

## **Auburn Planning Board Meeting Minutes January 14, 2020**

### **ROLL CALL:**

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

**Regular Members absent:** 3 Vacant positions

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

**Associate and other Members absent:** Vacant position

**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 6:05 pm and asked for a roll call. He stated the Board was absent 3 Regular members and 1 Associate member therefor John Engler would be elevated to a full voting member for this meeting. He explained that with the reduced number of members being present, all affirmative votes will require at least 4 votes to move forward.

### **MINUTES:**

**Approval Request for the December 3, 2019 special meeting minutes and the December 10, 2019 meeting minutes.**

A motion was made by John Engler and seconded by Stephen Martelli to approve the December 3, 2019 special meeting minutes and the December 10, 2019 meeting minutes. After a vote of 5-0-0, the motion carried.

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

- 1. West Shore Landing Preliminary Subdivision – Proposed 3, 12-Unit Apartment Building 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.**

Chairperson Cyr said this reads like it's a final approval but for the record stated it is actually a pre-approval. He said before we discuss this item, a motion to take it off the table must be made.

A motion was made by Mathieu Duvall and seconded by Dan Carroll to take it off the table. After a vote of 5-0-0, the motion carried.

Chairperson Cyr explained the difference between a pre-approval and a final approval then explained how Planning Board meetings are run. He then asked staff to present their report.

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

(28:45 on YouTube Recording)

Jim Courbron from Survey Works, Inc. and Tom Perkins of Dirigo Architectural, added to the proposal and answered questions from Board members.

(44:20 on YouTube 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 5-0-0, the motion carried.

Larry Morrisette stated that the resources and our land are being sold to non-corporate people taking over our country through unjust sales. He spoke about the International Constitution that was adopted in 1889 among other things.

Sarah Raymond who resides at 200 North River Rd commented on the following:

- Family has lived there for many years, so this road is near and dear to her
- Views this as very destructive to the area
- Neighbors could not make it today but are also concerned about this project
- Said her comments are not intended to offend anyone
- Why does it sound like they are bribing the City with \$34,000 in order to remove the green space that is needed?
- 10 Acres being used as green space – inaccessible to public as the ROW goes between 2 private properties
- Finds it interesting that the letter referencing this was dated 1996 and the area has changed a lot.
- Confused about where the 500 feet of private trail will be located because they stated that no further vegetation is proposed to be moved at this site
- Not possible to put walking trails connecting to the site because the new road is too close to the river
- How is using Union Street as the location for green space and recreation going to help those people?
- Asked for an explanation of the flood plain
- Questions the validity of the report and listed 3 businesses on the road
- Stated there are single family homes on both sides of that road but the pictures provided did not show any of them, so they are misleading
- Wouldn't we want to protect more land rather than take that land away
- Questions whether the road will be able to handle the added traffic and concerned about the flooding
- The traffic study that was done in 2017 is not accurate because no one travelled that road because it was full of potholes.
- Read part of the General Requirements Section regarding avoiding filling as much as possible and said the whole thing is filled so we haven't avoided any filling at all.
- Regarding the capacity and density, in the zoning it says 3 12 units per acre but there isn't 3 acres there

- There are plenty of spaces in Auburn where this can be built and there are already a number of large apartment complexes being built in the Lewiston/Auburn area which would address housing needs so why agree to a project that needs to waive so many rules and really is not entirely safe for the residents at the project.

### **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 5-0-0, the motion carried.

Chairperson Cyr commented that there were good questions raised in the public input section of the hearing and said some should be addressed. He mentioned the following which were explained and or answered by himself or staff; Filling of the site, character of the neighborhood, Future Land Use boundary, and the fee in lieu of.

After a lengthy discussion amongst staff and Board members, Chairperson Cyr read staff's suggested motions.

(1:43:40 on Recording)

A motion was made by Dan Carroll and seconded by John Engler to approve the preliminary plan to construct 3 12-unit apartment buildings on North River Road (PID 271-101) in the General Business, Shoreland Zoning Districts contingent upon the following items being included in the final plan:

- The Applicant shall apply for and receive a Letter of Map Revision, based on fill (LOMR-F) through FEMA or a Flood Hazard Development Permit with the City before the issuance of a building permit;
- Once final grading and foundation loading has been determined, a final geotechnical report shall be submitted prior to the issuance of a building permit;
- The building height shall be limited to 35 feet as measured from the mean of the gable;
- An addressing plan shall be provided to the Addressing Officer before the issuance of a building permit;
- The Board sees merit in the requested waivers, specifically #1; to waive the requirement to allow for 2, 24-foot curb cuts and #2; to waive the requirement to allow for 2, two-way accesses onto a single roadway

Chairperson Cyr made a friendly amendment to add an additional condition that the plan address any changes to the character of the neighborhood. Mr. Carroll and Mr. Engler both accepted the amendment. After a vote of 5-0-0, the motion carried.

