

Auburn Planning Board Meeting Minutes January 8, 2019

ROLL CALL:

Regular Members present: Evan Cyr – Presiding, Samuel Scogin, and Nathan Hamlyn

Regular Members absent: Dustin Boutin and Marc Tardif

Associate and other Members present: Stephen Martelli and Brian Carrier

Associate and other Members absent: None

Also present representing City staff: 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 due to having Full members absent, Stephen Martelli and Brian Carrier's status would be elevated to full voting rights for this meeting.

MINUTES:

November 13, 2018 and December 11, 2018 Meeting Minutes Approval Request

A motion was made by Sam Scogin and seconded by Brian Carrier to approve the November 13, 2018 and December 11, 2018 meeting minutes as presented. After a vote of 5-0-0, the motion carried.

Chairperson Cyr stated the rest of the meeting would be conducted as a work session and explained the process of a work session.

Work Session Topics

A. Committee Draft Marijuana Ordinance

Eric Cousens stated he received written statements from the following: A letter from Christopher McCabe of McCabe Law, LLC, an email from Amanda Melnick of Maine Cannabis Consultants, and letters from Mark Barnett, resident of Auburn and Jack Champlain, a caregiver from Auburn.

Eric presented maps via PowerPoint that described where cannabis sales and cultivation would be allowed in the City and answered questions from Board members.

(60:30 on Recording)

Open for Public Comment

Chris McCabe Attorney working with Kyle Peppin, resident of Roy Street and owner of a cultivation facility on Riverside Drive stated they were supportive of the Odor Ordinance as drafted, generation of fees and safety provisions. He said he would like to request that the distance from schools be 500 feet which matches the State distance limit and should be measured from property line to structure, not property line to property line. He thought the fees were high in comparison to other businesses in the City but said they support what they've seen on the maps for zones and echoes the number limitation

(67:05 on Recording)

DJ Searles, business owner, caregiver and patient said he feels he is being punished for waiting until the State license was set in place. He spoke about his own experiences with cannabis and how it has helped him deal with pain from surgeries he's had to undergo and helped him focus on the important things in life. He spoke about essential oils and different strains and explained why he prides himself on having patient specific strains. He said limiting medical storefronts would limit access to good medicine. He believes the industry should be a fair and open market system. He compared the effects of cannabis as opposed to the effects of alcohol and said he's never heard of violence as being a side effect of cannabis. He believes the founding pioneers of cannabis who risked everything they have to get it this far are the ones the City will be cutting out of the equation by allowing these out of reach policies to take place. He said it's as if big businesses with big money are saying to the little person, thanks for bringing it this far and risking it all but we'll take it from here. In closing, the only other gripe he said he has is the fact that the former Chief of Police, Philip Crowell is now heading the committee of all things Cannabis related. He said it outrages him to know that the person who spent most of his career putting people in jail for the use of cannabis is now in charge of where people can obtain their medicine. This seems to be leaning to the side of the opponents of cannabis.

(78:15 on Recording)

Mark Barnett of 125 Granite Street and caregiver and patient himself said he agreed with pretty much everything Mr. Searles had said. He said you'll find that most caregivers are hardworking decent people, they're not criminals but like many business people, if you leave a loophole, they'll drive right through it. He added that state law has many loopholes and that doesn't turn these people into criminals. He said he takes issue with caps and high fees.

(87:40 on Recording)

John Englar of 8 Cushman Place said he moved to Auburn because of the cannabis industry but said he was concerned about the limited licenses and the fees associated with these licenses. He said he thinks this draft ordinance is effectively treating medical and adult use the same way and doesn't feel that's appropriate. He feels the draft language might have been rushed a little too much and gave examples of why. He said he appreciates the work of the cannabis task force but some of the details in the draft need to be amended.

Chairperson Cyr thanked everyone for sharing their opinions and reminded them that their concerns should be brought to the City Council when this topic comes before them.

(97:00 on Recording)

B. MAGARP Draft Agricultural and Resource Protection District Text Amendment

Eric said he didn't think it was critical that they have a detailed discussion on this tonight as the MAG-ARP committee will be meeting on Thursday to go over comments just received by the State Department of Agriculture.

C. Open Space Standards – Subdivision Regulations, Multi-family & PUD

After some discussion, it was decided that staff would try to schedule a workshop meeting to go over the open space regulations when more Planning Board members were present.

OLD BUSINESS:

None

MISCELLANEOUS:

A. Election of Chair and Vice Chair, and appointment of members (staff recommends making this first order of business).

Chairperson Cyr said this would be deferred to the next meeting when more members would be present.

(110:00 Recording)

ADJOURNMENT

A motion was made by Stephen Martelli and seconded by Brian Carrier to adjourn. After a vote of 5-0-0, the motion carried.

Auburn Planning Board Meeting Minutes February 12, 2019

ROLL CALL:

Regular Members present: Evan Cyr – Presiding, Samuel Scogin, Dustin Boutin, Marc Tardif, Nathan Hamlyn, Stephen Martelli and Brian Carrier

Regular Members absent: None

Associate and other Members present: 2 Vacant Positions

Associate and other Members absent:

Also present representing City staff: Eric Cousens Deputy Director of Economic & Community Development and Audrey Knight, Auburn City Planner

Chairperson Cyr called the meeting to order at 6:00 pm and asked for a roll call. He congratulated Stephen Martelli and Brian Carrier for recently being appointed as Full members by the City Council.

MINUTES:

January 8, 2019 Meeting Minutes Approval Request

A motion was made by Sam Scogin and seconded by Brian Carrier to approve the January 8, 2019 meeting minutes as presented. After a vote of 7-0-0, the motion carried.

Chairperson Cyr stated that the Housekeeping portion of the Agenda would be moved to after New Business. He then explained the process of Planning Board meetings.

NEW BUSINESS and PUBLIC HEARING:

1. On behalf of the applicant DFT, Mike Gotto, Of Stoneybrook Consultants, Inc., is seeking APPROVAL of an amendment to Coe Farm Park Subdivision, to remove roughly 14-46 acres of land from the 27.38 acre 9-lot subdivision for a remainder of 12.75 acres. Pursuant to Chapter 60 Article XVI Division 4, Subdivision, Sec.60-1359 of the Auburn Code of Ordinances

Audrey went over the proposal and presented slides via PowerPoint. Chairperson Cyr asked several questions which were answered by City staff.

Mike Gotto of Stoneybrook Consultants explained the proposal.

(14:00 on Recording)

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.

Rita Melendy of 13 Goldfinch Drive said she was there on behalf of the Association and asked if there were any changes to the document they signed when accepting this as part of a PUD and Audrey answered there were no changes to that portion of it.

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

A motion was made by Brian Carrier and seconded by Stephen Martelli to approve the amendment to the Coe Farm Park Subdivision, to remove roughly 14.46 acres of land from the 27.38 acre 9-lot subdivision for a remainder of 12.75 acres. Pursuant to Chapter 60 Article XVI Division 4, Subdivision, Sec.60-1359 of the Auburn Code of Ordinances. After a vote of 7-0-0, the motion carried.

(18:00 on Recording)

2. Public Hearing for a proposed *Adult Use and Medical Marijuana Stores, Cultivation, Manufacturing and Testing Facilities Ordinance*, and associated Chapter 60, Zoning Ordinance amendments to Section 60-145(a), Section 60-499(a), Section 60-525(a), Section 60-554, Section 60-578(a) and Section 60-1038 Odors.

Audrey briefed Board members on the proposal and presented slides on the projector. She and Eric answered questions from Board members. After a long discussion, Chairperson Cyr asked for a motion to open the public input portion of the hearing.

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.

(59:45 on Recording)

TJ Thayer, owner of the property at 1400 Hotel Road stated the following:

- If the ordinance were to pass as written, he would not be able to continue operating his small business because he figured he would have to pay \$9,000 per year in licensing fees.
- He asked what's the intent here in relation to these fees?
- Stated this will drive small businesses out of Auburn
- Agrees there should be fees so caregivers aren't a burden on the City but asks why so much
- Already paying \$1,500 in State fees so no-knock inspections are already in place by the State.
- Knows of at least 6 facilities operating smoothly within 1000 feet of the Margaret Murphy Home on Rodman Road. When looking at any of these facilities you can't tell what is being done there
- Agrees with the setbacks for retail facilities - should not have pop-up shops all around on Minot Avenue and Center Street
- Congratulated the committee for all the work that has been done by them so far but would like to implore the Planning Board to send this back to workshop to take a better look at the fees and setbacks

(65:55 on Recording)

John Engler who resides at 8 Cushman Place stated the following:

- Owns a medical marijuana facility on Riverside Drive
- Has been involved as a nonvoting member of the committee since May of 2018
- The draft has improved since mid-December but still has concerns
- There are more existing operations than the City is aware of so 1000 ft setback may not be feasible because of the grandfathered locations
- Does not understand why cultivation and manufacturing operations have to meet the same setback as marijuana retail
- There're no issues with the current large grow facilities that are within 1000 ft of each other.
- As for fees, most concerned with the \$1,000 cultivator fee for the 250 to 500 sq. ft block and suggests scaling back to \$500 to \$750 for that size block.

A motion was made by Sam Scogin 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 said he would like the Board to start with Title 14 under Chapter 11, defining the recommendations of the committee starting with the items that were brought up by the public first. The following items were discussed by the Board members:

- Board is ok with 1000 ft setback for retail but don't see the merit for setback of cultivation so will apply the setback only to new marijuana retail businesses.
- Eric clarified what licensed and permitted operations meant
- December 13, 2018 date is when State laws changed – no new retail stores throughout state were allowed after that date unless community opted out and allowed marijuana
- Not comfortable for Planning Board to recommend fees but should let City Council be aware that there is a lot of concern from public input
- Eric explained how fees were derived – discussion ensued

(90:30 on Recording)

- School setbacks – Eric explained why 1000 ft setback was chosen – discussion ensued
- Board decided to recommend a 750 ft setback from schools for anything to do with marijuana
- Discussed the language of processing within the definition of cultivation to better align with the state
- Discussed switching of uses for grandfathered facilities
- Discussed Ag Zone and 1000 ft setback

(109:30 on Recording)

- Board decided that Ag Zone not be subject to the 1000 ft setback
- Decided to merge language to say “only allow manufacturing of marijuana where adult use and medical marijuana cultivation of marijuana exists in the Ag Zone. This does not include retail sales”
- Added Item 15 – Manufacturing Marijuana Products Accessory to Cultivation
- Industrial District language was deemed ok
- Division 13 – Minot Avenue – Adult Use in Medical Marijuana Store subject to the requirements of Chapter 11
- After lengthy discussion, Added Item 30 - Marijuana Cultivation Accessory to a Retail Store

(125:20 on Recording)

A motion was made by Sam Scogin and seconded by Brian Carrier to send a letter containing feedback regarding Chapter 11, Title 14 to the City Council. After a vote of 7-0-0, the motion carried. Chairperson Cyr said he would draft the letter and send to all Planning Board members for edits. Once the draft is acceptable, it will be forwarded to the City Council.

Chairperson Cyr asked for a motion on the proposed zoning amendment. Eric asked for clarification on the Retail Stores in Form Based Codes Districts. After a discussion, the Board decided that it would be a Special Exception in all Form Based Code Districts. Chairperson Cyr said he would include in the letter to the City Council the language of Marijuana Retail as an age restricted use.

(132:00 on Recording)

A motion was made by Brian Carrier and seconded by Dustin Boutin to send a formal recommendation to the City Council the proposed zoning amendment to Chapter 60 as discussed tonight. After a vote of 7-0-0, the motion carried.

Chairperson Cyr said it was important that the Board gives feedback to staff that the reason the Odor Nuisance Control and Abatement Ordinance was not addressed was due to outstanding issues. Eric said staff would work to address those for the next meeting.

HOUSEKEEPING:

A. Election of Chair and Vice Chair, and appointment of members

Election of Chair: Sam Scogin nominated Evan Cyr as Chair; Evan accepted the nomination. After a vote of 6-1-0, the nomination carried. (Evan abstained)

Election of Vice Chair: Brian Carrier nominated Sam Scogin as Vice Chair; Sam accepted the nomination. After a vote of 6-1-0, the nomination carried. (Sam abstained)

OLD BUSINESS:

None

MISCELLANEOUS:

Brian Carrier briefed Board members on the MAG-ARP meeting that had occurred the previous night.

PUBLIC COMMENT:

Leroy Walker of 41 Broad Street commented about the setbacks for schools and costs associated with licensing marijuana businesses.

(140:00 Recording)

ADJOURNMENT

A motion was made by Stephen Martelli and seconded by Brian Carrier to adjourn. After a vote of 7-0-0, the motion carried.

Auburn Planning Board Meeting Minutes March 12, 2019

ROLL CALL:

Regular Members present: Evan Cyr – Presiding, Dustin Boutin, Marc Tardif, Stephen Martelli and Brian Carrier

Regular Members absent: Samuel Scogin and Nathan Hamlyn

Associate and other Members present: 2 Vacant Positions

Associate and other Members absent:

Also present representing City staff: Eric Cousens Deputy Director of Economic & Community Development and Audrey Knight, Auburn City Planner

Chairperson Cyr called the meeting to order at 6:00 pm and asked for a roll call. He then asked for a motion on the minutes.

MINUTES:

February 12, 2019 Meeting Minutes Approval Request

A motion was made by Brian Carrier and seconded by Marc Tardif to approve the February 12, 2019 meeting minutes as presented. After a vote of 5-0-0, the motion carried.

NEW BUSINESS and PUBLIC HEARING:

a. Special Exception & Site Plan Review for Evergreen Subaru Sales & Service Center at 649 Turner Street in the General Business zoning district.

Chairperson Cyr explained the process of Planning Board meetings and asked Audrey to present the staff report.

Audrey went over the proposal and presented slides via PowerPoint. Chairperson Cyr asked several questions regarding landscaping and lighting which were answered by City staff.

(16:25 on Recording)

Mike Gotto of Stoneybrook Consultants and Doug Weisz, owner of Evergreen Subaru, added further information regarding the proposal. They then answered several questions from Board members.

(57:30 on Recording)

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 5-0-0, the motion carried.

William Sylvester of 1128 Riverside Drive said we should be thinking about garages because the more stacked up you have them, the more you eliminate snow plowing, summer heat and storm drain run-off.

Ms. Clark, abutter on the deed asked if noise levels from mechanics working would impact abutters. Mr. Gotto replied that all mechanic work would be done inside the building and the garage doors will be kept shut because they will have a climate-controlled building. Ms. Clark questioned the drainage and retention pond on the site and Mr. Gotto explained the wetland mitigation site was moved to the Dingley site and what's on the site now are 2 stormwater systems.

Jason Williams from Longhorn Restaurant said he has nothing but full support of this as it will bring more people in the area which is good for his and other area restaurants.

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 5-0-0, the motion carried.

A discussion ensued amongst Board members, City staff and the applicants.

(01:14:45 on Recording)

A motion was made by Brian Carrier to approve Evergreen Subaru's request for a Special Exception and Site Plan approval for a proposed auto Sales and Service Center at 649 Turner Street (former Best Buy), in the General Business zoning district and treating the parking as an inventory holding area. Approval is subject to conditions 1-4 in the staff report dated March 9, 2019.

Chairperson Cyr amended the motion to include the following 2 conditions; Condition #5, That the lighting plan be amended to avoid spillage on Mount Auburn Avenue & Condition #6, Lighting on lot 4 be capable of being dimmed outside of regular business hours.

The amendment of the motion was accepted by Mr. Carrier and seconded by Marc Tardif. After a vote of 5-0-0, the motion carried.

WORK SESSION: Mayor's Action Group on Agriculture and Resource Protection (MAG-ARP) current draft changes to the Agriculture and Resource Protection Zoning District.

Chairperson Cyr explained how Planning Board work sessions work and stated members of the community would be allowed to make comments.

Audrey went over the outline for the work shop and presented slides via PowerPoint.

(01:45:00 on Recording)

Chairperson Cyr asked the representative of the Ad Hoc committee to give a synopsis of the committee's results.

Peter Moore, land owner and a member of the Mayor's Action Committee explained the process of the committee and subsequent conclusions, resolutions and suggestions from the committee.

(01:59:20 on Recording)

A lengthy discussion ensued amongst Board members and City staff and the following is a summary of the discussion as written by Audrey Knight:

March 12, 2019 - Auburn Planning Board Meeting Minutes

Planning Board members stated that there were a few non-negotiable issues that they would consider in looking at any amendment to the Agriculture and Resource Protection Zone:

- *A reduction in the 50% income rule should be addressed – it is not appropriate in this era*
- *It does not promote residential use- must remain accessory to agriculture*
- *It must not spur sprawl or growth in the rural areas of the city*
- *It must not favor either small scale or large-scale agriculture – neither should be negatively impacted by a change in the code*
- *Forestry and other conservation use may need to be considered differently, as the unintended consequences have resulted in 75% forested land that is now home to wildlife populations. Large tree farming and / or development will push wildlife into farming operations and / or urban areas, resulting in dramatic loss in wildlife populations and hunting grounds*

The Planning Board also requested to hear from experts and to get some input or answers in a second workshop before holding a Public Hearing on Draft Language and then making a recommendation. They are looking for:

- *A sound understanding of just how many parcels a change would affect, in what way and where, would have to be analyzed before a recommendation could be rendered*
- *Recommendations from the experts on “What constitutes a legitimate farming operation as opposed to a “garden” or home with an expensive hobby”?*
- *What have other communities done that have faced the same issue?*
- *What recommendations did the consultant study and Ad Hoc committee make?*
- *Is there a threshold for police, fire and schools and road volumes that trigger city expenditures to meet changing land uses and population density?*

More than 22 residents attended the workshop and 7 people contributed to the discussion.

