

# **Auburn Planning Board Meeting Minutes December 10, 2019**

## **ROLL CALL:**

**Regular Members present:** Evan Cyr – Presiding, Brian Carrier, Katherine Boss, Mathieu Duvall, Dan Carroll and Stephen Martelli

**Regular Members absent:** Vacant Position

**Associate and other Members present:** John Engler

**Associate and other Members absent:** Kyle Pepin

**Also present representing City staff:** Megan Norcross, City Planner II and Eric Cousens, Deputy Director of Economic & Community Development

Chairperson Cyr called the meeting to order at 6:00 pm and asked for a roll call. He stated the Board was absent a Regular member therefor John Engler would be elevated to a full voting member for this meeting.

## **MINUTES:**

**Approval Request for the November 12, 2019 meeting minutes.**

A motion was made by Brian Carrier and seconded by Dan Carroll to approve the November 12, 2019 meeting minutes. After a vote of 6-0-1, the motion carried. (Stephen Martelli abstained)

## **NEW BUSINESS and PUBLIC HEARING:**

### **1. Proposed 12-unit and 6-unit apartment building subdivision at 204 Broad Street (PID 290-011), in the Multi-Family Urban Zoning District.**

Chairperson Cyr explained the process of Planning Board meetings and asked for the staff report of the 1<sup>st</sup> item on the agenda.

Megan went over the staff report and presented slides via PowerPoint. She answered questions from Board members.

Gerry Morin, Applicant and Mike Gotto, Project Representative further explained the proposal. They also answered questions from Board members.

## **Open Public Input**

A motion was made by Brian Carrier and seconded by Stephen Martelli to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

(17:50 on Recording)

Gary Simard of 157 Cook Street stated the following:

- Is an abutter to the subject property
- Original plans for this property in 1988 stated there was supposed to be a tree buffer but that never happened
- Most of the townhouses were not sold so are rental properties now and is not the best clientele
- Woken up at midnight with fireworks going off
- Last couple of years it's been quiet
- Asked if there was going to be any bonding and does the buffer go around the whole property and what will it consist of
- Who will be responsible for maintaining the fence because over the years, people tend to walk away from their projects and things get in disrepair, ugly and become dangerous.
- The storm water detention drain may not be needed and can pose a hazard with children present
- Looking at the plans, it doesn't appear that there is enough turn-around space for emergency vehicles – could be very dangerous backing out in complexes like this one
- Who will verify that all the safety codes in these apartment complexes are maintained?
- Has seen many owners walking away from their buildings. How will we guarantee that this building stays up to par?
- Good place for kids to get into trouble by cutting through back yards
- Knows the ability of the current owners but fears there will be less respect for the building when it gets sold
- Figures his property value will decline because of this as will those in the neighborhood
- Changing the character of the neighborhood

### **Close Public Input**

A motion was made by Brian Carrier and seconded by Stephen Martelli to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

Chairperson Cyr asked staff if bonding was still required as part of the permitting process and Eric answered that Engineering typically manages bonding. He said it's typically for all improvements that would have public impact if they were not completed. He said the Board could add conditions regarding the buffering and screening in that bond and the City would hold the certificate of occupancy until everything was completed satisfactorily.

After a lengthy discussion regarding the buffering location and type of buffers, inspections, turn-around, complaints about vegetative plantings, market rate funding, etc.... the following motion was made:

(57:30 on Recording)

A motion was made by Brian Carrier to approve the construction of the 12-unit apartment building and the 6-unit apartment building, amending previously approved 24 unit condominium project from 1988 at 204 Broad Street (PID 290-011) in the Multifamily Urban Zoning District with the following conditions:

- The building height shall be limited to 35 feet as measured from the mean of the gable;
- A lighting plan shall be provided before the issuance of a building permit;
- An addressing plan shall be provided to the Addressing Officer before the issuance of a building permit;

- Bonding and inspection fees must be approved and paid and a notice to proceed obtained from the City Engineer;
- The Applicant shall coordinate with Auburn Water and Sewer on metering and water line relocation before a Final Certificate of Occupancy is issued for the units.
- Provision for 2 abutters in regard to thinning of buffer on Perkins property, trees may be removed along property line but a vegetative buffer shall be maintained.

Chairperson Cyr asked if he could make a friendly amendment that possible additions to the Simard buffer to the NE. buffering plan approved by Staff shall be developed to remove deciduous trees and/or implant evergreen trees along Simard property to improve buffering. Also, that we include the cost of the buffering/screening in the performance bond and finally, that the maintenance of the fence shall be amended to include maintenance of fence buffer around the remainder of the property. Mr. Carrier accepted the amendments. The motion was seconded by Katie Boss. After a vote of 6-0-1 the motion carried. (Stephen Martelli abstained)

## **2. Review Draft Ordinance, Discussion and Recommendations to City Council regarding the Adoption of an Ordinance Regulating Solar Energy Generating Systems in the Industrial District.**

Chairperson Cyr asked for a motion to take this item off the table.