(1:47:55 on Recording)

### **2. Proposed Age-Restricted Retail: Marijuana Storefront Located at 301 Main Street (PID: 231-003), in the T-4.2 Traditional Downtown Neighborhood Form-Based Code Zoning District.**

Megan presented the staff report with slides via PowerPoint and answered question from Board members.

### **Open Public Input**

A motion was made by Mathieu Duvall and seconded by John Engler to open the public input part of the hearing. After a vote of 5-0-0, the motion carried.

### **Close Public Input**

A motion was made by John Engler 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 motion was made by John Engler and seconded by Dan Carroll to approve the Special Exception to allow the operation of a marijuana storefront at 301 Main Street, PID 231-003 in the T-4.2 Form Based Code Zoning District with the following conditions:

- One parking spot for the marijuana storefront shall be reserved with signage.
- The Applicant shall work with the Addressing Officer to ensure the space is correctly addressed along with Roopers.

(1:56:35 on Recording)

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

Megan presented the staff report. After a lengthy discussion amongst staff and Board members, the following motion was made:

(2:29:30 on Recording)

### **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 5-0-0, the motion carried.

Leroy Walker of 41 Broad Street and David Bell of Riverside Drive asked that they don't leave the Ag Zone behind when discussing this proposal. They said farmers need energy to run their farms and the Ag zone has the land area that is needed for these panels. This is an opportunity for a lot of people that own farmland to maybe make a little added revenue. Mr. Bell added that being in the Ag Zone with a business, we look to diversify our farms with crops and the solar arrays is an opportunity to create an income on possibly non-productive land.

### **Close Public Input**

A motion was made by Stephen Martelli and seconded by Mathieu Duvall to close the Public Input part of the hearing. After a vote of 5-0-0, the motion carried.

A motion was made by Mathieu Duvall and seconded by Dan Carroll to send a recommendation to the City Council to adopt the ordinance with the changes as discussed at the meeting. After a vote of 5-0-0, the motion carried.

### **PUBLIC COMMENT:**

No comments.

### **MISCELLANEOUS:**

#### **a. Upcoming items for February**

Megan listed some of the items coming in February 2020 (Solar project, North River Rd., & Election for Chair and Assistant Chair)

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

John Engler asked about the possibility of having a joint meeting with the City of Lewiston Planning Board and staff said they would try to schedule a meeting with the City of Lewiston this calendar year.

(2:44:12 on Recording)

**ADJOURNMENT**

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



## **Auburn Planning Board Meeting Minutes February 11, 2020**

### **ROLL CALL:**

**Regular Members present:** Evan Cyr – Presiding, Mathieu Duvall, John Engler and Stephen Martelli

**Regular Members absent:** Dan Carroll and 2 Vacant positions

**Associate and other Members present:** Riley Bergeron and Andrew Paradis

**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 6:03 pm and asked for a roll call. He congratulated Riley Bergeron and Andrew Paradis and welcomed them as the Board's 2 newest Associate Members and stated since the Board was absent 3 Regular members, Mr. Bergeron and Mr. Paradis would be elevated to full voting members for this meeting.

### **MINUTES:**

None at this time.

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

- 1. West Shore Landing Final Subdivision – Proposed 3, 12-Unit Apartment Building 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.**

Chairperson Cyr explained how Planning Board meetings are run. He then asked staff to present their report.

Eric explained how the law changed in 2018 regarding Site Plan and Special Exception vs. Subdivision Standards and said it would be best for the Board to make findings using both of those standards for this project. He then went over the staff report while presenting a couple of slides and answered questions from Board members.

(30:45 on YouTube Recording)

Jim Courbron of Survey Works, Inc. introduced Tom Perkins of Dirigo Architectural and Tim Millett of West Shore Landing, LLC and went through the preliminary conditions of approval and answered questions from Board members.

(48:30 on YouTube Recording)

### **Open Public Input**

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

Sarah Raymond who resides at 200 North River Rd asked about the Special Exception piece of this project and spoke about the filling and grading on the property, the flooding of the road, wells and septic access to properties on the road and said it's the Planning Board's job to look out for the interest of the people that are living there and to look out for the interest of our land and environment. She added that you can't just going around the rules that are in place and do what you want and say oh yeah afterwards.