The 7 people that spoke were:

William Sylvester, 1128 Riverside Drive
Dan Herrick, 470 Hatch Road
Cathy Shaw, 4 Seasons market
Dave McKeon, Steele Road property owner
Michelle Melaragno, Trapp Road property owner
Chris Carson, Ag Zone land owner
Mike Pelletier, Pownal Road property owner

Comments shared with the Planning Board included:

- *The Mayor’s committee unanimously voted to have an Agriculture Advisory Board*
- *The 50% rule has hurt some people trying to get operations started and those that spoke thought the rule should be changed*

- *It was stated that the 50% income rule has never really been policed from an on-going operations perspective and has only come up when someone buys an old farmhouse with the intent of just living there. It was further stated that the monitoring of income as a basis would face the same implementation hurdles that currently exist.*
- *Several people spoke that were on the previous Ad Hoc committee from 2017-2018. They stated that they also had a unanimous recommendation to have an Ag Advisory Board to assist in the interpretation and administration of any of the proposed changes to income and acreage. They also expressed that the current effort did not pick up their work and the work of the consultants who mapped a path forward.*
- *Concern was expressed over the healthy animal populations and the need to also have conservation resources, not just “farming”*
- *Concern was expressed over breaking up land into smaller and smaller lots that would break up trails and hunting grounds*
- *Several people expressed that this current effort went too fast, that agreement wasn’t reached, and that more deliberation and information is needed before acting.*
- *The concept of Transfer of Development Rights (TDR’s) was brought up as a means of allowing large legacy land owners to “cash-out” on their land without losing the land area to development, solving some of the issues with the zone.*
- *Emergency response times were raised regarding city services. That that should be a consideration for population distribution*
- *A person spoke about his cattle operation not meeting the 50% income rule, thereby making it impossible for him to build a home, which has caused vandalism and theft*

(02:36:30 on Recording)

Chairperson Cyr thanked everyone for their comments. A discussion ensued regarding what would be happening going forward.

MISCELLANEOUS:

Staff updates on upcoming projects:

1. Court Street All-Modes Mobility Alternatives Analysis RFP – AVCOG funded.
Audrey went over the proposal and gave a timeline of the process.

2. Shoreland Zone update to conform with State Timber Harvest Ordinance
Audrey explained the subject and answered questions

PUBLIC COMMENT:

William Sylvester, 1128 Riverside Drive spoke about shoreland zoning.

Leroy Walker of 41 Broad Street said he was upset that New Auburn was not included in the walkability & bicycle study. Eric explained why the Court Street study funding did not include N/A at this time.

(02:59:00 Recording)

ADJOURNMENT

A motion was made by Brian Carrier and seconded by Stephen Martelli to adjourn. After a vote of 5-0-0, the motion carried.

Auburn Planning Board Meeting Minutes

April 9, 2019

ROLL CALL:

Regular Members present: Evan Cyr – Presiding, Dustin Boutin, Marc Tardif, Stephen Martelli, Brian Carrier, Samuel Scogin and Nathan Hamlyn

Regular Members absent: None

Associate and other Members present: Katherine Boss and John Engler

Associate and other Members absent: None

Also present representing City staff: Audrey Knight, Auburn City Planner

Chairperson Cyr called the meeting to order at 6:00 pm and asked for a roll call.

MINUTES:

None at this time

Chairperson Cyr presented Robert Bowyer a certificate recognizing him for all his years on the Planning Board and also recognizing his time as a member of the Comprehensive Plan Committee. Chairperson Cyr then welcomed 2 new alternate members of the Planning Board, Katherine Boss and John Engler and explained what their roles are as Associate members.

NEW BUSINESS and PUBLIC HEARING:

Site Plan Review for 101 Merrow Road, Futureguard, Inc., Phase 2 Factory Expansion in the Industrial zoning district.

Chairperson Cyr explained the process of Planning Board meetings and asked Audrey to present the staff report.

Audrey went over the proposal and presented slides via PowerPoint. No questions were asked from Board members to City staff.

(09:30 on Recording)

Mike Gotto of Stoneybrook Consultants said he did not have anything to add to the presentation. He answered a couple of questions from Board members.

Open Public Input

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

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

A motion was made by Sam Scogin and seconded by Brian Carrier to approve the request by Futureguard Holdings, LLC, for Site Plan and Special Exception approval, for a 14,160 square foot expansion to an existing developed building complex, and an expanded truck circulation area around the west and north sides of the site at 101 Merrow Road located in an Industrial Zone, in accordance with Sec. 60-45 and 60-578 (35) with the conditions A through D as listed in the staff report dated April 9, 2019. After a vote of 7-0-0, the motion carried.

(15:50 on Recording)

WORKSHOP: Agriculture and Resource Protection Zoning District Informational Q & A discussion of issues and options.

Chairperson Cyr explained how Planning Board work sessions operated and stated members of the community would be allowed to make comments.

Audrey went over the outline for the work shop and introduced Stephanie Gilbert and Mark Hedrich from the Maine Department of Agriculture, Conservation and Forestry. Ms. Gilbert presented several slides on the projector while speaking about the definition of a “farm”.

(35:00 on Recording)

Mr. Hedrich continued the presentation about farms in Maine and specifically went over “Operations & Management”. Both Ms. Gilbert and Mr. Hedrich answered questions from Board members.

(01:18:15 on Recording)

Audrey completed the presentation with slides summarizing the findings from the 2017-18 Consultant & the AD HOC work on AG. She concluded the presentation with the City Council directive to the Planning Board.

(01:31:00 on Recording)

Questions from Board members were answered by Audrey. Chairperson Cyr then opened it up for public comment. The following people spoke:

(01:38:45 on Recording)

Mary Sylvester of 208 Maple Hill Road and Chair elected for the taskforce that worked with Crossroads Research Center said she wanted to reiterate Ms. Gilbert’s comments about the importance of the feedback from farmers.

Terry Dailey of 1054 North River Road and a member of the same taskforce as Ms. Sylvester said he drove to all the streets in Auburn and suggested that everyone do the same and determined there were approximately 100 lots that were buildable. He suggests that any vacant lot of 10 acres or more that existed at the end of 2017 be able to have a house built on it. He figured there were only about 63 lots that this would apply to. He mentioned that building a new farm is very expensive and would welcome any tax incentives for new farmers.

Bronte Roberts of 736 South Witham Road said she is the 9th generation farmer in Maine and suggested that everyone read the report that the Bates students put together and spoke about socio-economic growth and ecological diversity

(01:46:45 on Recording)

Denis Wheeler who lives in Pownal and grew up in Auburn, said he would like to build a retirement home on a 3-acre piece of land in the AG zone and would like this committee to consider that as they make their decisions.

Shelley Kruszewski, Executive Director of Androscoggin Land Trust (ALT) and resident of Seventh Street in Auburn, wanted to clarify to the Planning Board and to the community at large what ALT's role is going forward. She read ALT's mission and described its role in protecting the natural resources in Auburn.

(01:54:45 on Recording)

Michelle Melaragno, owner of AG zone property on Trapp Road, spoke about urban sprawl and response times from emergency services in the outlying areas of the AG zone properties. She mentioned that the 1st Ad Hoc Committee unanimously voted to have an AG Commission but said that was swept under the rug. She said she would like to see that no changes are made or considered to the AG zone until after that AG Commission is in place or as an alternative maybe can roll the AG Commission into the already existing Conservation Commission as the AG zone should be something that's conserved. She wonders how many already in the AG zone are operating agricultural businesses on their properties and have been in existence for 3-5 years. She said there are several who do want to build on their properties and suggests giving priority to the folks who have been farming on their land for so long the ability to finally build on that land.

Cindy Lynch from Farmingdale, Maine and one of 3 students from Bates College that worked on the Ag zone project that has been mentioned said the final 60-page report will be completed in 2 weeks and be made available to the public. She handed out maps to Board members.

Susan Melcher of 736 South Witham Road and teacher with the Auburn School Department, said Auburn is one of the best places to live in the State of Maine. She suggested we need to build a strong sense of community and look to other cities like Augusta and Waterville who are revitalizing their downtowns and said we could do the same to attract young families to the area.

Julie Harper of Lewiston and coordinator for the Good Food Council of Lewiston Auburn spoke about the Good Food Council and its connection with the AG zone topic. She asked that they consider the creation of the AG Advisory Board before the final draft is put in place.

(02:09:50 on Recording)

Keith Emerson owner of properties on Hobart Road and Sopers Mill Road asked if the maps that were shown available on the City's website and Audrey explained they were on the AG Portal and Planning Board areas of the website.

Peter Moore, land owner of property on Jordan School Road and a member of the Mayor's Action Committee commented that one of the fundamental issues here is an issue of fairness and said the ordinance that was created over 60 years ago created two classes of land owners, the land owners who

were living on their land when the ordinance was created and the land owners who did not have a residence on their land. Those who did were grandfathered of all the land-use regulations so over time, there's been a resentment developed between the 2 groups and that's partly why there's motivation for action today. He said the ordinance should be changed in a way that on a going-forward basis, all of the land owners in the AG zone are treated the same way. He said one way to do that would be to put a sunset on the exemptions that the grandfathered land owners, those that had residences on their land before the ordinance was enacted, so eventually those properties also become subject to the ordinance at large. He also spoke about the potential for economic activity and concluded by saying he thinks there's been enough studies and reports and committees and the like, so now is the time that some decisions are made and asked the Board to take into consideration this fairness issue.

Gentleman who owns property on Jordan School Road said in response to the fairness issue, he recently purchased a second lot on Jordan School Road and did not think he's being treated unfairly. The price was inexpensive because of the zoning which he knew at the time was unbuildable and he was ok with that as he prefers to keep it preserved as forest. He spoke about the Bates student's presentation which showed the population declining even though there was major development happening in the rural residential areas and sees that pattern continuing.

(02:19:00 on Recording)

Chairperson Cyr thanked everyone for sharing their ideas, concerns and thoughts.

NEW BUSINESS and PUBLIC HEARING:

Continued...

Staff and Marijuana Committee initiated proposed amendment to Article XIII, Environmental Performance Standards, Section 60-1038. Odors.

Chairperson Cyr said that due to the late hour and worsening weather outside, this public hearing may not be heard tonight. He asked members of the audience if anyone came specifically for the odor ordinance and seeing none, he said it would be taken up at the next meeting.

PUBLIC COMMENT:

No comments

MISCELLANEOUS:

Staff updates on upcoming projects:

None

ADJOURNMENT

A motion was made by Stephen Martelli and seconded by Brian Carrier to adjourn. After a vote of 7-0-0, the motion carried.

Auburn Planning Board Meeting Minutes May 14, 2019

ROLL CALL:

Regular Members present: Evan Cyr – Presiding, Dustin Boutin, Brian Carrier, and Samuel Scogin

Regular Members absent: Marc Tardif, Stephen Martelli and Nathan Hamlyn

Associate and other Members present: Katherine Boss and John Engler

Associate and other Members absent: None

Also present representing City staff: Audrey Knight, Auburn City Planner 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.

MINUTES:

March 12, 2019 and April 9, 2019 Meeting Minutes Approval Request

A motion was made by Brian Carrier and seconded by John Engler to approve the March 12, 2019 and April 9, 2019 meeting minutes as presented. After a vote of 6-0-0, the motion carried.

Chairperson Cyr stated that several of the full voting members were absent so both Associate members, Katie Boss and John Engler would be acting as full members for this meeting.

NEW BUSINESS and PUBLIC HEARING:

Draft proposed zoning text amendments to the Agriculture and Resource Protection district, Section 60-2, 60-145, and 60-146

- Presentation of proposed text and text goals – Mayor Levesque
- Discussion & Public Comment

Chairperson Cyr explained the process of Planning Board meetings and asked Audrey to present the staff report.

Audrey went over the staff report and presented slides via PowerPoint. She presented the current language in the ordinance and then what was being proposed.

Chairperson Cyr asked for the Chairperson of the AG Committee to come forward and share some information.

(20:30 on Recording)

Mayor Jason Levesque gave a brief history of the original Mayor's Ad Hoc Committee. He said most of their recommendations were for the most part vague except one; they recommended that a permanent standing committee be created on Agriculture. He said other recommendations they made were to address key items like the 10-acre minimum rule and the 50% income rule. He also said the following:

- Everybody agreed on the previous Ad Hoc Committee that those rules created in the 1960's were archaic
- He formed the most recent Ad Hoc Committee with support of the City Council to look at specifically modernizing the current ordinance as it stands (specifically the 10-acre rule and the 50% income rule to find some sort of common ground)
- Committee met for approximately 35 to 40 hours and came to pretty much what is being presented today with one vote that passed unanimously and then had some more dialog and a second vote
- Can't conjecture why the meetings themselves broke down. Tried to regain order but there were a lot of emotions involved versus facts so as the Chair and per the responsibilities he had when he formed an Ad Hoc, he disbanded the committee.
- When this was presented to the City Council the goals were simply to modernize the ordinances, to be fair in our application and to recognize a modern farming that has changed and evolved.
- Several members from the State Department of Agriculture came to the previous Planning Board meeting to talk about what a modern Maine farm looks like – it's smaller, it's high yield, high production
- Reviewed many case studies around the country with similar latitudes
- Both Ad Hoc Committees came to the conclusion that looking at someone's income was not fair
- The IRS defines a farmer as someone who submits a Schedule F – meeting a minimum threshold of \$1,000 in annual income or donated product/goods of \$1,000.
- Seeing small farms occur around the region which holds a great deal of interest to potential residents of Auburn.
- There's a lot of land that has been passed down through generations which were under 10 acres in size and some of that land is being farmed today but individuals can't build a farm dwelling on it. Spoke about fairness.
- Can we be fair to small and large farms simultaneously without favoring one over the other? Hope this addresses that problem by a one-time exemption for lots between 3 and 10 acres so they can apply and farm that land if they so wish or sell to someone who does want to build a farm residence and start farming
- The permanent Council formed Agricultural Advisory Committee, which is referenced in the ordinances, is being worked on right now and hopefully will happen simultaneously with the enactment of the future Ag ordinances of the City Council
- Wanted to stay away from committee that judged based of how they felt
- The advisory portion is important. Need to have a check and balance and this is where we could really use the Planning Board's help in the recommendations– want to avoid conflict with the Comprehensive Plan – don't want to cause sprawl
- We can almost real-time track permitting, track building development so if something happens that is an unforeseen consequence of actions, we can turn it around and stop it. There are mechanisms in place.

- Doesn't believe this is "development" in the negative sense of the term – believes these are farm dwellings. These are people who want to live and work their land in harmony with their neighbors who currently live and work their land. Raise their families on existing roads who aren't going to be serviced by water or other infrastructure that doesn't already exist so looking at costs and other factors, we are a city and we're blessed with this great agricultural resource that we're not using.
- In summary, it's about using it for its intended purpose which is agriculture
- Recently, Lake Auburn Watershed Committee talked about not putting forth this ordinance and having it find the watershed. There are farms currently in our watershed.
- Currently owns property in both the Lake Auburn Watershed and the Taylor Pond Watershed and half is in the Ag Zone. Nothing can stop him currently from farming on his land so finds it a little odd and possibly a little disingenuous.
- How do we all coexist naturally? Having one special interest over another special interest is not the community he grew up in and not the type of community he wants to raise his family in. Wants the opportunities to be here just like they are in every other part of the country.

(31:40 on Recording)

Sam Scogin said that after looking at the press release from the Lake Auburn Watershed Protection Commission, he noted their primary concern was not agricultural in nature, it was the potential that the development will cause unwanted impacts to the watershed area and asked Mayor Levesque to respond.

Mayor Levesque replied that development is being misused and being thrown around. Developments that are commonly thought of in a negative connotation are hotels, marinas and condos, etc. and can be sprawl. Looking at the number of lots that surround Lake Auburn that could comply to potential farming activities over the course of a generation based upon how the ordinance is written, and how it could be divided over a course of time is not development. It's about turning current agricultural land that's being protected as a resource into agriculture. It's about using the land as it's been zoned. So that's the bigger cultural question we have to answer as a community; what is development, how do we use the zone as it was designed to be used and does one special interest trump another? He said he doesn't want phosphorous run-off, it's very expensive and damaging. We need to protect our drinking water. If it's a problem, then we need to look at getting rid of agricultural land in the watershed and turning it into conservation land. He's not saying that's his proposal but need to have that honest dialog about that.

Mr. Scogin asked what were the mechanisms that could stop development which had been mentioned earlier by Mayor Levesque. Mr. Mayor responded that if we started seeing a trend of abuse, then the City Council could do a moratorium on a building in the Ag Zone or we could just change the ordinance.

