that was mentioned in the staff report. Eric explained the Erosion Sediment Control Plan recommends the use of 10-20-20 fertilizer to help stabilize and establish vegetation but the Lake Auburn Watershed Protection Commission and staff are recommending that they not use that fertilizer unless they specifically identify that the soils are deficient in nutrients. He stated that it was not an ordinance requirement but just a recommendation. Mr. Bilodeau stated that he could amend his original motion to add F for the fertilizer recommendation.

After a vote of 7-0-0, the motion carried.

**George Bussiere, agent for Lake Auburn Community Center, is seeking Site Plan and Special Exception approval for a recreational use of land intended or designed for public**

**use and associated site improvements at 115 North Auburn Road (PID # 363-035), pursuant to Chapter 60, Section 60-172(b)(5) of the City of Auburn Ordinances.**

Dan Bilodeau recued himself as he was one of the applicants and Emily Mottram recued herself as she was the architect on record.

Chairperson Bowyer stated that because 2 full members of the Board had recued themselves, the 2 Associate members would be elevated to full member status for this Public Hearing.

Dan Philbrick disclosed to the Board and for the record that he maintains the website for the Lake Auburn Watershed Neighborhood Association. He said he is contracted but does not receive payment or anything else in return. He added that he is not a member of the Lake Auburn Watershed Neighborhood Association and the only reason he felt he needed to disclose this is because LAWNA is mentioned in tonight's proposal.

Chairperson Bowyer asked the other Board members if they had a problem with Dan participating in this hearing and no members had any issue with him participating.

Chairperson Bowyer explained the procedure that is used for Public Hearings.

Eric disclosed all of the items that were submitted as part of this proposal.

Chairman Bowyer requested that Eric read the most recent supplementary material that was received.

Eric read the following documents:

A letter that was dated August 13, 2013 from Jason Pawlina, a letter that was accepted by Rhonda Russell via email on the morning of August 13, 2013 from John Jenkins, a letter dated August 13, 2013 from the Assistant City Manager, Howard Kroll and a response to some of the other input documents from the applicant, Dan Bilodeau dated August 13, 2013.

Eric stated that because this project does not have a current survey and topographic information on the plan along with other information that is required by ordinance, staff recommends the Board accept public comment at this meeting and table the project to a later date when additional information can be provided. He then proceeded to read the staff report.

Eric commented that the volleyball court had already been built on the property and said there is no real mechanism in the ordinance for the Board to look at something being approved after-the-fact differently than something that's not built yet. The Board should really look at this project as if the court does not exist. He added that if it is approved, the court could continue and be used for public use. But if it is not approved, then it would either be an entirely private property with a volleyball court accessory to a residence or the court would have to be removed.

Marc Tardif asked why the concern about an appeal if the project passed. Eric spoke about the various information that was not supplied as per the ordinance required. He said the concern is if it was appealed, the City would not be able to defend that it meets all of these standards without

having all of that information on a single plan. Whether the project is approved or denied, that the application is complete and meets all of the standards for submittal of the site plan and that adequate findings are made on each of those standards so the decision can be legally upheld and hopefully would not have to come back to the Planning Board for additional findings.

Mia Poliquin Pross asked if this was a membership-only entity or if it was open to the public. Eric replied that his understanding was it was open to the public.

George Bussiere and Dan Bilodeau, applicants, introduced themselves and others in the audience and stated the following:

- When sign was placed on property last winter it prompted planning attention
- Explained the reasons behind the construction of the volleyball court
- Did not realize the need for Planning Board approval as a Special Exception
- Committee was created to manage the property
- Trying to remove themselves from the adversarial relationship that they've had with LAWPC
- Current hours are from 8:00 am to 8:00 pm and lighting would be conformed to City standards
- Plan to use volleyball court area as skating rink in the winter and want that considered also in the approval for Special Exception.
- Scott Hatch, Consultant for Barn Wright, Inc is available to answer questions about the barn's safety
- Received confirmation from all 4 sides of abutters
- Found out at 4:45 today from Eric that they had 3 options
- Will work on getting plans stamped
- If the project is tabled, ask for an extension of September's deadline so they could get the survey and topographical information in as suggested by City staff

Mia Poliquin Pross asked if anyone from across the street had weighed in on the project. Mr. Bilodeau answered he had spoken to Ms. Gould earlier in the day and said the Goulds had given them permission for all forms of winter recreation.

### Open Public Hearing

Suzanna Boucher of 27 Eighth Street spoke in support of the proposal.