### **Close Public Input**

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

After some deliberation amongst Board members, the following motion was made:

(1:03:35 on YouTube Recording)

A motion was made by John Engler to approve the final plan to construct 3, 12-unit apartment buildings on North River Road (PID 271-101) in the General Business, Shoreland Zoning Districts with the following conditions:

1. The Applicant shall apply for and receive either their Letter of Map Revision, based on fill (LOMR-F) through FEMA or a Flood Hazard Development Permit with the City before the issuance of a building permit; and this will show that they will exceed the base flood elevation;
2. Once final grading and foundation loading has been determined, a final geotechnical report shall be submitted prior to the issuance of a building permit;
3. The building height shall be limited to 35 feet as measured from the mean of the gable;
4. An addressing plan shall be provided to the Addressing Officer before the issuance of a building permit;
5. The Owner/Applicant of this development and the subject parcel accepts responsibility to own, construct and maintain the proposed section of sewer main that will connect to the public sewer system. The Applicant shall acquire the necessary easements from the City to construct, maintain and repair such private sewer lines within the right of way of North River Road and Northern Avenue prior to the issuance of a building permit;
6. The Development is to be constructed in accordance with Section 60-897. This condition shall be included in any deed, lease, purchase and sale agreement, or document transferring or expressing an interest to transfer any interest in real estate or structure, including but not limited to a time-share interest. The municipality may enforce any violation of this construction requirement, and the fact shall also be included in the deed or any other document previously described;
7. The Owner/Applicant shall obtain all applicable DEP permits prior to the issuance of a building permit.

Chairperson Cyr suggested that the motion either recognizes or does not recognize the following 2 waiver requests: Sec. 60-607(15) *Waive this requirement to allow for two 24-foot curb-cuts.* & Sec. 60-801(2) *Waive this requirement to allow for two, two-way accesses onto a single roadway.*



Mr. Engler said he supports granting both of the 2 waiver requests. He also agreed to the friendly amendment of his motion to include that the Board recognizes that the project application has met the site plan and special exception conditions.

Mathieu Duvall asked if he could add another friendly amendment which is that they strike the portion of the flood hazard development permit. Mr. Engler accepted the friendly amendment.

The motion was seconded by Mathieu Duvall.

Chairperson Cyr said this development does meet some particular goals in the City, specifically to increase market-rate housing closer to the center of town. However, he wanted it noted that the project does sell in a manner that is similar as those seen prior in sort of taking action prior to actual approval by the Board and that it would be prudent for the Board that we look forward to possibly remedying that so we have clear direction as we move forward on future projects.

After a vote of 6-0-0, the motion carried.

(1:10:30 on YouTube Recording)

## **2. Consider Adopting Language for Solar Energy Generating Systems in the Agriculture/Resource Protection Zone.**

Eric said he didn't have much more to add that was already addressed by the staff report Megan had sent out. A lengthy discussion ensued amongst Board members and staff.

(1:31:00 on YouTube Recording)

Palmer Moore of Nexamp said he and his company have been talking with a number of landowners in this zoning district. He said he's been in the solar industry for over a decade and has done a large number of projects with agricultural landowners across the entire northeast. He spoke about the low impact type of development of solar installations and explained how this guarantees that the topsoil under a solar development can remain there for decades without any degradation to the value of nutrients in that topsoil. He said he would be happy to attend future meetings to provide context if needed.

Kathy Shaw, owner of Valley View Farms thanked the Planning Board for taking this on. She said she has a 40-acre parcel on her farm that's just rough pasture so this could be another use for that land that she can't farm. She said she could put her sheep and goats on it but can't use it for anything else so this might work. She said she's also concerned about soils of statewide significance and said this would be good for other people to do on their farms where revenue cannot be generated.

After some discussion, Eric said he felt he had enough feedback from the Board to be able to draft the language for the Board to review next month.

(1:52:35 on YouTube Recording)

## **3. Consider Adopting Language for Back Lots Under Chapter 60, Article II. – General Provisions.**

Several Board members weighed in on the subject and Eric said staff would provide some examples of other ordinances to bring back to the Board.

**OLD BUSINESS:**

Review/Sign January 14, 2020 Findings of Fact for 301 Main Street

**PUBLIC COMMENT:**

No comments.

**MISCELLANEOUS:**

(2:10:25 on YouTube Recording)

**a. Election of Chair and Vice Chair**

Chairperson Cyr explained the process for Planning Board elections.

**For position of Chair:**

Chairperson Cyr nominated Mathieu Duvall. Mr. Duvall accepted the nomination which was seconded by Stephen Martelli.

Chairperson Cyr nominated John Engler. Mr. Engler declined the nomination.