Brian Carrier asked what City agency takes care of the 50% income rule? Mayor Levesque replied Code Enforcement. Mr. Carrier asked if there's been any enforcement in the last 60 years? Eric responded that we've had limited development for single family homes in the Ag Zone. He said he doesn't think we've ever had to go back and tell someone to tear down their home and doesn't think we've found definitively, that we've permitted one and that they've stopped meeting the 50% standard either. Mayor Levesque added that's because the ordinances that are in place have prevented anyone from even starting a home.

Chairperson Cyr asked how many properties or percentage of properties currently in the Ag Zone actually meet these criteria – that were built after this ordinance was enacted and currently are required to meet these criteria? Eric replied he does not have that number but in the last 10 or 15 years, there's only been 3 permitted that were tied to agriculture either as farm labor or as a farmer meeting the 50% income standard.

Katie Boss asked what is the City's current capacity to actually enforce or to review that people are meeting the criteria? Eric replied because there's so few, we can review them fairly easily. He said we don't do it on an annual basis. Just driving by and seeing that the activity has ceased as it was originally proposed.

John Engler asked what was the process the Ad Hoc Committee used to determine the income requirement criteria? Mayor Levesque replied that they looked at different communities and how enforcement could be done. He spoke about people's privacy and not wanting to show income to a board of peers. So that's why a minimum threshold of \$1,000 was put in place so we could protect anonymity of people's income and preserve a little bit of privacy.

Katie Boss commented that the intent of the zone is not to protect privacy but to protect agriculture and natural resources so thinks it's an important distinction to make.

Ms. Boss said she worries that 3 acres is not enough space for farmers to have enough land to be able to diversify their crops and asked Mayor Levesque to respond. He said they looked at small 3-acre or less farms in up-state New York and found that they were extremely profitable and highly diverse. He spoke about how marketing in a concise and diverse way could help.

Mr. Engler asked how many unbuilt 3 to 10-acre parcels existed in the Ag Zone that could be impacted? Eric replied there were approximately 87 lots but not all met the road frontage requirement, and some were cemeteries and utility owned lots.

Mr. Scogin asked Mayor Levesque to speak about the projected economic activity in dollar amounts that this would bring to the City of Auburn in the next 10 to 20 years. Mayor Levesque replied it's all conjecture. He said he would love to see 20 or 30 small scale growing farms throughout Auburn with a home on each one. He said he didn't believe this was about direct economic benefit to the City of Auburn's municipal side but believes it's about economic and lifestyle benefits to the entire region.

Mr. Scogin asked about the potential rising of phosphorous levels in Lake Auburn and how much a new filtration system could cost the City. Mayor Levesque said he recently flew down to Washington and had meetings with the EPA about this. He spoke about the various funds that are available and that it could cost anywhere from \$22,000,000 to \$35,000,000 which would be split between Poland, Lewiston and Auburn.

Ms. Boss commented that the Ag Zone supports the preservation of farmland but doesn't actually support farming. She said there are many other things that our community could do to be supportive of having small farms like providing more infrastructure and more markets for those farmers. She asked Mayor Levesque what he or the City could do to promote that. Mayor Levesque replied that it's already there. Auburn has the location down in droves. He spoke about proximity and the rich soils in south

Auburn which is co-located with rail and the airport. He spoke about cold storage, farm to table and marketing locally sourced food.

(48:10 on Recording)

Open Public Input

A motion was made by Sam Scogin and seconded by Brian Carrier to open the public input part of the hearing. After a vote of 6-0-0, the motion carried.

Michelle Malaragno, owner of property on Trapp Road spoke about the following:

- Concerned only a small percentage of people are really aware of what's going on
- Should have had a direct mailing for this public hearing
- Making a formal request that it is of utmost importance that no changes be made to the Ag and Resource Protection Zone until after the permanent Ag Commission is in place
- Why do we want to put it in place after we make sweeping changes to the Ag Zone
- A 2nd formal request, as opposed to making multi-focused changes to the Ag and Resource Protection laws, would be to focus on only 1 change initially
- Let's look at the 50% rule which is the most difficult one to meet; look at reducing that income requirement and designating that it's attached to only 1 person in the household as opposed to the entire household income.
- If after 3-5 years we haven't seen that change allowing people to build their residence, then let's look at another thing to change
- Why were the original recommendations of the 1st Ad Hoc committee completely ignored? There didn't need to be a 2nd group formed afterwards to sort of rehash everything all over again. What should have happened was the formation of the permanent Ag Committee.
- Those recommendations were a result of a properly followed process and those are the ones that should be up for review.
- It's important for everyone to understand that this proposal before you isn't about protecting agriculture, forestry, recreation or open space, it's about development
- A quick search of land in real estate in Auburn yields pretty staggering numbers; 34 listings totaling more than 400 acres. If that isn't selling, why do we want to open up more land to subdivide and sell in an area that should be protected. There is plenty of land available for young farmers to purchase in rural areas if they really want to farm.

Jan Philips who resides on West Shore Road spoke about the following:

- Agrees with Ms. Malaragno about forming a permanent Ag Commission
- Strongly urges the Planning Board to return to the starting point suggested in the final report recommendations of the Ad Hoc Committee
- Their shared understanding that the AGRP area comprising 45% of the City's total acreage is an important resource that requires (and emphasized) prudent and responsible future decisions based on sound long term planning.
- Now and into the future, recognize the essential need to protect Auburn's 2 major water bodies and supporting watersheds – does not see that as another special interest
- Spoke about great ponds and watersheds
- We want to avoid at all costs, destroying these irreplaceable surprisingly fragile gems through poor diligence or stewardship

- Work through the issues. Slow down and take the time, all of us to carefully research and consider the tradeoffs. Quoted the earlier Ad Hoc Committee's report "With an eye to long term consequences and fairness"

(59:30 on Recording)

Jane Costlow who resides on Fourth Street spoke about the following:

- Echoed what the 1st 2 speakers had said and also what Ms. Boss said when she was responding to the Mayor
- Looking at the AGRP District, the AGRP is not about protecting anonymity or even about encouraging modernization or development, it's about something really fundamental. She then proceeded read the AGRP section of the ordinance and said it's a charge that everyone needs to take seriously.
- Encourages the Planning Board to look back at the information and wealth of detail and research in the original Ad Hoc Committee report.
- Spoke about the Mayor's conjectures
- Planning Board is charged with planning, so Planning Board assembles all the relevant information, consults with experts, looks at the data and the land that's currently available; so you do absolute due diligence to the best of your ability to find all relevant information – So this isn't about conjecture
- Can't undo trees that have been cut down, don't undo soil that has been ruined, don't undo impacts to the habitat of the place we are living
- Is confident that the Planning Board can live up to these serious charges but there will be a lot of people in the community keeping an eye on you

Beverly Johnson who has lived in Auburn for 18 years said she was concerned about the proposed changes and what it might do to the quality of Lake Auburn and the quality is an interest for all of us to preserve. She spoke about the following:

- Proposed changes in the Ag Zone will increase housing stock and development in the watersheds of Lake Auburn and Taylor Pond and we know that development is bad for water quality
- Removing trees and vegetation increases impervious surfaces which increases storm water run-off and erodes and transports sediments and nutrients into the lakes
- Failed septic systems and excessive use of fertilizers can also increase nutrient levels in lakes causing released toxic compounds into the water
- Mentioned Environmental Studies Professor at Bates College, Holly Hewing and implored the Board to invite her to come talk to them about her knowledge of lake Auburn
- The idea that a filtration plant would address these concerns in the future raises some issues such as the cost which she has read could be upwards of \$35,000,000 to \$45,000,000 but the additional cost of \$1,000,000 annually was not mentioned earlier. A significant increase in rates would be passed on to the consumer
- Lake Auburn is vulnerable and needs additional study and does not need any development so please do not pass this.

Joan Macri of Waterview Drive spoke about the following:

- This past winter spent some time working on the natural resources sub-committee of strategic planning.
- Primarily here because she cares about the watersheds and cares about government
- Planning Board has 3 actions tonight; 1) can decide not to do anything, leave things as they are, wait, do some more study and planning but do nothing tonight, 2) Can pass the proposal, 3) Or can change it a bit
- At the very least, split off Lake Auburn Watershed and Taylor Pond Watershed. There's no need to go there, leave the watersheds alone
- Could make one change which is change the income requirement
- Proceed with enormous caution
- There's no rush, could simply table or turn it down

(1:10:25 on Recording)

Mike Pelletier from Pownal Road spoke about the following:

- City did an Ag study spending \$40,000 - \$50,000.
- After 2 committees didn't get far because everyone had their own opinion and now we're right back to this
- Everyone wants to live in a bubble and it just can't happen.
- He is in favor of this proposal
- Hope it passes tonight because he's been working on a project for 8 years

Mary Sylvester of 208 Maple Hill Road spoke about the following:

- Was a member of the 1st Ad Hoc Committee that worked with Crossroads Research Center
- Encourages everyone to read their final report
- Voted unanimously that 50% income rule needed to be updated
- Spoke about state and federal income guidelines needing to be updated to meet inflation
- Is a trustee of the Auburn Water District which is charged with providing pure drinking water for the citizens of Auburn
- Moral responsibility to safeguard public drinking water
- Separate the watershed issues from the rest of the agricultural resource zone so that as we proceed with the watershed and the lake issues that we are really up to date with all of the science
- Spoke about Dr. Hewing's findings that once we start to see permanent algae it's too late
- \$1,000 is not much of a threshold so even the Department of Agriculture is going to use their multipliers with the CPI and hopes we do the math on that too so we are truly supporting the agricultural environment

Matt Duvall of Sunderland Drive said after reading the proposed amendments and looking at the Board's non-negotiable issues would find it impossible for the Planning Board to be able to approve these amendments because numbers 2 and 3 are violated

Karen Bolduc of 310 Sopers Mill Road stated she had the following concerns about the proposed changes:

- Reduction of standards for the definition of a farmer basically could possibly be anyone – might as well call it a residential zone

- In regards to gaining the system, concerned that existing non-farmer land owners and their families who don't have any intention of farming could build a home. They might be tempted and even encouraged to build a home
- The way that this has been presented and structured creates a vacuous, insipid permanent agriculture board
- The 2017 Ad Hoc Committee of which she was a part of, recommended an unbiased, policy making framework that could stand the test of time and cultivate agreed upon food system and agriculture outcomes with big picture perspective. Went over some suggestions.

(1:22:00 on Recording)

Kathy Shaw of Sopers Mill Road and owner of Valley View Farm, spoke of the following:

- Regarding Section 60-144, the first sentence of that section reads this zone district deals with conservation of natural resources
- All of the conversations they had in the Mayor's Ad Hoc group, broke down time and time again to development
- Many discussions were very productive but always got back to development
- Takes exception (in a mild way) of creating 2 different zones – Water protection in north Auburn and not in south Auburn
- Where she lives in the southern part of Auburn is very wet so should not be separated. That water is just as important as the Lake Auburn Watershed. Needs same protection.
- Very unique situation. No other municipality in the State of Maine has this much protected land
- We have preserved this for over 60 years and that is very important
- This amendment despite what Mayor Levesque said, is not suitable for what we need to have happen with our agricultural conservation protection district in Auburn
- Agrees in changing 1 thing (50% rule) and seeing what happens in 5 years
- More people are wanting local food and we're seeing that in the popularity of farmer's markets
- Urges Planning Board to discard or table this amendment

Dan Herrick of 470 Hatch Road spoke of the following:

- Thinks we've gone off track quite a bit – If you're a dedicated farmer, the NRCS office regulates us on when, where and what time of year we can spread our fertilizers. Regulations are all ready in place and monitored by the State.
- Agrees with earlier comments that people want to know where their food comes from and want to meet their farmer.
- Has no problem with people wanting to build a home on their land but has a problem with the tax base.
- Explained that big land parcels will have multiple house lots, therefore be taxed as potential house lots down the road like a PUD.
- His biggest complaint of how this is written is the tax base. You cannot grow enough product on 5 acres of land to pay the value of the house lot.
- Spoke about the parcels that are split zoned, residential in the front and Ag in the back.
- The person that wrote this amendment owns 800 acres in the City and has something in it for himself

(1:35:50 on Recording)

Richard Whiting of 24 Beaver Road spoke about the following:

- Was Chair of the Comprehensive Committee in 2010 and just realized that the City is due for another one next year so at this point doesn't see that there is any hurry to take any action on this
- Read a small piece from the stacks of paperwork from that Comp Plan Committee regarding the Future Land Use plan.
- Mentioned that at 62 Spring Street, there are 41 apartments with some commercial space and have 187 applicants already for those 41 units. People are also showing interest in the new market rate housing being built on Turner Street.
- What we're seeing, is interest in being in walkable places that are convenient with lots of amenities.
- Maybe the idea that we need to greatly widen our territory for development isn't quite right not to say that we don't need change. The discussions during the Comp Plan meetings about the Ag Zone was often about income
- Planning Board can take the option of doing nothing until after the new Comp Plan is completed

Tina Nichols of 85 Qual Run said she does make 50% of her income from farming and is self-sufficient by producing the hay to feed the horses on her farm. She spoke about the following:

- Owns 200 acres
- Land is in a Maine Farmland Trust Easement
- Recommends that the Board take some time to contact Maine Farmland Trust
- Also is in the watershed and gets a call every year from the watershed regarding the manure being produced on her farm so agrees with earlier comments about the issues with more development in the watershed
- Property fronts 2 roads so able to create 14 house lots on her 200 acres
- Currently pays just under \$9,500 in property taxes and wonders how much more it will be with potential house lots so may be forced to develop her 200 acres in order to be able to pay her taxes

Joe Gray of Sopers Mill Road spoke about the following:

- Very frustrated listening to all of this.
- Said that Eric has said tonight and on many occasions, that there's no big push to build houses in the Ag Zone.
- There are currently houses available in the Ag Zone. Mentioned: MaineListings.Com if anyone wanted to buy one.
- Don't need more houses in the Ag Zone. If people meet the rules of the Ag Zone, they can build a house
- This whole thing that the Mayor is trying to do is build houses because he erroneously thinks that it's going to increase the value of the City. On paper it would but it would also increase the cost to run the City
- Would have to build 2 more fire stations to meet the response times which would be costly.
- That's why the first Ad Hoc Committee suggested an Agricultural Commission to study this in great detail and not just do a knee jerk reaction and allow people to build houses.
- A lot of what the Mayor said tonight twisted things which was very frustrating to sit there and listen to it.

- What is also disappointing is that there are 4 members of the Ad Hoc Committee here in attendance and 5 people from the original Ad Hoc Committee are also here and no questions were asked of them
- The Mayor is not a farmer but a lot of the committee members are, so those are the people the Board needs to talk to and not just those who are advocating their position of build, build, build because if there were an actual need, it would have already been done.
- If there was an actual need, the City Council has the tools to do it by changing the Zone along the road frontage to a rural residential or country residential zone as they've done in the past.
- Regarding the Mayor's statement that we can address it if there's a problem, why do it that way, why don't we wait until the need actually arises and let the City Council use the tools that they already have in conjunction with public opinion and build in a more orderly fashion.

(1:49:20 on Recording)

A motion was made by Sam Scogin and seconded by Brian Carrier to close the Public Input part of the hearing. After a vote of 6-0-0, the motion carried.

Chairperson Cyr stated that in the spirit of full disclosure, he had spoken to the City Manager and the Mayor just prior to the meeting, about the Ag Commission. Eric commented that it looks like they would be meeting May 22nd for a group of residents to start working on forming the Agricultural Commission.

Chairperson Cyr said he received information which he passed along to the Board members that the State Department of Forestry and Agriculture is close to giving the Board their final review of the proposed text amendment and that currently, a land use lawyer is also reviewing the text. He asked the Board which of the following 2 options they wanted to move forward with: 1) Discuss what has been heard tonight, ask questions and then table until the next meeting when the Board would have information from the State and the lawyer; 2) Review the text amendment that's in front of the Board and provide policy suggestions to the City Council with the understanding that anything the Board sends to them would need to be reviewed by legal counsel. After some discussion, the majority of the Board stated they would like to make a recommendation tonight.

Chairperson Cyr explained to the audience that at least 4 Board members would have to vote in favor of a decision in order to carry the vote.

Chairperson Cyr listed what the Planning Board had previously decided were the goals of the Comp Plan which they felt they were responsible of upholding as a Planning Board. He said he asked Audrey to split it out into the following 4 basic sections; 1) Definition of a farm, 2) Description of a farm with the 5 criteria, 3) Use Regulations and 4) Dimensional Regulations

Chairperson Cyr commented that he had asked the Board members to note, because we don't have specific feedback from the state and legal counsel, not to specifically word smith this. The Council really asked for our opinions on how to move forward with this and doesn't think that micromanaging the text amendment that has not yet been drafted as the best way to allow the Council to move forward. It's in everyone's best interest for the Board to provide feedback about whether or not we believe each one of those sections meets the goals and criteria the Board has set forth with findings as to why we believe that.

