

# **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. 1<sup>st</sup> there needs to be landscaping along the entirety of the front between the property and the right-of-way and 2<sup>nd</sup>, 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 30<sup>th</sup> 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 1<sup>st</sup> of 3 meetings regarding the Court Street Study on August 1<sup>st</sup> 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.