James McPhee of 72 Hillcrest Street commented that documents pertaining to a Public Hearing should not be accepted the same day of the meeting, thus every one of the emails and documents received today are totally improper. He asked, for the record, what was the address and Parcel ID number of this application and if this was advertised in the paper in the same way. Eric replied 115 North Auburn Road, PID #363-035 and that it was listed in the paper as such. Mr. McPhee stated that LAWPC's land that is also being discussed was not properly identified in the Legal Notice therefore should not be considered at all. Also, if LAWPC wants to increase the uses for trails or anything else, they have to come in front of this Board because it's not the person; it's the use that you are regulating. He said the biggest problem is that the submitted site plan is shown on a photographically reduced sketch plan that does not include the entire property and is

not a site plan; it's a sketch plan for a subdivision and is not to the scale of 100 ft per 1 inch. He proceeded to state the items that were not included in the submitted plan but which are required for a site plan listed under Section 60-1301 in the City of Auburn Ordinance. He said it was an absolute joke that many of the required items for this project did not make it in front of the Board and that it was an actual conflict of interest for the Board to receive a project from 2 sitting members with submitted plans that do not satisfy the ordinance. He added that he is not against development and named several projects that he had helped through the Planning Board process.

Scott Hatch, owner of Barn Wright Inc. said he was brought in to consult on the barn and wanted to get involved with the project because of his interest and new business venture in recreational land use policies. He spoke about the committee and how the community could expect great things from the group in the future.

Dan Bilodeau responded to Mr. McPhee's comments about getting together with the neighboring property, LAWPC. He said LAWPC has a long standing policy to allow public recreation and access to all of their properties that are not included in their restricted area which is in the south end of the lake where the intake is located. He said the public has been using a historic trail called Spring Road which is the original road that went from the West Auburn Village through where Mr. Jenkins currently lives, which is presumed abandoned, to an area that was not properly discontinued to the site of the original hotel. He went on to talk about LAWPC's rules, the signage and said there was good cooperation between the committee and LAWPC.

A motion was made by Robert Gagnon and seconded by Evan Cyr to close the public hearing. After a vote of 7-0-0, the motion carried.

Mia Poliquin Pross asked if any action could be taken tonight in light of what Mr. McPhee had said and if this were tabled tonight would there be another notice to the public before the next time it comes before the Board. Eric replied tabling it would delay any action by the Board so that would be the appropriate action to take and added that we absolutely will send out another public notice.

Robert Gagnon stated that before the meeting started his thought was to table it until the applicants get the site plan completed.

Evan Cyr said tabling it would be an appropriate option as it allows the proposed users to put together a plan that can benefit the community which should be promoted.

Chairperson Bowyer commented about the differences in application material that the Board members received of the 2 items on the agenda. He said he does not think this is the standard that we should hold local nonprofit neighborhood associations and said Mr. McPhee raises some questions that need to be addressed. He stated the City's GIS is perfectly adequate unless you are doing significant earth moving and sculpting. For "low budget operations" it isn't necessary for an applicant to bear the expense of getting a full blown survey by a registered land surveyor. He commented that the Ordinance should be reviewed with a potential to have a low budget type of application.

Chairperson Bowyer continued speaking about what was received in this application and stated that he would like to have a clear understanding of what is actually in Phase 1 and said if we are to approve this, conditions should be included so that there are distinct limiting conditions that relate to Phase 1. He also suggests that with the potential for impact on a neighborhood, Phase 2 should be reviewed only after Phase 1 has been in existence for a period of time. He said he disagreed with Eric about trying to look at this project with “blinders on” in regards to the volleyball court being in existence. One reason is because of the letter from the Assistance City Manager congratulating the committee about their volleyball court. He said it is an awkward situation as to how the Board should retroactively approve a use which may not have been legitimately installed.

Marc Tardif asked if this volleyball court is allowed in anyone’s backyard and Eric replied it could be in anyone’s backyard but the challenge here is we don’t have a principle use as a residence on that property. He explained the court could be accessory to a residence if there was a residence on the property but not open to the public and in Staff’s opinion, not open as a membership organization.

A motion was made by Robert Gagnon and seconded by Evan Cyr to table the project until satisfactory plans are received from the applicant. After a vote of 7-0-0, the motion carried.

### **Minutes**

A request to approve the May 14, 2013 meeting minutes was made by staff.

A motion was made by Dan Philbrick and seconded by Emily Mottram to approve the May 14, 2013 meeting minutes as submitted. After a vote of 6-0-1, the motion carried. (Chairperson Bowyer abstained)

### **OLD BUSINESS:**

Chairperson Bowyer stated that he and 2 other Board Members recently attended a walking tour of downtown Auburn guided by Alan Manoian, Economic Development Specialist for the City of Auburn. Another tour is slated for the end of the month and members will be notified ahead of time via email. Eric spoke about several upcoming meetings and invited the Board members to attend.

A lengthy discussion ensued about trying to set a policy to not allow items to be submitted at the last minute.

### **MISCELLANEOUS**

### **ADJOURNMENT**

A motion was made by Robert Gagnon and seconded by Emily Mottram to adjourn. After a vote of 7-0-0, the motion carried.