Chairperson Cyr, for Section 1 of the Board's review, read the definition of a farm portion of the ordinance. After some discussion regarding the text reflecting the goals and objectives of the Comprehensive Plan the following motion for Section 1 was made:

(2:03:25 on Recording)

A motion was made by Brian Carrier and seconded by Sam Scogin to recommend that section 1 (paragraph that starts with "Farm means" and ends with "products") of the review remain as is. After a vote of 6-0-0, the motion carried.

Chairperson Cyr, for Section 2 of the Board's review, read Section 60-2 Definitions. A lengthy discussion amongst the Board members and some members of the audience occurred regarding the merits of each of the five criteria. It was expressed that overall this section doesn't meet board goals 2 and 3 of not promoting sprawl or homes as primary use. Comments regarding the invasiveness and variability of using a percentage of a households' income or tax forms as a basis for conformance with the zone and recommendations to abandon the 50% income rule were stated. That the verification process would not hold water, and that this change in definition proposed a significant lessening of the standards. Criteria 4 and 5 were discussed as a means of "buying-your-house-lot", and that criteria 3 threw in an arbitrary acreage figure that they didn't want to get into. It was generally felt that criteria 1 and 2 could continue to be entertained but the verification process and enforcement could be problematic in the ~~long-run~~ long run. The following motion for Section 2 was made:

(2:30:25 on Recording)

A motion was made by Sam Scogin and seconded by Brian Carrier to recommend that Criteria 1 and 2 have merit and do meet the criteria we set forth, but that the City Council ought to consider choosing a more stringent either state or federal form. Numbers 3 and 4 we believe do not meet the specific criteria of avoiding sprawl and not promoting residential use. Number 5 has no merit and that the verification paragraph should also be considered in conjunction with 3 and 4 and amended appropriately. After a vote of 6-0-0, the motion carried.

Chairperson Cyr, for Section 3 of the Board's review, had the Board members read Section 60-145 Use Regulations to themselves. A lengthy discussion amongst Board members, staff and some members of the audience occurred concerning the timing of land division, (at what rate can each new land owner split their land and who would be tracking that because it would done through the county?), increased taxation due to the creation of "developable home lots" and new sales, potential unintended consequences, and various scenarios were discussed with concern. The impact of changing standards on tax value and increased tax rates for farmers was stated as a concern as well, and that the board wants to avoid increasing taxes for farmers. Comments included: each of the four use bullets should be fully modeled to see what the outcomes could be; bullet D was considered to have no teeth; and small changes could have big impacts. The following motion for Section 3 was made:

(2:47:28 on Recording)

A motion was made by Sam Scogin and seconded by Brian Carrier to forward feedback to the City Council regarding the Section 3 that's been reviewed, that it appears to try to meet the goals of avoiding sprawl and not promoting residential use. The Board also stresses that the City Council pay special attention going forward, and that careful consideration be given such that we avoid unintended consequences like, the creation of internal roads to create subdivision or the subdivision of land under false pretenses. After a vote of 6-0-0, the motion carried.

Chairperson Cyr stated that regarding the Special Exception Use #7, “Rifle, pistol, skeet or trap shooting ranges, public or private”, he’s not giving the Board an option on this because, he said, if its removed this from this zone, it will be removed from every single zone in the City. He asked if anyone was opposed to that and most of the Board said they wanted to keep that as a Special Exception Use.

A motion was made by Sam Scogin and seconded by Brian Carrier to forward a recommendation to the City Council that Rifle, pistol, skeet or trap shooting ranges, public or private not be removed from the Ag Zone because it does not have a negative impact to the zone. After a vote of 5-0-1, the motion carried. (Katie Boss abstained.)

Chairperson Cyr, for Section 4 of the Board’s review, read Section 60-146 Dimensional Regulations for the record. A lengthy discussion occurred among Board members, staff and some members of the audience regarding where the three-acre lot size came from. There was concern with the different numbers presented to the different committees regarding the number of lots impacted. It was expressed that there are farmers currently working land less than 10 acres and cannot build a home and that was where this number came from. Chairperson Cyr asked for a straw poll from Board members and asked the following: How many Board members feel they cannot make a specific recommendation as to whether or not this meets one of the goals or objectives because they do not feel they have enough information. Every Board member raised their hand, so Chairperson Cyr said that its very clear more information is needed. After more discussion, the following motion was made:

(3:03:08 on Recording)

A motion was made by Sam Scogin to forward feedback to the City Council that the Planning Board did not feel it had the required information to make a meaningful recommendation on this section that is imperative for the City Council to decide whether or not 3 acres in area is appropriate with the finding as to why or why not.

Katie Boss suggested that they import that motion and specifically request that the City Council look back at the Crossroads report and what was included as recommendations in that report.

Mr. Scogin accepted Ms. Boss’s amendment to the motion and was seconded by Brian Carrier. After a vote of 6-0-0, the motion carried.

Audrey asked if the Board had any broad sweeping recommendations to send to the City Council regarding the Ag Zone. Chairperson Cyr stated that it sounds like the Board would support that they forward a recommendation that the City Council strongly consider putting the Ag Commission in place prior to making any decisions so that they can see feedback from the commission. Another recommendation is that special consideration be taken into the effects of changing the Ag Zone on the diverse watersheds within Auburn, both in North and South Auburn.

Ms. Boss recommended pursuant to Mr. Whiting’s comments regarding the Comprehensive plan being renewed in a year, and since the Comprehensive Plan is the foundation upon which our zone and our code is built, and that this proposed change would impact 40% of our city’s land mass, it might behoove us to wait to make any decisions until the new one is in place so members of the community can weigh in.

Chairperson Cyr commented that his personal opinion would be to not do that because the last Comprehensive Plan was a 3-year process. He added that this whole entire process began approximately 6 years ago and then we had to wait for the funding of the Ag study and so on and so forth. He said he absolutely sees the merit in what Ms. Boss suggested but would prefer not to wait for the next Comp Plan because it won't happen soon enough. Other Board members agreed that they should not wait.

Ms. Boss recommended that the City Council look for ways to increase communications and participation from individuals in the Ag Zone.

Chairperson Cyr asked for a motion from the Board to send the 3 recommendations just discussed (Ag Commission, Watersheds and Continued outreach to Ag Zone property owners) to the City Council;

A motion was made by Katie Boss and seconded by John Engler to forward those 3 recommendations to the City Council.

(3:08:00 on Recording)

Proposed text amendment to Article XIII, Environmental Performance Standards, Section 60-1038. Odors.

Due to the late hour of this meeting, the following motion was made:

A motion was made by Sam Scogin and seconded by Brian Carrier to table this public hearing until the next Planning Board meeting on June 11.

MISCELLANEOUS:

None

ADJOURNMENT

A motion was made by Sam Scogin and seconded by Katie Boss to adjourn. After a vote of 6-0-0, the motion carried.

Auburn Planning Board Meeting Minutes June 11, 2019

ROLL CALL:

Regular Members present: Evan Cyr – Presiding, Dustin Boutin, Brian Carrier, and Samuel Scogin

Regular Members absent: Marc Tardif, Stephen Martelli and Nathan Hamlyn

Associate and other Members present: Katherine Boss and John Engler

Associate and other Members absent: None

Also present representing City staff: Audrey Knight, Auburn City Planner

Chairperson Cyr called the meeting to order at 6:00 pm and asked for a roll call.

MINUTES:

Action on the Minutes will be deferred until the end of the meeting

NEW BUSINESS and PUBLIC HEARING:

Proposed text amendment to Article XIII, Environmental Performance Standards, Section 60-1038. Odors.

Chairperson Cyr stated that several of the full voting members were absent so both Associate members, Katie Boss and John Engler would be acting as full members for this meeting. He stated for the record, that 2 members of the board, Nathan Hamlyn and Marc Tardif have chosen to resign because of conflict with other responsibilities.

Audrey went over the staff report and presented slides via PowerPoint.

(17:10 on Recording)

Board members asked Audrey questions regarding health and potential noxious odors, types of odor complaints the City has received in the past, violation fees, etc.

Joh Engler commented that this was a very well written ordinance and said that if it is enacted, he would like to see information come back to see how it is being used by the citizens and how it's affecting businesses.

(35:10 on Recording)

Open Public Input

A motion was made by Sam Scogin and seconded by Brian Carrier to open the public input part of the hearing. After a vote of 6-0-0, the motion carried.

A motion was made by Brian Carrier and seconded by John Engler to close the Public Input part of the hearing. After a vote of 6-0-0, the motion carried.

Brian Carrier commented that it is a well-crafted document and likened it to odors similar to farming and cigarette smoke.

Chairperson Cyr commented that this seems tailor made to a specific industry but is applied to every single zone and is worried that it's too specific. He gave the example of his neighbor owning horses and the implications of what this ordinance could bring. He spoke about how the right-to-farm should be written in this and also should include a certain provision which would acknowledge that specific uses generates specific smells so if you are in an area that is zoned for something as a regular use and you are next door to that, it is unreasonable for you to say that the odors coming from that use bothers you. He spoke about enforcement and the potential for leapfrogging and agreed with Mr. Engler that complaints should be tracked and made available to the public.

After a lengthy discussion, it was decided that more information was needed so the following motion was made:

(1:40:25 on Recording)

A motion was made by Katie Boss and seconded by Sam Scogin to table this hearing until the next Planning Board meeting. After a vote of 6-0-0, the motion carried.

OLD BUSINESS and MINUTES:

Review and approval of minutes from the May 14, 2019 meeting. Review and approval of draft letter of recommendations to City Council regarding proposed text amendments to the AGRP, Sections 60-2, 60-145, and 60-146. Discussion of status and next steps.

MINUTES:

May 14, 2019 Meeting Minutes Approval Request

A motion was made by Sam Scogin and seconded by Dustin Boutin to approve the May 14, 2019 meeting minutes as presented. After a vote of 6-0-0, the motion carried.

Approval of draft letter of recommendations to City Council regarding proposed text amendments to the AGRP, Sections 60-2, 60-145, and 60-146. Discussion of status and next steps.

Chairperson Cyr asked Board members for feedback on the draft letter that the Planning Board will be sending to the City Council.

Sam Scogin said the Planning Board should strongly encourage the City to take the legal advice provided by Bernstein Shur into serious consideration when considering any proposed changes to the AG Zone.

Katie Boss agreed and said that specifically looking at the recommendations and concerns that were brought up by BernSteinShur, twice they referenced the proposed changes to the AG Zone are

inconsistent to the Comprehensive Plan. She added that as a Planning Board, our job is to be reflecting what's in the Comprehensive Plan.

(1:46:00 on Recording)

A motion was made by Katie Boss and seconded by Brian Carrier to approve the draft letter to the City Council with the addition of recommendation #4 which states: The concerns by BernSteinShur (Memorandum dated June 10, 2019) should be of first consideration in proceeding with this amendment. After a vote of 6-0-0, the motion carried.

MISCELLANEOUS:

Staff updates on Marijuana Ordinances

Audrey updated Board members about the Home Occupation permits that current marijuana caregivers would need to apply for starting July 1st. She presented a couple of slides via PowerPoint and went over the ordinance amendments that had occurred since the Board last reviewed it.

ADJOURNMENT

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

Auburn Planning Board Meeting Minutes July 9, 2019

ROLL CALL:

Regular Members present: Evan Cyr – Presiding, Dustin Boutin, Brian Carrier, Katherine Boss, Stephen Martelli and Mathieu Duvall

Regular Members absent: Sam Scogin

Associate and other Members present: John Engler

Associate and other Members absent: 1 vacant position

Also present representing City staff: Audrey Knight, Auburn City Planner and Megan McLaughlin, City Planner II

Chairperson Cyr called the meeting to order at 6:00 pm. He introduced Mathieu Duvall as the new Planning Board member who was recently appointed as a full voting member and said that Katie Boss was also recently appointed as a full voting member by the City Council. He then asked for a roll call.

MINUTES:

None

NEW BUSINESS and PUBLIC HEARING:

Proposed 3,500 square foot expansion to existing 8,000 square foot auto collision repair facility at 1524 Minot Avenue, (PID 194-001)

Chairperson Cyr explained how the Planning Board meeting is run and asked Audrey to proceed with the staff report.

Audrey introduced the newest member in the Economic and Community Development Department, Megan McLaughlin, City Planner II for the City of Auburn and stated she would be presenting the overview of the Coleman's Collision project. Megan then went over the staff report and presented slides via PowerPoint.

Chairperson Cyr said it was noted that there was some original landscaping that no longer existed and asked if staff knew when the landscaping was removed. Megan replied that staff found there was a little bit of landscaping in the 1998 aerials and that's the furthest they were able to go back because no other aerials existed since this was approved in the late 90's.

Matt Duval asked what the distance was between the curb and the road. Audrey answered that the site plan showed the distance between the building and the curb to be about 30 feet and the distance between the curb and the edge of the road to be about 5 feet.

(19:00 on Recording)

James Titus, Facilities Manager for POC Collision and Coleman's Collision did not have anything to add to the presentation but answered questions from Board members.

Stephen Martelli asked how many delivery and tow truck vehicles entered the property and Mr. Titus replied approximately 1 large delivery truck arrived each month and approximately 30 tow trucks delivered vehicles each week. A discussion regarding curb cuts and landscaping ensued amongst Board members, staff and the applicant.

Chairperson Cyr asked Mr. Titus if he knew when the landscaping was removed. Mr. Titus replied he's been there for 15 years and it's been that way since he started. He said they've recently added a flower box under the sign and some mulch near the office entry area and asked the Board what they would propose that they need to do. Chairperson Cyr replied that it appears there are 2 things that would need to be done in looking at the current situation. 1st there needs to be landscaping along the entirety of the front between the property and the right-of-way and 2nd, the parking at the front of the lot is too close to the public right-of-way so the parking area would need to be reconfigured in order to meet the ordinance as stated in the 1988 Planning Board site plan approval.

John Engler mentioned the 1988 site plan showed a lot more overflow parking behind the building and asked if that could be incorporated in this new application and Mr. Titus replied absolutely.

(33:45 on Recording)

Open Public Input

A motion was made by Brian Carrier and seconded by Katie Boss to open the public input part of the hearing. After a vote of 6-0-0, the motion carried.

No Comments.

A motion was made by Brian Carrier and seconded by Katie Boss to close the Public Input part of the hearing. After a vote of 6-0-0, the motion carried.

Questions were asked by Board members regarding the required landscaping and what determined the City right-of-way. After some discussion, Chairperson Cyr explained that the Board must enforce the requirements in the ordinance as they are sworn to do so and if the applicant feels a hardship regarding the required landscaping, they could appeal for a variance to the Zoning Board of Appeals.

John Engler suggested that a small strip of landscaping could be added and with angle parking there would be enough room for a one-way traffic flow in front of the building.

Stephen Martelli said he was concerned about the location of the propane tanks behind the building and suggested they moved them off to a safer area away from the building. Mr. Titus said they planned on

adding jersey barriers in front of the tanks. Mr. Martelli added that he would like to see an easier access for large trucks to be able to enter and exit the property safely.

Chairperson Cyr asked if the number of parking spaces as required by ordinance could spill out towards the back of the building. Megan replied yes as long as they met the ADA requirements in the front of the building where the entrance is located.

As a point of clarification, John Engler stated that in order for his suggestion to work, the angled parking would need to be near the building and not in the 10-foot setback of the right-of-way.

Chairperson Cyr read the following notes that he had taken about the Board member's suggestions:

- Don't need to discuss the locations of the curb cuts
- The propane tanks are to be moved in accordance with all pertinent laws and regulations and upon approval of staff
- There is a placement of a small vegetative buffer to include but not limited to planter boxes in order to meet ordinance
- Configure the front parking lot in order to meet required setbacks for parking
- Additional on-site parking be established to meet requirements of the ordinance with regards to construction and required number of spaces

(56:30 on Recording)

A motion was made by Brian Carrier to approve the proposed 3,500 square foot expansion to the existing 8,000 square foot auto collision repair facility at 1524 Minot Avenue, with the following stipulations: The propane tanks are to be moved to a safe location in accordance with all pertinent laws and regulations and with the needed protections around the tanks upon approval of the Fire Department, that there is a placement of a proper buffer in accordance with our current regulations, that the front parking lot be reconfigured in order to meet required setbacks for parking, and that additional on-site parking be established to meet requirements of the ordinance and meets ADA requirements.

Mathieu Duvall said he would like to make a friendly amendment regarding the vegetation to include but not be limited to planter boxes and Mr. Carrier said he accepted the amendment. The motion was seconded by Stephen Martelli.

Board members said they would like to see the site plan once it has been revised as conditioned by the Board, so Chairperson Cyr amended the motion to state that the Planning Board also be provided an updated administratively approved site plan at the next meeting. Mr. Carrier and Mr. Martelli both accepted the amendment. After a vote of 6-0-0, the motion carried.

PUBLIC HEARING: Proposed text amendment to Article XIII, Environmental Performance Standards, Section 60-1038. Odors.

Audrey presented the staff report with slides via PowerPoint and answered a few questions from Board members.

(1:35:20 on Recording)

Chairperson Cyr thanked Ms. Knight and staff for all the hard work that was put into this draft. He said it was well crafted and thought it addressed most of the Boards concerns.

Katie Boss asked what was the cost of the field olfactometer. Audrey replied they are generally around \$2,000 and the fees of one business license would cover the cost of one.