A motion was made by Brian Carrier and seconded by John Engler to take it off the table. After a vote of 7-0-0, the motion carried.

Megan went over the staff report. A lengthy discussion about buffers and easements followed with Chairperson Cyr asking staff to find language in regard to buffers, for currently existing ordinances dealing with solar power for the Board to review.

**(1:35:00 on Recording)**

Rick Lanman, Director of the Auburn Airport and an Auburn resident said the main focus of the airport is preventing ocular damage and issues at approaches to the runways. He said retinal damage can occur if they are magnified enough which can still happen this far north. He said if the solar array is pointed in the wrong direction, it can conceivably shut down the airport because of the glare. He suggests that the glint glare study be done for any development of solar panels in the airport overlay area.

### **Open Public Input**

A motion was made by Katie Boss and seconded by Brian Carrier to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

Bill Sylvester, resident of Auburn commented that conifer trees as a buffer to a 1-acre lot can have a bigger impact to the amount of sunlight affected verses a 20-acre lot with a buffer of 100-foot tall trees.

### **Close Public Input**

A motion was made by Katie Boss and seconded by Mathieu Duvall to close the public input part of the hearing. After a vote of 7-0-0, the motion carried.

Chairperson Cyr commented that the Board should be providing feedback to staff. After some discussion, the following points were given:

- Ideas regarding abandonment given reduction in size
- Buffering
- Height restriction on ground mounted panels – research regarding average height of panels
- Airport Overlay – Language including FAA
- Land area – define what that means. Is the 1 acre inclusive of setbacks and buffers, area underneath panels/bases? Square footage of actual panels might be the easiest way?
- How can we integrate bonding for possible abandonment of SEGS – Wireless Telecommunications Language?
- Federal or State requirements around abandonment of SEGS?
- Ordinance only allows photovoltaic, not consider other central stations at this time.
- Lot coverage – Review Portland and others and see if they speak to lot coverage.
- Required for access road network, what material used? Don't want impervious road material internal to development itself.
- DEP review for impervious area.
- Pittsfield (Route 2), Waterville (Colby)
- Maintenance – All panels shall operate as designed
- Applicability – define “expansion”
- No acronyms

(2:05:45 on Recording)

A motion was made by Mathieu Duvall and seconded by Brian Carrier to table this item until more information is available. After a vote of 7-0-0, the motion carried.

### **3. Review Draft Ordinance, Discussion and Recommendations to City Council regarding the Adoption of an Ordinance Regulating Solar Energy Generating Systems in the AGRP Zone.**

Chairperson Cyr suggested that the Board table this to a date such that the language for the Industrial Zone has been developed. The Board members agreed, and the following motion was made:

A motion was made by Dan Carroll and seconded by Stephen Martelli to table this item until more information is available as per the Industrial discussion. After a vote of 7-0-0, the motion carried.

### **4. Review/Sign November 12, 2019 Findings of Fact for 169 Stevens Mill Road (Shoreland Zone Proposal).**

Chairperson Cyr asked Board members if they wanted to continue the process of having all Board members sign the findings or amend the process to have just the Chairperson sign the findings.

Mathieu Duvall stated that the Chairperson had recused himself for this hearing so asked would the acting Chairperson be signing the findings? Chairperson Cyr said that would be appropriate. Board members

agreed to have just the Chairperson or acting Chairperson sign the Findings and asked staff to develop language to amend the ordinance.

Chairperson Cyr asked if Board members would consider reviewing the policies in the upcoming year to amend the Planning Board agendas to allow for consent items on the agenda so the Minutes and Findings could be reviewed ahead of time and all voted on at once. Board members agreed to bring that up in the new year.

Chairperson Cyr asked if Board members would agree to let staff recommend changes to either zoning or policy and procedure that they feel are outdated and bring those to the Board periodically when time allows during Board meetings.

(2:14:15 on Recording)

**5. Review and discussion regarding the status of proposed changes to the AGRP zoning district: Update from 12.9.19 City Council Meeting**

Eric explained that last night, the City Council passed the proposed changes to the Agricultural Zoning District with all of the changes that were recommended by the Planning Board.

**PUBLIC COMMENT:**

Bill Sylvester just wanted to say in regard to the buffer and the deterioration of it, that there are a lot of invasive plants that kill both hard wood and soft wood trees.

**MISCELLANEOUS:**

**a. Upcoming items for January**

Megan listed some of the items coming in January 2020

**b. Planning Board Other Items for Discussion**

Stephen Martelli, on behalf of the Planning Board gave condolences to Ward 5 City Councilor, Leroy Walker for the recent passing of his brother.

Chairperson Cyr congratulated Mr. Carrier and Mrs. Boss for their recent election to the City Council and thanked them for their service on the Planning Board.

Chairperson Cyr said having 2 members moving to the Council and making appointments, are aware of the Board's desire that Council strongly consider Associate members who are already members of the Board be given preference for a Full membership.

(2:31:50 on Recording)

**ADJOURNMENT**

A motion was made by Stephen Martelli and seconded by Brian Carrier to adjourn. After a vote of 6-0-0, the motion carried.