A motion was made by Brian Carrier and seconded by Stephen Martelli to send a favorable recommendation to the City Council the Proposed text amendment to Article XIII, Environmental Performance Standards, Section 60-1038. Odors with the omittance of the reference to the 7-day period. After a vote of 6-0-0, the motion carried.

MISCELLANEOUS:

Overview of the Shoreland Zone Ordinance and State Update Requirements

Audrey gave a brief history of the Maine Shoreland Zoning Act and presented slides of the staff report via PowerPoint. Board members asked questions which were answered by Ms. Knight

(2:10:20 on Recording)

Chairperson Cyr stated it was a good time to put this aside for now and provide the following feedback to staff: It would appear to the Board that Option 1, allowing the state to maintain and mange these rules appears to be preferable, however, many members would like additional information specific to Option 2 and the feasibility of implementing Option 2 at the municipal level here in the City of Auburn. After more questions and discussion, Audrey said she would try to get more information from the state.

Future agenda items and upcoming meetings

Audrey informed Board members that they have been invited to a joint meeting with the City Council on Monday, July 15, 2019 and mentioned that the following week, there is a MMA Planning Board training on July 30th at 4:30 in Bethel. She said if any Board member is interested in going to the training to sign up with MMA.

Audrey said the City was having its 1st of 3 meetings regarding the Court Street Study on August 1st at 6:00 PM in the Community Meeting Room of Auburn Hall and explained what the study was about.

(2:17:15 on Recording)

Audrey said the City had received an application from the DEP looking for some noise information in regards to a business that was approved in the City but also share with Poland called MB Bark. She said they are expanding in Poland but a DEP researcher was trying to get further information about our noise contours for their grinding equipment in the area that they are located in Auburn.

Chairperson Cyr stated he had a list of items he wanted to go over. He spoke about the joint meeting coming up with the City Council. He said that meeting's agenda included a discussion about the AG Zone and the Agriculture Advisory Committee and what the makeup of members should be for that committee. Under Miscellaneous on that agenda he said he would like to add that the Planning Board and City Council have 1 or 2 joint meetings per year. He then asked Board members if they would like to add anything they would like discussed at the meeting.

Katie Boss mentioned it would be nice to hear a report about the Strategic Planning process.

Stephen Martelli said he would also like to have a couple of joint meetings with the City Council per year and would also like to go back to the Comprehensive Plan and discuss what's planned for the next 10 years.

Brian Carrier reiterated what Mr. Martelli said.

Dustin Boutin said he would like to revisit the Capital Improvement Plan (CIP) that was brought up awhile back. Several members agreed.

Chairperson Cyr thanked Board members for their input and said if they think of anything else they would like to add to the agenda under Miscellaneous to forward their item to Audrey before Friday.

(2:25:30 on Recording)

Chairperson Cyr then spoke about the survey that was sent to landowners in the AG Zone from students of Bates College. He said the wording on the mailing strongly implied that it was a co-project of Bates College and the Conservation Commission of Auburn. He said that presents a problem because the ordinance that describes the authority of the Conservation Commission is quite explicit that unique research that they initiate would require action by both the Conservation Commission and the Planning Board. He said that triggered a sort of frenzied investigation into how the Conservation Committee was involved with that survey. He said he was able to speak to Ms. Jordan Tate who is the Chairperson of the Conservation Commission. He read some of the correspondence between Professor Eanes and City staff which mentioned that a member of the Planning Board was involved in communications with parties involved with the survey. Chairperson Cyr went on to cite what is ethical conduct for Board members. He said it was his opinion that they as a Board adopt the position that this was an honest mistake and not one made out of malice because it's been quite some time since the Board has received any specific orientation. He then asked Board members for comments.

All Board members agreed that it was most likely an honest mistake and no action needed to be taken and all members strongly suggested that the City provide the necessary orientation for Board members. The discussion continued and several Board members provided their thoughts on the subject.

Board members said they would like to start reviewing the Comp Plan to decide if they should create a new plan next year or just amend this one. They also said they would like to have a joint meeting with the Lewiston Planning Board since there are a lot of things happening between the two Cities.

PUBLIC COMMENT:

(2:56:50 on Recording)

Frances Eanes, Professor at Bates College in the Environmental Studies Program said he wanted to clarify for the record that all of the feedback that he has received from everyone who looked at various iterations of this survey and weighed in on what are the broad questions they should ask, at no point was anyone acting in their official capacity or giving him the impression that they were speaking for the Board or any City staff office. That said, many people were involved, and many drafts were done, and

he believes that Chairperson Tate shared a PDF version of the survey and hoped it could be shown to all members of the Planning Board. He said he stands behind this work 100% and wants everyone to feel this sense of transparency that's been part of his process since the very beginning. He says he takes full responsibility for misinterpreting the enthusiastic feedback and input from the Conservation Commission and doesn't want anyone to take any heat on his behalf for a misunderstanding that now has been brought to his attention where previously wasn't. He said he thinks the Planning Board might appreciate what comes out of this and said he would be more than happy to share the results of this with them.

Holly Lasagna, Ward 1 City Councilor, agrees that it is very important to have training and said Assistant City Manager Crowell is taking this responsibility up and is working to ensure all members of the various boards and commissions get properly trained to know what their responsibilities are and learn what resources that are available to them.

(3:05:35 on Recording)

ADJOURNMENT

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

Auburn Planning Board Meeting Minutes August 13, 2019

ROLL CALL:

Regular Members present: Evan Cyr – Presiding, Brian Carrier, Katherine Boss, Stephen Martelli and Sam Scogin

Regular Members absent: Mathieu Duvall

Associate and other Members present: John Engler

Associate and other Members absent: 1 vacant position

Also present representing City staff: Audrey Knight, Auburn City Planner and Megan McLaughlin, City Planner II

Chairperson Cyr called the meeting to order at 6:00 pm. He asked for a roll call and stated that because a full member was absent, John Engler would have full voting rights for this meeting.

MINUTES:

June 11, 2019 & July 9, 2019 Meeting Minutes Approval Request

A motion was made by John Engler and seconded by Sam Scogin to approve the June 11, 2019 and July 9, 2019 meeting minutes as presented. After a vote of 6-0-0, the motion carried.

Chairperson Cyr explained the process of Planning Board meetings and asked for the staff report of the 1st item on the agenda

NEW BUSINESS and PUBLIC HEARING:

Proposed 2,397 square foot expansion to existing 7,144 square foot Town Fair Tire building at 755 Turner Street, (PID 280-011), in the General Business Zoning District.

Megan went over the staff report and answered questions from Board members.

Curtis Neufeld, P.E. for Sitelines and agent for Town Fair Tire added to the presentation and answered questions from Board members.

Open Public Input

A motion was made by Sam Scogin and seconded by Stephen Martelli to open the public input part of the hearing. After a vote of 6-0-0, the motion carried.

No Comments.

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 6-0-0, the motion carried.

Chairperson Cyr said he was concerned that there was no real safe way for pedestrians to walk to the front of the building. After a short discussion, the following motion was made:

(20:00 on Recording)

A motion was made by Brian Carrier to approve the 2,397 square foot expansion to existing 7,144 square foot Town Fair Tire building at 755 Turner Street, (PID 280-011), in the General Business Zoning District with the added condition that pedestrian striping be placed between the northern parking lot and the building itself. Katie Boss added an amendment to include a copy of the approved minor DEP application amendment. Brian Carrier was in favor of the amendment. The motion was seconded by Stephen Martelli. After a vote of 6-0-0, the motion carried.

Proposed 12-unit apartment building, amending previously approved 24-unit condominium project from 1988, at 204 Broad Street, (PID 290-011), in the Multi-Family Urban Zoning District.

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

(28:40 on Recording)

Mike Gotto, of Stoney Brook and the applicant, Gerry Morin, answered questions from Board members.

(41:52 on Recording)

Open Public Input

A motion was made by Sam Scogin and seconded by Katie Boss to open the public input part of the hearing. After a vote of 6-0-0, the motion carried.

Claire Robichaud of 5 Sherwood Drive commented about the following:

- Concerned about noise and trespassing.
- Asked if there would be a fence and a tree border.
- Spoke about animals coming up from areas around the river and mentioned residents would need to have sealed bins away from the property because of this.
- Said she was concerned about the devaluation of her property
- Wants privacy and safety

Chairperson Cyr stated that the Board does not make comments during the open public input part of the public hearing. He said this is our chance to listen to your concerns and comments.

Richard Valcourt of 29 Marian Drive stated the following:

- Not much improvement in the last 30 years
- Not sure if the detention pond still works
- Trees and shrubs are growing in the detention pond
- Concerned that there isn't a plan in place for the 25 space parking lot.

- Planning Board should have developer fix the pond by dredging and testing to make sure it's working
- Add a requirement that it be tested every 5 years to ensure the detention pond is in working order
- Hopes he gave the Planning Board enough ammunition to make it more fair for the surrounding area.

(50:22 on Recording)

Close Public Input

A motion was made by Sam Scogin and seconded by Brian Carrier to close the Public Input part of the hearing. After a vote of 6-0-0, the motion carried.

Board members asked questions regarding detention ponds and testing. Mike Gotto responded saying that it was wise for staff to say that the pond should be rebuilt to meet the design requirements from 1989. He explained that things have changed under the new standards. We've gone from detentions to more storm water quality. We're more quality based with filter benches and filter beds in the storm water systems. He added it appears that the pond has not been maintained at all, so it needs to be maintained. Under the new storm water rules, every new storm water system today must be licensed every 5 years with the DEP or jurisdiction.

Sam Scogin asked who would be responsible for repairing the detention pond and Mr. Gotto replied the developer would be responsible to repair the pond and also be responsible for the maintenance of it and the Homeowner's Association would share in the maintenance costs. Mr. Gotto added that he will work with the neighbors so everyone can agree on the buffering.

Chairperson Cyr read the 60-1306 Findings and stated afterward that he was not comfortable making a decision based on the information they have.

Sam Scogin agreed that he wants to see more details in the plans with a more formalized agreement with the H.O.A. about shared responsibilities on the site. All Board members agreed to table until next month.

(1:04:38 on Recording)

A motion was made by Brian Carrier and seconded by Sam Scogin to table until said time that the applicant can come back with additional information. After a vote of 6-0-0, the motion carried.

Audrey commented that it would be appropriate to specify what information you are seeking so that the applicant can bring you what you are looking for.

Katie Boss said she could think of 3 things; Formal agreement with the H.O.A, an updated plan for the detention pond and screening between the property and abutters.

Proposed construction of a 8,700 square foot storage unit addition to existing 3,200 square foot storage facility, at 671 Washington Street North, (PID 189-011), in the General Business Zoning District.

Audrey presented the staff report with slides via PowerPoint. She answered questions from Board members regarding curb cuts and site plan review.

(1:21:30 on Recording)

Albert and Christy LaValley, owners of the property and applicants, explained the proposal and 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 6-0-0, the motion carried.

No comments

Close Public Input

A motion was made by John Engler and seconded by Brian Carrier to close the Public Input part of the hearing. After a vote of 6-0-0, the motion carried.

Sam Scogin commented that he shared the concerns of the Engineering Department.

John Engler stated that the access should be reconfigured, and most Planning Board members agreed.

Chairperson Cyr commented that the project sounds like a good one and agrees the curb cuts need to be addressed and said he would be more inclined to approve this if he had a site plan to look at.

(1:32:48 on Recording)

A motion was made by Sam Scogin and seconded by Stephen Martelli to table until said time that a complete site plan can be provided.

Audrey asked if there was anything specific on the site plan that they would like to see. Several Board members replied curb cuts, parking/loading areas and accident record (safety).

The applicant stated that she didn't understand how they could make this a better site plan.

Chairperson Cyr asked for a vote. After a vote of 6-0-0, the motion carried.

Chairperson Cyr explained what site plan review requirements they would be looking for and referenced Section 60-1300 in the Zoning Ordinance. Audrey added that staff would help the applicants.

Proposed conversion of a 12,000 square foot nursing home to 12 residential units at 185 Summer Street, (PID 260-217), in the Multi-Family Urban Zoning District.

Chairperson Cyr commented that the abutter notice that was mailed referenced an incorrect zone for this project. It is in fact in the Multi-Family Urban (MFU) zoning district.

Audrey commented that staff had received information on this project since the staff report had been written so she handed out a revised staff report. She said some of the calculations for the removal of impervious surface and the addition of impervious surface had to be recalculated by the applicant on site. She said we recently received the information, so the staff report has been modified to a certain degree. She also mentioned that City tax records indicate the property is at 30,927 sf although a current

survey by the applicant indicates that it's actually 31,685 sf so she said she wanted to make those clarifications because the calculation for impervious surfaces are based on those factors.

She then proceeded to go over the staff report and presented slides via PowerPoint.

(1:44:15 on Recording)

Albert and Christy LaValley of 661 Washington Street spoke about the project and answered questions from Board members.

Sam Scogin said he would like to see a more detailed site plan.

John Engler thanked Mr. and Mrs. LaValley for adding housing stock to the City. He mentioned possibly adding greenspace by eliminating some parking spaces.

Sam Scogin referenced the Engineering Department's comments which stated having 1 entrance on either road would be standard. He said the 3 entrances are a little confusing. Christy LaValley explained they were planning to remove at least one of the entrances.

Chairperson Cyr also thanked Mr. and Mrs. LaValley for taking on this project to add more market rate housing and reiterated what Mr. Scogins said in regard to not having an adequate site plan to review.

(1:58:00 on Recording)

Open Public Input

A motion was made by Sam Scogin and seconded by Stephen Martelli to open the public input part of the hearing. After a vote of 6-0-0, the motion carried.

William (Bill) Horton of 401 Turner Street stated the following:

- There's a lot of work happening on this property already (building has been taken down and demolition inside another building)
- They want to take our community of 1 and 2 family homes and turn the old nursing home into apartments and potentially bring 30 additional cars to our little community
- The streets are not that wide and there's already parking on the streets
- Turner Street is a fast street and they want to add another curb cut on that street
- No one would want to live across the street from a paved parking lot
- There is a use for this building but not sure if it's 21 apartments

Katie Hunter of 165 Whitney Street stated the following:

- Turner Street is ridiculous already so adding 30 more cars – not looking forward to more traffic
- Streets are narrow and people are parking on the street
- What's the impact going to have at Washburn School? Can they handle the extra students this might bring?
- Does not want to run down Turner Street and see a big parking lot.
- This is going to create a lot more traffic as opposed to the nursing home that was there before

Dr. Cathy Turbyne of 393 Turner Street stated the following:

- Gravely concerned about the possibility of apartment buildings across the street

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- Has lived there for 30 years
- Neighborhood of 1 and 2 families have made investments to their properties
- Concerned about the traffic
- Concerned about the naivety of the applicants
- Concerned about safety, appearance and community use

Robert and Kim Lindahl of 388 Turner Street stated the following:

- Pointed out on the maps where their property was located and spoke about water coming onto their property from the project area
- Asked where the fire escape would be located – in close proximity to their property
- Concerned people would be walking through their property
- So close that vehicles and people are on their property
- Agrees there's a shortage of good housing
- Very difficult backing out of driveway on to Turner Street
- Has seen many accidents at the corner of Dennison Street
- Better use for this property – needs more nursing homes
- Said their house shook when they were tearing down the house.

Craig Woodard of 393 Turner Street stated the following:

- Green space is an oxygen changer, noise reducer and provides a lot of service to the local area
- Locals care about trees and shrubs and green space
- If you allow them to lessen the green space and continue to do so, there won't be any left in the area
- They should live by the same standards as the rest of us
- Ideally it should be increased

(2:14:55 on Recording)

Close Public Input

A motion was made by Sam Scogin and seconded by Brian Carrier to close the Public Input part of the hearing. After a vote of 6-0-0, the motion carried.

Stephen Martelli asked if an easement had been written to allow the new owners of the 12 unit building the ability to maintain their building. Audrey responded not to her knowledge.

Christy LaValley went to the maps and pointed out the area that was in question and stated they could put up a fence to keep the tenants off the neighbor's property.

Sam Scogin commented that he would like to see a full site plan, along with additional trip reports, plan for screening for abutters, and a plan to address the green space and egress issues. He said the City and the Planning Board are in support of more density creating more housing opportunities for the residence of Auburn and future residents of Auburn.

A motion was made by Sam Scogin and seconded by Stephen Martelli to table until said time that a complete site plan can be provided. Also required would be additional trip reports, plan for screening

for abutters, more detailed plan of the green space and or landscaping, more delineated plan for boundary, including fencing and a clear picture of parking. After a vote of 6-0-0, the motion carried.

Chairperson Cyr commented that someone mentioned that the work had already started. He explained when projects come before us, we always treat them as though nothing has yet happened so that we are not compelled to allow something to continue if we don't like it or put a condition on it. Sam Scogin added that a demolition is completely different and does not require Planning Board but as a good neighbor, it would be wise to notify area residents.

Audrey commented that because this was tabled, it is still considered an open public hearing so public comments may be sent to the Planning Board or City staff. She added that this is a continuation item until the next formal meeting which is September 10 and suggested people check the City website for the agenda.

(2:25:30 on Recording)

MISCELLANEOUS:

A. Planning Board Presentation/Review of MMA PB Training

Katie Boss said it was a valuable training experience. She said that they went over the Maine Right to Know Act, Preparing of Findings and Conclusions and variances and gave an overview of the training that she had. A discussion ensued regarding site visits, recusals and variances.

B. Planning Board Other Items for Discussion

Audrey mentioned that there's an interested buyer for the St. Louis Church as an Adaptive Re-use property. She also spoke about an interest in solar farms in the area. Board members chimed in on the subject.

C. Timber Harvesting Options 1 & 2

Audrey said the Conservation Commission and the Forester from the State of Maine will be attending the next meeting to answer our questions.

D. Draft Agriculture Committee Language

Katie Boss said the committee would be having a meeting the next day to talk about what the next steps should be and to review the specific proposals that were made during the joint meeting with the City Council and Planning Board.

PUBLIC COMMENT:

Sam Scogin spoke about the many non-conforming properties in the City and said this is something the Planning Board should discuss when the agenda is lighter.

(3:02:00 on Recording)

ADJOURNMENT

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

Auburn Planning Board Meeting Minutes September 10, 2019

ROLL CALL:

Regular Members present: Evan Cyr – Presiding, Brian Carrier, Katherine Boss, Dan Carroll, Stephen Martelli, Mathieu Duval and Sam Scogin

Regular Members absent: None

Associate and other Members present: Kyle Pepin

Associate and other Members absent: John Engler

Also present representing City staff: Audrey Knight, Auburn City Planner and Megan Norwood, City Planner II

Chairperson Cyr called the meeting to order at 7:00 pm and asked for a roll call. He introduced 2 new members on the Board, Dan Carroll as a Full Member and Kyle Pepin as an Associate member. He stated there were no minutes available to vote on at this time and explained that meetings may be viewed on YouTube.

MINUTES:

None

Chairperson Cyr explained the process of Planning Board meetings and asked for the staff report of the 1st item on the agenda

NEW BUSINESS and PUBLIC HEARING:

Proposed conversion of a 12,000 square foot nursing home to 12 residential units at 185 Summer Street, (PID 260-217), in the Multi-Family Urban Zoning District.

Audrey listed the items that were provided in the Board member's packets for this proposal. She then went over the staff report and answered questions from Board members.

(47:15 on Recording)

Albert and Christy LaValley, owners of the property and applicants, stated the following:

- Want to market these apartments for professionals
- Don't accept Section 8 in any of their properties
- Don't allow pets on their properties
- Smoking is prohibited in their units and have evicted tenants that did not abide to that
- Do not allow illegal substances as defined by Federal Law
- Do not allow unregistered vehicles on their property

- They do screen potential tenants – obtain credit score and history to make sure they don't have any wants or warrants
- Verify they aren't a sex offender – contact references and check employment
- Building is nicely suitable for apartments – has a serviceable elevator
- Building is fully sprinkled with central fire alarm system and plans are to expand the system
- Plan to make the exit onto Turner Street a right-turn-only to help alleviate traffic congestion
- Discussed eliminating the 2 units in the basement making it a 10-unit building
- Sent letters to abutters including those across the street totaling 11 letters
- Building that was demolished had been vacant for 20 years and was in a sad state of disrepair
- Wants residents to feel safe as far as lighting is concerned
- Want to avoid having tenants parking on Summer Street
- Focusing on rehabbing properties instead of building new
- Spoke about existing trees being Maple trees and want to keep new planting similar
- Will consider having a fence if that's what the neighbor wants
- Currently there are 4 driveways that exist on the property and it will be reduced to 3
- Spoke about thru traffic in the site
- Lights would be motion detected and shine down from a light pole
- Not opposed to shrubbery as a barrier
- There will be onsite laundry facilities so would lessen vehicle trips

(1:05:52 on Recording)

Open Public Input

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

Kathy Turbyne of 393 Turner Street stated the following:

- Lives directly across from this proposed project
- Asks the Board to consider the neighborhood impact this project will have on the 6 houses behind the project and the 2 on either side of the project site
- Not excited about looking at the parking lot and the extra traffic in and out
- Not knowing the quality of the tenants, worried it would turn into 24-hour urban noise in a very peaceful neighborhood
- Noise suppression could be achieved with fencing, trees, bushes, landscaping and should be maintained.
- Concerned about poor walking conditions, children crossing the street
- Concerned there will be more all-day traffic and accidents will increase – (32 accidents between Dennison and Rowe Streets area)
- Very concerned about neighborhood land values
- Recommend whatever is put in place should mirror and complement the existing beauty of the surrounding area
- Apartments should be limited to 8 units which would mean less parking and more green space
- Should not receive a variance

(1:15:50 on Recording)

Bill Horton of 401 Turner Street stated the following:

- Appreciates that the Board is listening and wants what's best for the neighborhood
- Applicants are nice people, but this is a business for them
- The difference between the applicants and us is we live there
- Rowe Street is narrow and in bad shape
- Calculated that 20 people will be living on this small piece of property
- Wondering where these people will be able to barbeque and spend other time outside
- Green space is important to this neighborhood
- Did not see any drainage on the plot plan
- Snow removal will be difficult
- No other property between Walmart and the funeral home will have as many parking spaces as they are proposing on this property – Does not meet compatibility
- Spoke about and compared the proposed curb cut on their Washington Street property
- Diminish value of properties in the area
- Appreciate that the old ugly building is gone but did not know that it was tied to the nursing home
- Completely throwing the greenspace criteria out the door with 23%
- Too high a density
- Too many accidents on Turner Street

(1:25:10 on Recording)

Matt Marris of 369 Turner Street stated the following

- Blown away that 9,000 vehicles travel that section of road
- Has had to call 911 2 dozen times in the last 3 years for motor vehicle accidents
- Suggests it should be entrance from Summer Street and exit on to Turner Street
- Concerned that there aren't any cross walks on Turner Street for Washburn School foot traffic
- Concerned about lighting on the property
- Concerned about basement apartments – should be removed for safety reasons and to increase green space
- Prefers low to the ground shrubbery as opposed to maple trees

Craig Woodard of 393 Turner Street stated the following:

- Agrees with all the issues mentioned so far
- Previous allowance for the nursing home to exist has changed in the last 40-50 years
- 30 plus accidents occurring each year and adding more traffic will increase
- Suggested traffic pattern to and from the property
- The higher the density the worse it is to the neighbors - will absorb the green space from the neighbors
- Keeping it down to 8 units is keeping it compliant to the plan
- Will be retarding future development in the area

Matt Marris of 369 Turner Street wanted to mention that he did not receive a letter from the applicants. He only found out about this from his neighbor next door.

Bill Horton of 401 Turner Street said as far as shielding the parking lot, he would like to see a high cedar fence and plants that will mature over time.

(1:36:25 on Recording)

Close Public Input

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

Re-open Public Input

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

Albert and Christy LaValley, applicants, said they wanted to address the neighbor's concerns and stated the following:

- Will be adding more green space
- People mentioned loving the nursing home being there, but there were 97 signatures against having the nursing home there
- Having less units will mean there will be more bedrooms since the 12,000 sf is still there
- Yes, this is a business for us but it's an investment. If we let the property deteriorate, we won't get our investment back
- There's always been an entrance on Turner Street, so this wasn't added recently
- Traffic is based on the national averages – may be more and may be less
- Spoke to the City about a right turn only on to Turner Street
- Cross walk near Dennison is not that much further
- No problem putting up a fence – just didn't want the compound look

Craig Woodard of 393 Turner Street wanted it to be clear that the 2 driveways were single car driveways and never came out on to Turner Street.

Close Public Input

A motion was made by Dan Carroll 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 commented that the Board has a difficult decision to make with several competing factors. He said the Board should consider the following: plantings that are being proposed for screening, the idea of greenspace and suggestions to bring the density more in line with Comprehensive Plan. The blighted home has been removed and when we are thinking about the reduction in units, that we also recognize that these improvements to the property are being done solely through private investment so we shouldn't make it a non-viable investment while we try to balance the concerns of the neighbors.

Sam Scogin said he agreed the screening should be evergreens, arborvitae and a fence should be erected in the meantime to allow the trees to mature. In terms of greenspace, there's a very large parks complex that runs through that neighborhood, so he's less concerned about that. He said he's more concerned about ensuring that the proposed project is in keeping with the rest on Summer Street. He said he disagreed with the notion that larger apartments may mean less vehicles and gave the example of one of the buildings next door to where he resides.

Brian Carrier said he was happy with what the applicants came back with. He said residents expect to have safe streets to drive on and the reliance falls on the police department to enforce the laws that we have. He said we have to realize the change in elevation when it comes to the plantings that will be providing a barrier and said he was concerned about the apartments in the basement.

Dan Carroll agreed about the 2 positive items the applicants were considering; removing the basement apartments and installing a fence. Going from 12 to 10 apartments opens up a couple of parking spots for greenspace. Agrees with right-turn only on Turner Street.

Katie Boss echoed Board members concerns about the basement units and said they should be removed. She mentioned that being only 5 feet tall, she would find it difficult to climb out of a basement window and said if there's a better form of egress for shorter people to access then she would be open to suggestions. She said if a fence were installed on the Turner Street side, she would like it to be set back so as not to reduce visibility when exiting the site and to have signage on the inside of that fence that states right-turn only.

Stephen Martelli said he would like to make the following 5 recommendations: 1) 8 units maximum with no basement apartments, 2) Arborvitae type of screen with a fence, 3) Cross walk with flashing lights, 4) Down facing LED lights on short poles and 5) Add a stipulation that there would be no renovations to increase the number of apartments for future years.

Chairperson Cyr said we would be approving the site plan including a specific number of units which would be locking in the number.

Mathieu Duvall echoed concerns about the basement units and making sure they have adequate visibility making a right-turn only onto Turner Street.

Kyle Pepin said it was a good idea to eliminate the units in the basement for safety reasons and adding more green space would be great. He added that the trees and fence on the Turner Street side were pretty important to the neighbors so is in favor of that.

(1:54:35 on Recording)

Chairperson Cyr said he's heard a few points of consensus from the Board and said at this time, we need to decide if we want to discuss more to pin down some specific conditions or if there's an individual that feels comfortable in making a motion with the understanding that there may be some friendly amendments. He commented that this was a complex project and whoever makes a motion should follow a model that was provided by staff. A lengthy discussion followed amongst Board members and staff about number of units, parking spaces, curb cuts, lighting, etc...

(2:10:45 on Recording)

A motion was made by Sam Scogin to approve the conversion of a property to a total of 13 residential units at 185 Summer Street, (PID 260-217), in the Multi-Family Urban Zoning District and further grant a variance to green space requirements to allow lot coverage of 70% impervious surface and further find that the proposed project is in compliance with the Comprehensive Plan per Section 60-1365 with the following Findings and Conditions:

- Due to settling associated with the recently demolished nursing home facility, the Applicant may use temporary pavement in the parking lot until Summer of 2021. A Conditional Certificate of Occupancy shall be issued contingent upon final pavement being installed in accordance with Sec. 60-607(12)(a) of the City Code of Ordinances.
- Applicant will remove 2 parking spots on the Turner Street side of their project
- Applicant will reduce the curb cut on Summer Street to 50 feet total on the north side
- Applicant will have a 25 ft setback for a stockade fence and evergreen screening on the Turner Street side
- Will create a right-turn only onto Turner Street
- Will have 10 ft downcast lighting in the parking area with motion sensors centrally located with full cut-off lighting only illuminating the south side of the property

Chairperson Cyr added a friendly amendment in regard to the curb cut, that the green space to the south of the duplex be increased to meet the 30% requirement.

Mr. Scogin accepted the amendment and Dan Carroll seconded the motion. Mr. Scogin asked if they should specify that it not have basement apartments?

Brian Carrier added a friendly amendment stating that it not have any basement apartments. Both Mr. Scogin and Mr. Carroll accepted the amendment. After a vote of 7-0-0, the motion carried.

Chairperson Cyr stated that before we go to the next item on the agenda, the Planning Board Policies and Procedures clearly states that no new item will be taken up after 9:00 pm unless agreed upon unanimously by the Planning Board. He then asked Audrey if there was a time constraint on this next item and she replied yes. Chairperson Cyr asked Board members to raise their hands if they were in favor of taking up an additional item and all the members raised their hand, so he then asked for the staff report.

PUBLIC HEARING: Request for determination that 32 Dunn Street, the St. Louis Church, be designated as a building of Community Significance, for the purposes of an Adaptive Reuse development application.

Megan Norwood presented the staff report. Chairperson Cyr commented that the Adaptive Reuse was developed because the City of Auburn has several properties like this and explained that there are criteria for what describes a property as being of Community Significance. He went on to say he has personal ties to the Church and pointed out how important this building was for him and the surrounding community. He spoke about the St. Louis Bells also being an important part of local history.

(2:22:45 on Recording)

A motion was made by Dan Carroll and seconded by Brian Carrier to determine the St. Louis Church located at 32 Dunn Street (PID 221-196-001) in the Multifamily Urban Zoning District to be a building of community significance for the purposes of an Adaptive Reuse application pursuant to Chapter 60, Article XVI, Division 3, Sec. 60-1335 of the Auburn Code of Ordinances. After a vote of 7-0-0, the motion carried.

Councilor Walker informed the Board that they had not opened the meeting for public input on this topic.

Chairperson Cyr apologized and said this is why we don't do things after 9:00 pm. He then opened the meeting for public input regarding the church.

Open Public Input

Larry Pelletier of 129 Second Street said he hoped the Board would approve this. He re-iterated what Chairperson Cyr said about the building being an important part of the community and spoke about the tower being erected to house the bells on November 2nd.

Chairperson Cyr closed the public input section of the public hearing and said it would be appropriate for Mr. Carroll to make the motion as he previously read.

A motion was made by Dan Carroll and seconded by Brian Carrier to make the motion that was previously read. After a vote of 7-0-0, the motion carried.

Board members voted to extend the meeting to hear the miscellaneous items on the agenda.

MISCELLANEOUS:

1. Upcoming items for October

Audrey passed around documents regarding upcoming AG Committee meeting and said this topic would be coming back to the Planning Board in October. She went over other items that would be on the agenda for the October meeting.

2. Planning Board Other Items for Discussion

Chairperson Cyr stated that he had been asked to present the Findings and recommendation in regard to the AG Zone text amendment

PUBLIC COMMENT:

None

(2:30:20 on Recording)

ADJOURNMENT

A motion was made by Sam Scogin and seconded by Stephen Martelli to adjourn. After a vote of 7-0-0, the motion carried.

Auburn Planning Board Meeting Minutes October 8, 2019

ROLL CALL:

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

Regular Members absent: Sam Scogin

Associate and other Members present: Kyle Pepin and John Engler

Associate and other Members absent: None

Also present representing City staff: Audrey Knight, Auburn City Planner and Megan Norwood, City Planner II

Chairperson Cyr called the meeting to order at 6:00 pm and asked for a roll call. He noted that Sam Scogin was absent so appointed John Engler as a Full voting member for this meeting

MINUTES:

Approval Request for the August 13, 2019 and September 10, 2019 meeting minutes.

A motion was made by Brian Carrier and seconded by Dan Carroll to approve the meeting minutes of the August 13, 2019 and September 10, 2019 meetings. After a vote of 7-0-0, the motion carried.

Chairperson Cyr explained the process of Planning Board meetings and asked for the staff report of the 1st item on the agenda

NEW BUSINESS and PUBLIC HEARING:

Proposed rezoning of 2.35 acres of land, located generally at 965 Minot Avenue (PID: 217-002), from Suburban Residential to General Business II, extending the existing frontage zoning to the rear of Petro's Ace Hardware.

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

(24:00 on Recording)

John Petrocelli, Applicant, 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.

No comments were made.

Close Public Input

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

A discussion ensued amongst Board members and City staff.

(31:40on Recording)

A motion was made by Dan Carroll and seconded by Brian Carrier to recommend approval to the City Council to change the Zoning District for the 2.35 acres delineated by the applicant, otherwise known as a portion of PID: 217-002, from Suburban Residential to General Business II, and further recommend amending the General Plan Land Use Map to Planned Commercial Development. The Planning Board further recommends changing the zoning and future land use classification of the remainder of the triangular portion of parcel 217-002 to Urban Residential and Low Moderate Density Residential respectively. After a vote of 7-0-0, the motion carried.

Chairperson Cyr explained to the members of the audience that this would now go to the City Council for a workshop and 2 additional council meetings before the process is finalized.

PUBLIC HEARING: Proposed Phase 3 expansion of Futureguard at 101 Merrow Road (PID: 186-015) to construct a 36,094 square foot addition to the east side of the existing building in two phases with a parking area expansion: Phase 3A will add about 18,047 square feet of space at the rear corner of the existing building for six new loading docks and additional workspace. Phase 3B will add about 18,047 square feet for production space for product assembly and finish operations.

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

(42:35 Recording)

Mike Gotto, representing Futureguard Holdings answered questions from Board members.

Open Public Input

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

Alfreda Fournier of 33 Cherryvale Circle said she was speaking as a citizen when saying she has heard from numerous people that Auburn is not a business-friendly city. She said we need to do all we can to maintain our businesses and support them and to entice businesses to come to Auburn. She said Futureguard is a good business and employs good people and we should listen to their needs and support and promote them.

Rollie Heckethorn of 8 Littelfield Rd said he has lived there since 1983 and has seen increased traffic flow over the years and is concerned. He asked if there was a possibility of having a traffic light installed at the intersection of Littlefield Road and Hotel Road.

Close Public Input

A motion was made by Dan Carroll and seconded by John Engler to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

Chairperson Cyr commented that we don't usually respond to questions asked during public comment but in this instance, a traffic light would be well off the site so he's not sure if the Planning Board would have authority to require one. He said it's an important concern so the Planning Board could be amenable to drafting a letter in conjunction with any action that is taken on the project asking the City Council to specifically look at a traffic light at that intersection.

A discussion ensued amongst Board members, City staff and Mr. Gotto regarding the potential for increased traffic at the site.

Chairperson Cyr stated there should be 2 motions for this project and asked if any Board member was ready to make the 1st one.

(57:55 Recording)

A motion was made by Brian Carrier and seconded by Dan Carroll to approve the 1-year extension to allow the applicant to move forward with the October 2018 Site Plan approval issued by Staff. After a vote of 7-0-0, the motion carried.

A motion was made by Mathieu Duvall and seconded by Dan Carroll to approve the Site Plan for a Phase 3 expansion of Futureguard at 101 Merrow Road (PID: 186-015) to construct a 36,094 Square Foot addition to the east side of the existing building in two phases with a parking expansion and the following conditions:

- a. No development activity until any bonding or inspection fees is determined by the Auburn Engineering Department. Due to the vicinity of the stream and need for the PBR, this will require city inspection and triggers the bonding and inspection fee.
- b. A double row of erosion controls will be required to protect all critical areas, such as streams and wetlands during any earth disturbance and construction.
- c. The Auburn Airport shall be notified a minimum of five days in advance of any crane higher than 75-feet in height used on-site: 1-207-786-0631.
- d. Internal building circulation shall be reviewed by the Fire Department and Code Enforcement before the issuance of a Building Permit.
- e. A landscaping plan shall be provided to Staff for review that meets Sec. 60-579(3)(g) of the City's Code of Ordinances before the issuance of a Certificate of Occupancy.

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

Chairperson Cyr said he would draft a letter regarding the traffic light and forward it to staff for review. Staff will make any edits if needed and then will forward to all Planning Board members for their review. Once all edits have been made, the letter will be signed by all Planning Board members before it is sent on to the City Council.

PUBLIC HEARING: Review, discussion and recommendations to City Council regarding the Adoption of Statewide Timber Harvest Standards in the Shoreland Overlay Zone.

Audrey distributed a letter to the Board members and presented the staff report.

(1:10:27 Recording)

Open Public Input

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

Bill Sylvester of 1128 Riverside Drive said he recommended Option #1 and stated his reasons why.

Close Public Input

A motion was made by Dan Carroll 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 the Board members to develop the Findings justifying their choice for Option # 1 and they came up with the following:

1. Aids in reducing burden on staff
2. Allows the City to use free state services/resources
3. The expertise is not currently available on City staff to administer Options 2 or 3 effectively
4. Commercial forestry is not a large enough sector of our local economy to justify the required investments to implement Options 2 or 3 effectively

A motion was made by Dan Carroll and seconded by Brian Carrier to forward a favorable recommendation to the City Council for Option #1 that the City repeal Sec. 60-1003 and enable the State Forest Service to administer and enforce timber harvests in the Shoreland Zone with the findings as stated by the Chairperson. After a vote of 7-0-0, the motion carried.

(1:18:22 Recording)

PUBLIC HEARING: Review, discussion and recommendations to City Council regarding the creation, composition and roles and responsibilities outlined in the draft: Division 8- Agriculture Committee.

Audrey went over the staff report and presented slides via PowerPoint. A discussion ensued amongst Board members and staff.

(1:31:40 Recording)

Open Public Input

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

Jan Philips of West Shore Road said she does not see this as competition with Agricultural or Forestry and would like to see Natural Resources re-inserted in the Powers & Duties section. She spoke about watersheds and other parts of the City where the wooded nature, open space nature are important to our quality of life.

Mary Sylvester of 208 Maple Hill Road mentioned she was the Chair of the first Ad-Hoc Committee and said she was in support of the general flow of this proposal and supports its advisory role. She said some

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of the language is directly from the Crossroads recommendations so considers this a really good template. She said she realized while being on the first committee as a listener and facilitator, was that there was a lot to learn from people who are actively involved in Agriculture.

Bill Sylvester of 1128 Riverside Drive said he was on both AG committees and explained that Natural Resources don't include Agriculture, but Agriculture uses Natural Resources and that Forestry is a Natural Resource. He said this needs to be reviewed before recommendations are taken from the MAG-ARP Committee. He said that the AG Zone consisted of 74% forest so the AG committee should have 74% foresters.

Close Public Input

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

After a lengthy discussion, the following motion was made:

(2:46:45 Recording)

A motion was made by Mathieu Duvall and seconded by Brian Carrier to table to a date uncertain. After a vote of 7-0-0, the motion carried.

OLD BUSINESS:

Minor revision to Conditions of Approval, 185 Summer Street Subdivision decision of September 10, 2019 Planning Board Findings.

Megan Norwood explained the situation and answered questions from Board members. After a short discussion, the following motion was made:

A motion was made by Dan Carroll and seconded by Brian Carrier to amend the original Findings of Fact for the approval of 185 Summer Street Subdivision to the Findings of Fact proposed on today's date. After a vote of 7-0-0, the motion carried.

PUBLIC COMMENT:

Bill Sylvester of 1128 Riverside Drive said we shouldn't eliminate anybody, whether they were Auburn residents or not, that wants to participate on an AG committee.

Michelle Malaragno, owner of property on Trapp Road asked staff if they had received the latest recommendation from the Conservation Commission regarding the formation of the AG Commission. Audrey replied that she had not received it. Ms. Malaragno said nobody knew about tonight's meeting so that's why nobody is here. In terms of the formation of the group, she asked why are we giving away 3 positions to non-residents, fully one third of an Auburn Commission to non-residents. She fully agrees and supports bringing in consultants and experts from other areas but as our commission is here in Auburn, let's keep it Auburn.

Jan Philips of West Shore Road said you may not get a lot of people here, but you get a lot from the people who are here. She said she wants to echo Audrey's suggestion that anything you can do to strengthen the connection between the AG Committee and the Conservation Commission is all for the good.

Alfreda Fournier of 33 Cherry Vale Circle wanted to make clear that the draft has not come before the Council so many on the Council may not have seen it yet.

Chairperson Cyr closed the Public Comment part of the meeting

(2:58:00 on Recording)

MISCELLANEOUS:

a. Performance Standards for Community Solar Development Projects in the Industrial District

Megan presented the staff report. After receiving some feedback from the Board members, staff said they would move forward with a draft for the Board's review.

b. Bates College Agriculture Survey & Special Joint Meetings with City Council

Chairperson Cyr spoke about the upcoming joint meeting with the City Council and suggested that the Planning Board meet prior to the joint meeting to make sure everyone was on the same page. After some discussion, it was decided that the Board would have a workshop meeting on Thursday, October 17, 2019 at 5:30 pm to discuss proposed amendments to the AG Zone and to add item #6 that was tabled at this meeting.

c. Upcoming items for November

Audrey went over the upcoming project for the November Planning Board meeting.

d. Planning Board Other Items for Discussion

Stephen Martelli stated that he would not be able to attend the November Planning Board meeting.

(3:18:49 on Recording)

ADJOURNMENT

A motion was made by Stephen Martelli and seconded by Dan Carroll to adjourn. After a vote of 7-0-0, the motion carried.

Auburn Planning Board Meeting Minutes November 12, 2019

ROLL CALL:

Regular Members present: Evan Cyr – Presiding, Brian Carrier, Katherine Boss, Dan Carroll, and Mathieu Duval

Regular Members absent: Stephen Martelli

Associate and other Members present: John Engler

Associate and other Members absent: Kyle Pepin

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

Chairperson Cyr called the meeting to order at 6:00 pm and stated there were 3 members absent for this meeting, Stephen Martelli, Kyle Pepin and San Scogin. He said Mr. Scogin had stepped down from the Board. He wished him best of luck and thanked him for his service on the Board. He then asked for a roll call.

MINUTES:

Approval Request for the October 8, 2019 meeting minutes.

A motion was made by Dan Carroll and seconded by Brian Carrier to approve the meeting minutes of the October 8, 2019 meeting. After a vote of 6-0-0, the motion carried.

Chairperson Cyr said the applicant of the 1st Public Hearing is a distant family member, so he felt it was appropriate to recuse himself. He asked Board members to appoint an acting chair for this Hearing. Board members elected Brian Carrier as the Acting Chair for this Hearing.

Acting Chairperson Carrier explained the process of Planning Board meetings and asked staff to present their report on the first item on the agenda

NEW BUSINESS and PUBLIC HEARING:

- 1. Proposed Construction of a Single-Family Home and Associated Driveway in the Resource Protection Shoreland Zone District located at 169 Stevens Mill Road (PID: 218-013 and Portion of 218-013-001), in the Suburban Residential Zoning District.**

Megan went over the staff report and presented slides via PowerPoint.

Open Public Input

A motion was made by Dan Carroll and seconded by Katie Boss to open the public input part of the hearing. After a vote of 5-0-0, the motion carried.

No comments were made.

Close Public Input

A motion was made by Dan Carroll and seconded by Katie Boss to close the Public Input part of the hearing. After a vote of 5-0-0, the motion carried.

A motion was made by Dan Carroll and seconded by Mathieu Duvall to approve the construction of a Single-Family Home and Associated Driveway in the Resource Protection Shoreland Zone District located at 169 Stevens Mill Road (PID: 218-013 and Portion of 218-013-001), in the Suburban Residential Zoning District. After a vote of 5-0-0, the motion carried.

Chairperson Cyr returned to the Board as Chair for the remainder of the meeting.

(09:20 on Recording)

2. PUBLIC HEARING/PRELIMINARY PLAN: Proposed 3, 12-Unit Apartment Buildings and Associated Parking, Driveways, Landscaping, Utilities, and Other Site Improvements Located on North River Road (PID: 271-101), in the Shoreland Zone and General Business Zoning Districts.

Megan went over the staff report and presented slides via PowerPoint. She and Eric answered multiple questions from Board members. The following are some of the topics that were discussed: green space, boat launch, trail system, flood hazard and fill permits, number of units allowed on the site, character of the neighborhood, utilities available and additional clearing on the property.

(54:15 on Recording)

Jim Courbron, of SurveyWorks, Inc. and Zachary Quinn of Dirigo Architectural said they were there on behalf of River's Edge Apartments, LLC. They went over their proposal and answered questions from the Board.

Open Public Input

A motion was made by Brian Carrier and seconded by Mathieu Duvall to open the public input part of the hearing. After a vote of 6-0-0, the motion carried.

Sarah Raymond of 200 North River Road stated the following concerns:

- Directly affects her and her family
- Flooding in the area
- Area filled looks horrendous
- Trails no longer exist
- Amount of traffic this will cause
- No sidewalks and fast-moving traffic
- Boat launch is just a way to pacify the green space area
- Destroying wildlife
- Run-off and private sewerage

- Too many units in a small space

Holly Lasagna of 220 West Auburn Road and Ward 1 City Councilor said she appreciates how carefully the Board is looking at this. She said she has heard similar comments from other people in the neighborhood as was mentioned by the previous speaker. She is aware that it was approved by the DEP but is concerned about the potential run-off and mentioned we need to be conscientious about the flood zone.

Bob Braman of North River Road said he was very upset because when he first moved to that area it was in the middle of nowhere, but you had access to everything. He said putting these buildings there destroys that for him. He said the parking lots will be too close to the road and feels the map is not accurate

(01:13:05 on Recording)

Close Public Input

A motion was made by Dan Carroll and seconded by John Engler to close the Public Input part of the hearing. After a vote of 6-0-0, the motion carried.

Chairperson Cyr explained to the public that this is when the Board has its deliberations and as the Chair, said he would try to give the Board some direction. He said the Board had 3 options, to approve, deny or table with specific feedback to City staff and applicant regarding the concerns the Planning Board has. A long discussion ensued, and the following are some of the items that the Board members wanted more information about:

- Greenspace - Boat launch (is it the best use of green space?)
- Parking
- Floodplain - Filled in area (approved by staff?)
- Storm water plan
- Type of units (market rate?)
- Sewer tie-in

Chairperson Cyr commented that the tone of the Board is one of caution and asked members how they wanted to proceed.

The following are concerns the Board felt needed to be addressed before a vote for approval could be made:

- Area appears to be prone to flooding and asked staff to provide the FEMA 5- & 100-year plans
- Other types of recreational uses other than a boat launch
- Complete Streets report on River Road
- Storm Water plan
- Fill and whether more would be done on the site
- Additional planned clearing for the project?
- Current photos of the site, across the street and boat launch area
- Future land use zones
- Market rate or tax subsidized apartments
- Actual bedroom count vs number parking spaces
- Applicant – share future uses of the area

(1:33:00 on Recording)

A motion was made by Brian Carrier and seconded by Katie Boss to table until the next meeting with the stipulation that the staff and applicant provide information in regard to the overall plan. After a vote of 6-0-0, the motion carried.

3. PUBLIC HEARING/DISCUSSION: Review, Discussion and Recommendations to City Council regarding the Adoption of an Ordinance Regulating Commercial Solar Installations.

Chairperson Cyr commented that having met with City staff previously, we discussed the idea that while this is a public hearing, we are unlikely to have enough information to make a comprehensive decision tonight. He asked the Board members if anyone objected to hear the staff report anyway and seeing no objections, Megan presented the staff report along with slides via PowerPoint.

A motion was made by Dan Carroll and seconded by John Engler to table until the December meeting. After a vote of 6-0-0, the motion carried.

(1:43:10 on Recording)

4. NEW BUSINESS/RULING: Change Street Name per Sec. 46-182(6)(c)(1)(i) from Balsam Drive to Kassbohrer Way.

Megan presented the staff report and answered questions from the Board.

Rosemary Mosher, GIS Manager and Addressing Officer for the City of Auburn answered questions from Board members.

A motion was made by John Engler and seconded by Dan Carroll to accept changing the name per Sec. 46-182(6)(c)(1)(i) from Balsam Drive to Kassbohrer Way. After a vote of 6-0-0, the motion carried.

5. PUBLIC HEARING: Review, Discussion and Recommendations to the City Council Regarding the Creation, Composition and Roles and Responsibilities Outlined in the Draft: Division 8 – Agriculture Committee.

Eric went over the staff report which provided a recap of the Planning Board workshop. A lengthy discussion ensued amongst staff and Board members.

(2:16:25 on Recording)

Chairperson Cyr asked Holly Lasagna, Ward 1 City Councilor to take part in the discussion. After sharing her comments, the discussion continued.

(2:29:00 on Recording)

A motion was made by Brian Carrier and seconded by Katie Boss to accept the following language for the Purpose recommendations as written by Megan:

The purpose of the Agriculture Committee shall be to proactively build a stronger food, agricultural, and resource economy in Auburn and to address the ongoing needs of protecting/promoting farms, farmland,

forestry businesses, woodlots, local agriculture economy and local forestry economy. After a vote of 6-0-0, the motion carried.

Board members discussed the language for Committee Established recommendations and the following motion was made:

A motion was made by Brian Carrier and seconded by Dan Carroll to accept the following language for the Committee Established recommendations as written by Megan:

Amend the language to reflect that the committee works throughout the entire city, not just the agriculture zone by striking the end of the first paragraph "Agriculture and Resource Protection Zoning District" and ending that sentence with "Agriculture and Forestry" The 7 regular members shall all be residents. The other Nonvoting members must be residents or landowners. The 7 regular members as appointed by City Council shall then appoint up to 2 nonvoting members. After a vote of 6-0-0, the motion carried.

Board members discussed the language for Qualification recommendations.

A motion was made by Brian Carrier and seconded by Dan Carroll to accept the following language for the Qualification recommendations as written by Megan:

Strike two-thirds and state all voting members shall be residents of the City. Add interests after active involvement, strike wildlife protection or preservation, conservation of natural resources. After a vote of 6-0-0, the motion carried.

An amendment to the previous language of the Committee Established recommendations was proposed to add after: *The 7 regular members shall all be residents with at least one having professional experience in an area directly related to forestry and with at least one having professional experience in an area directly related to agriculture.*

A motion was made by Brian Carrier and seconded by Katie Boss to accept the amendment of the Committee Established recommendations. After a vote of 6-0-0, the motion carried.

Chairperson Cyr commented that we want the Powers and Duties to reflect our recommendations regarding the purpose, the establishments and the qualifications. After a discussion, the following motion was made:

A motion was made by Katie Boss and seconded by Dan Carroll to accept the following language for the Powers and Duties recommendations as written by Megan:

Reflect statements made by the Planning Board regarding the purpose, committee established and qualifications and that the City Council consider the scope of the work proposed and whether or not it is reasonable. 1) Update #1 to add promoting farms, 2) Should any project in the City require submission of a farm plan, the Agriculture Committee shall review the farm plans and provide a recommendation to Planning Board. After a vote of 6-0-0, the motion carried.

Megan said she would use the language she drafted and send it to all Board members for review and comments. Once she receives the ok from Board members, Evan will sign the document for City Council.

Chairperson Cyr, after noting that the time was 9:00 pm, stated the Board must vote if they want to continue the meeting.

(2:58:10 on Recording)

A motion was made by Katie Boss and seconded by John Engler to continue with items 10 and 11 on the agenda. After a vote of 6-0-0, the motion carried.

PUBLIC COMMENT:

Holly Lasagna of 220 West Auburn Road said she appreciated all the time, energy and thought that was put into this. She said the Board should rethink what they recommended about the non-voting members having to be residents or landowners and gave the example of the owner of Ricker Farms or someone from the State who might be a nonvoting member that could give valuable information. She spoke about farm plans and said there was a template that people could use to fill out so it shouldn't be too complicated. She thanked the Board again and said they made good recommendations to send to the City Council.

Chairperson Cyr closed the Public Comment part of the meeting

MISCELLANEOUS:

Megan went over the items that were coming before the Board in December and January. She also stated that there were several appointments that were expiring in January and to be on the lookout for communications from the City Clerk regarding that.

(3:06:15 on Recording)

ADJOURNMENT

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

Auburn Planning Board Special Meeting Minutes December 3, 2019

ROLL CALL:

Regular Members present: Evan Cyr – Presiding, Brian Carrier, Katherine Boss, and Mathieu Duvall

Regular Members absent: Dan Carroll and Stephen Martelli

Associate and other Members present: John Engler and Kyle Pepin

Associate and other Members absent: None

Also present representing City staff: Eric Cousens, Deputy Director of Economic & Community Development

Chairperson Cyr called the meeting to order at 5:00 pm and asked for a roll call. He stated there were 2 Full members absent so both Associate members, John Engler and Kyle Pepin would have full voting rights for this meeting. He explained the process of the Planning Board meetings and asked City staff to offer their report.

Eric presented a general overview of how we got to this point and said he would summarize the changes in each of the public hearings when they were heard. He went over the 5 objectives that the Planning Board established when deciding on amendments to the Ag & Resource Protection zone. He presented slides of the City Council's proposed ordinance which were shown at the previous night's Council meeting.

John Engler asked for clarity about the \$14,093. Is it farming revenue or farming income and Eric agreed that it's an important distinction to understand and proceeded to explain that if the 30% of household income standard were true, then it would be \$14,000 in gross farming revenue or income but not a net figure.

Eric continued presenting the slides and went over the Implementation Process slide which showed that the 2nd reading and public hearing for the Ag Committee & Ag Ordinances is scheduled on December 9.

Chairperson Cyr asked each Board member if they were ok to use the 5 previously approved Planning Board objectives as a set of criteria and all replied yes.

NEW BUSINESS and PUBLIC HEARING:

(25:00 on Recording)

- 1. Amending Chapter 60, Sec. 60-2 Definitions in the Agriculture and Resource Protection District (AGRP), Discussion and Recommendation to City Council**

Eric explained the proposed changes and presented slides via PowerPoint.

Open Public Input

A motion was made by Brian Carrier and seconded by Mathieu Duvall to open the public input part of the hearing. After a vote of 6-0-0, the motion carried.

Jim Pross of Hersey Hill Road and acting Counsel for the Lake Auburn Watershed Protection Commission said the proposed language is a much cleaner method for putting the ordinance together.

Close Public Input

A motion was made by Brian Carrier and seconded by John Engler to close the Public Input part of the hearing. After a vote of 6-0-0, the motion carried.

(33:45 on Recording)

A motion was made by Brian Carrier and seconded by John Engler to make a recommendation to the City Council that they are in agreement with the proposed amendment as presented by staff with the finding that it is simpler and more easily integrated into the overall definition of a farm use. After a vote of 6-0-0, the motion carried.

2. Amending Chapter 60, Sec. 60-145 Use Regulations in the Agriculture and Resource Protection District (AGRP), Discussion and Recommendation to City Council

Eric explained the changes while presenting slides and answered questions from the Board.

(1:08:05 on Recording)

Open Public Input

A motion was made by Brian Carrier and seconded by Katie Boss to open the public input part of the hearing. After a vote of 6-0-0, the motion carried.

Joe Gray of Soper's Mill Road thanked the Board for this process and said it's so much better than the process that was done at last night's City Council meeting. He asked that the ordinance reference the State program instead of listing a fee and Eric said it could be crafted that way. Mr. Gray asked if an established farmer would be allowed to build a house on another one of his properties if farming was not currently being done there or would they have to wait 2 years as written in the ordinance. Eric said we would have to look at the situation before answering.

Michelle Melaragnio of Trapp Road said she has an issue about this public hearing as the public has not been properly notified as is the case with many of these meetings. She spoke about the following:

- There's an incorrect date on one of the forms and the December 9 meeting is not on the calendar.
- Lots of things that confuse and misinform the public and we need to fix that
- Language has changed multiple times rapid fire so we cannot keep up with it adequately
- Nowhere in the language is there any protection against a landowner building a road in order to increase their road frontage thereby exponentially increasing the number of 10-acre lots that can be subdivided
- Nowhere in the language is there any protection against anyone requesting the extension of or the re-instatement of dead-end roads that have not officially been discontinued by the City

- Must be added to the language in order to prevent large tracks of land from becoming subdivided in that nature.
- Document that was handed out to Board members is a reminder about the opposition verses the support for these changes and the overwhelming majority in opposition of these changes – 1st page lists entities that have issued professional statements in opposition of these changes. (against process)
- Needs to be some accountability about how this has been handled – intimidated and bullying manner

Kathy Shaw of Soper's Mill Road and owner of Valley View Farms thanked the Board for their work on this subject. She said that the City's prime farmland is gone, gobbled up by the airport, the malls, etc. and she said what she farms is rocky and difficult to work with soil. She said it's equally important for clean air & water, forestry & wildlife as it is for the Lake Auburn Overlay. She said there are large parcels of undeveloped land in East Auburn that she would hate to see broken up into 10-acre lots. She suggests backing up the date from January 1, 2018 back to when the discussion first started with the Crossroads Study. She said we've made this new proposal very weighty and difficult to understand but appreciates the effort of the Board.

Michelle Melaragnio of Trapp Road asked why farmers are being penalized when they stop farming on their property when other businesses in business and industrial zones don't. Eric explained that there are only 2 zones in the City that limit residential development to the extent that the Industrial Zone and Ag Zone do. Residential uses are the accessory and only allowed to serve the commercial use. Ms. Melaragnio asked how many times has that happened where someone had to leave their homes because they could no longer keep the business going and Eric said he would have to look at the Industrial files to be able to answer that questions.

Leroy Walker of 41 Broad Street said this started when a person was forced out of her home because the property, was on the Pownal Road and was less than 10 acres. This person reached out to every Councilor that was there at the time and said they are stealing my home. Councilors went to City staff and to the Planning Board for a variance but were told we don't do that in the City of Auburn. He said all we had to do to fix the problem in the City of Auburn was create a variance for those properties that were less than 10 acres instead of going through all this process. He added that this poor lady has not been happy since she had to sell her home. It could have been very simple but here we are 2 years later or more. It's mind boggling how many people we have to upset here in this City to get them to come here in front of you and the Council and argue about every little thing and people are only trying to live and do it honestly. He gave more examples of people, including himself, of property owners in the Ag Zone that were able to get permits to either expand or refurbish their homes without any farming happening on their properties.

(1:30:30 on Recording)

Close Public Input

A motion was made by Katie Boss and seconded by Brian Carrier to close the public input part of the hearing. After a vote of 6-0-0, the motion carried.

Chairperson Cyr suggested that the Board make a recommendation on each of the 2 sections; Permitted Uses and Special Exception. He read the proposed language and then read the 5 objectives. A lengthy discussion ensued amongst Board members and staff.

Chairperson Cyr summarized the discussion with the following points and asked for a motion if Board members accepted his summary:

- The Board finds that the 30% seems somewhat arbitrary but that it does represent a reduction in the 50% income rule, does promote residential use only as accessory to Agriculture,
- Planning Board feels more information is required to make a better assessment as to whether or not a proposed language would prevent sprawl or growth, whether it would favor either small- or large-scale Agriculture or whether it would have an impact on forestry
- That the Board believes there needs to be some consistency in the language to clearly define both household and farm income as either gross or net

A motion was made by Katie Boss who said she would accept what the Chair said as a motion but would like to add a friendly amendment at the very end which is that the Board use the available data about Auburn specific farms to inform decision making. The motion was seconded by Mathieu Duvall. After a vote of 6-0-0, the motion carried.

(1:55:50 on Recording)

Chairperson Cyr said the Board would now be looking at the Special Exception Use. He said his assumption here is that all the Board's recommendations regarding the regular use would apply however the Board needs to discuss the additional requirements. He read the proposed language and went over the criteria and asked for feedback.

(2:04:50 on Recording)

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 6-0-0, the motion carried.

Jim Pross, Counsel for the Lake Auburn Watershed Protection Commission spoke about the watershed overlay district area being protected from the Special Exception use and said for ensuring the protection of the water supply, they are happy to see that language in the ordinance.

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 6-0-0, the motion carried.

Chairperson Cyr said he would try to encapsulate the discussion with the following points:

- The Planning Board finds that the proposed Section 60-144 B Use 18, under Special Exception does meet the Planning Board objective #1
- Would better meet the objective #2 if C3 were amended to say in the 2 years preceding the date of application rather than in the 2 of the 5 calendar years preceding the date of application
- That further information would be needed to make a better recommendation with regard to whether or not this will promote additional growth or sprawl, whether or not it favors large scale or small scale agriculture and impact it may have on forestry

- Further that C 3 should be amended to remove the requirement of \$2,000 per year and tie that specifically to the State standard outlined in Title 7 M.R.S..A. Section 152.
- Additionally, that D should be amended from a date of January 1, 2018 to the date of the proclamation forming the original AdHoc Committee by Mayor Labonte.

A motion was made by John Engler who said he would recommend that we accept these changes as stated by Chairperson Cyr with the additional suggestions to change the number of years to 2 from 5 and to change the reference of \$2,000 sales to just reference the actual standard in the statute and additionally to modify the date for the grandfathering from January 1, 2018 to the date of former Mayor Labonte's actual order.

Chairperson Cyr asked if he could make a friendly amendment that the recommendations include the findings that the Board believes the proposed language does meet Planning Board objective # 2 that upon revision of the 2 of 5 years standard to a 2 year preceding standard could better meet Planning Board objective # 2 and that the Board feels they do not have substantial data to make reasonable recommendations with regards to Planning Board objective #'s 3, 4, and 5. Mr. Engler accepted the amendment. The motion was seconded by Brian Carrier. After a vote of 6-0-0, the motion carried.

3. Amending Sec. 60-146 Dimensional Regulations in the Agriculture and Resource Protection District (AGRP), Discussion and Recommendation to City Council

Eric presented slides and explained the proposed changes.

(2:13:28 on Recording)

Open Public Input

A motion was made by Brian Carrier and seconded by Mathieu Duvall to open the Public Input part of the hearing. After a vote of 6-0-0, the motion carried.

Kathy Shaw of Soper's Mill Road and owner of Valley View Farms asked what is the thought on discontinued or inoperable roads that exist in the AG zone and will this require an additional 1st reading from the City Council?

Close Public Input

A motion was made by Katie Boss and seconded by John Engler to close the public input part of the hearing. After a vote of 6-0-0, the motion carried.

Eric explained that the City Attorney has been involved and also asked if this will make a decision as to whether or not a new 1st reading will be required.

Katie Boss asked about the discontinued roads in the AG zone and Eric responded that it is possible to create roads in the AG zone under the current standard. A discussion ensued amongst Board members and staff regarding roads.

Chairperson Cyr said he didn't think that the Planning Board objectives applied to this section however the date referring to January 1, 2018 should be amended to the proclamation of Mayor Labonte to create the original AdHoc Committee.

(2:36:00 on Recording)

A motion was made by Brian Carrier and seconded by John Engler to accept Sec. 60-146 Dimensional Regulations in the Agriculture and Resource Protection District (AGRP), with the only change being in Sec. 1-C where the date should be amended to when the original AdHoc Committee was created by Mayor Labonte. After a vote of 6-0-0, the motion carried.

4. Amending Chapter 60, Article XII. Division 4, Lake Auburn Watershed Overlay District, Sec. 60-952 & Sec. 60-953, Discussion and Recommendation to City Council

Eric presented slides and explained the proposed changes.

Open Public Input

A motion was made by Katie Boss and seconded by John Engler to open the Public Input part of the hearing. After a vote of 6-0-0, the motion carried.

Kathy Shaw of Soper's Mill Road and owner of Valley View Farms said she wanted to reiterate that as important as our drinking water supply is, it's equally important for our Ag and Resource Protection zone. She said we need to preserve and protect that land.

Jim Pross of Hersey Hill Road and acting Counsel for the Lake Auburn Watershed Protection Commission said the LAWPC only cares about this ordinance insofar as if the remaining proposed ordinances are adopted. He said the main focus is to protect the quality of the water supply as it is and the LAWPC is uniquely charged with ensuring that there are no deviations from those underlying definitions and standards that apply to those zones that underly the overlay. He said these proposed changes are adequate to make sure that there are no changes to the definitions and the performance standards within that underlying zone and will ensure adequate protection for the water supply. He mentioned the 10-acre minimum standard and 50% income rule. He said he agreed with staff that it would be an important technical change for the Board to recommend simply amending the title to say Residential Dwellings Within the Agricultural Resource Protection District so that it's clear the intent here is just with regard to those properties zoned as such within the overlay.

Michelle Melaragnio of Trapp Road said she wanted to clarify that on the document she handed out earlier, she listed the Lake Auburn Watershed Protection Commission on it due to an article on April 25, 2019 where they stated they opposed new agricultural zone rules. Chairperson Cyr said he understood and explained those were previous rules.

Close Public Input

A motion was made by Brian Carrier and seconded by Katie Boss to close the public input part of the hearing. After a vote of 6-0-0, the motion carried.

After short discussion, the following motion was made:

(2:50:10 on Recording)

A motion was made by Brian Carrier and seconded by Mathieu Duvall to accept the amended title to include Residential Dwellings in the Agricultural Resource Protection District and the overall amendment

as it is written with the date of the original AdHoc Committee with the finding that it protects the City of Auburn drinking water supply. After a vote of 6-0-0, the motion carried.

Chairperson Cyr stated that the Board would now be going over the additional recommendations as mentioned earlier in the meeting.

1st Recommendation to City Council: That they direct the City Manager to track any growth or changes in the AG zone and the Board highly suggests they do this in conjunction with the AG Committee.

A motion was made by Katie Boss and seconded by Mathieu Duvall to recommend that the Board directs City Council to direct the City Manager to implement a valuation process that would review development and land use in the AG zone and the Board suggests they do so in conjunction with the Agricultural Committee. After a vote of 6-0-0, the motion carried.

2nd Recommendation to City Council: That they direct the City Manager to provide an annual review in conjunction with staff and the Agricultural Committee and present their findings of any changes in development and land use to the City Council on an annual basis.

A motion was made by Brian Carrier and seconded by Katie Boss to recommend that the City Council direct the City Manager to provide an annual review in conjunction with staff and the Agricultural Committee and present their findings of any changes in development and land use to the City Council on an annual basis. After a vote of 6-0-0, the motion carried.

John Engler said he would like to add a recommendation that the calculation for income standard be clarified; what's the numerator and what's the denominator, is it profit or is it sales and which parcel does it have to come from. Chairperson Cyr asked if the Board thought it should be another recommendation or if they thought this had already been captured in an earlier recommendation with regard to the language in which the Board said that the language needs to be written to clarify whether it is gross or net and be applied to both household income and farm income.

A motion was made by John Engler and seconded by Brian Carrier to recommend that all references to income whether household, farm or personal be defined and be extremely clear as to what they are actually referring to. A discussion ensued as to whether the language should be clear or consistent and the following friendly amendment was suggested by Mathieu Duvall: that we change clarity to consistency or add consistency. Both Mr. Engler and Mr. Carrier accepted the friendly amendment. After a vote of 6-0-0, the motion carried.

Eric asked for clarification on their recommendation and Chairperson Cyr summarized that it's either all gross or all net and that it needs to be clear and consistent.

Brian Carrier asked if the Board wanted to address the discontinued roads and or roads that are being proposed with possible development in the AG zone. A discussion ensued and it was decided that new subdivisions would come before the Planning Board and any new City accepted road would go through the City Engineering Department, so no recommendation is required on this subject.

Joe Gray of Soper's Mill Road said we have to be humane because there are circumstances where you can have a very dedicated farmer, but they've lost everything in one year and it can take a couple of years to get back on their feet. Chairperson Cyr said these circumstances could be heard by the Zoning Board of Appeals to get a variance as long as they can demonstrate that the circumstance was out of their control.

(3:19:55 on Recording)

ADJOURNMENT

A motion was made by Mathieu Duvall and seconded by John Engler to adjourn. After a vote of 6-0-0, the motion carried.

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 1st 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.