After a vote of 6-0-0, Mr. Duvall was elected Chair of the Planning Board.

**For position of Vice Chair:**

Chairperson Cyr nominated John Engler. Mr. Engler accepted the nomination which was seconded by Stephen Martelli.

After a vote of 6-0-1, Mr. Engler was elected Vice Chair of the Planning Board. (John Engler abstained)

**b. Upcoming items for March.**

Eric listed some of the items coming in March 2020 (Solar project, Several ordinance revisions, Tiny homes and event barns, & Setbacks for utility uses)

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

None

(2:18:45 on YouTube Recording)

**ADJOURNMENT**

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

## **Auburn Planning Board Meeting Minutes March 10, 2020**

### **ROLL CALL:**

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

**Regular Members absent:** John Engler and 2 Vacant positions

**Associate and other Members present:** Riley Bergeron

**Associate and other Members absent:** Andrew Paradis

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

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

### **MINUTES:**

**Approval request of the January 14, 2020 and February 11, 2020 meeting minutes.**

A motion was made by Evan Cyr and seconded by Dan Carroll to approve the January 14, 2020 and February 11, 2020 meeting minutes as presented. After a vote of 5-0-0, the motion passed.

Chairperson Duvall stated that because several regular members were absent, Riley Bergeron's status would be elevated to full member voting status for this meeting.

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

- 1. BD Solar Auburn is proposing a 45-acre, 14.6MW solar array on an approximately 142.74 acre parcel split between the City of Auburn and the Town of Poland on Lewiston Junction Road (PID: 142-007), in the Industrial Zoning District.**

Eric went over the staff report and explained the conditions of approval that were listed in the staff report. He presented a slide showing the site and answered questions.

Sean Thies of CES, Inc. and agent for BD Solar Auburn, LLC added to the presentation and answered questions from Board members.

### **Open Public Input**

A motion was made by Evan Cyr and seconded by Stephen Martelli to open the public input part of the hearing. After a vote of 5-0-0, the motion carried.

No comments from the public.

### **Close Public Input**

A motion was made by Evan Cyr and seconded by Stephen Martelli to close the Public Input part of the hearing. After a vote of 5-0-0, the motion carried.

After some deliberation amongst Board members, the following motion was made:

**(31:35 on YouTube Recording)**

A motion was made by Evan Cyr to approve the request made by BD Solar Auburn, for a 45-acre, 14.6MW solar array on an approximately 142.74 acre parcel split between the City of Auburn and the Town of Poland on Lewiston Junction Road (PID: 142-007), in the Industrial Zoning District with the findings that it meets the conditions for both site plan and special exception approval and that it be subject to the conditions 1 thru 12 as outlined in the staff report dated March 10, 2020 and that an amendment to Condition #6 beginning with “that the City shall revoke” be rewritten to read “that the City may revoke”, and that Condition #6A be amended to reflect 24 months from the date of approval instead of 12 months.

The motion was seconded by Dan Carroll. After a vote of 5-0-0, the motion carried.

## **2. DISCUSSION/SCHEDULE PUBLIC HEARING: Consider Adopting Language for Solar Energy Generating Systems in the Agriculture/Resource Protection District.**

Eric presented the staff report and answered questions from Board members.

**(47:45 on YouTube Recording)**

Palmer Moore, Vice President of NexAmp and Henry Barrett who works on development projects at NexAmp said they wanted to make themselves available to the Board to answer questions and provide some context from the industry in terms of evaluating these various options that have been presented in the staff report. They presented a couple of slides and answered questions.

**(1:13:30 on YouTube Recording)**

Chairperson Duvall suggested that the Board take each category one at a time and give their choice of the option they prefer. Board members went over the following categories and gave their opinions on which option they preferred for each: Clearing, Prime Soils, Eco System & Wildlife, Total Land Area, Negative Impacts on AG Land, Setbacks & Lot Cover and Installation of Panels for Individual Use.

Mr. Moore of NexAmp answered several questions from Board members.

**(1:55:45 on YouTube Recording)**

Bill Sylvester of 1128 Riverside Drive said solar farms are not farms as they are pretty ugly and don't resemble any farm he's ever seen. He said it isn't compatible with our wildlife, it changes the waterflow and if it's 90 degrees out you cannot go touch it because it's very hot. There's a big heating process that goes on underneath the panels. He said you certainly don't want to take the topsoil away. You should leave it there and if after 5 years solar panels aren't popular anymore, the soils should be brought back to what it was before.

David Bell who resides on Riverside Drive, agrees with Evan Cyr that it's an option for additional income and said we could encroach the forest a little bit if that is what would be needed to keep it from being shaded.

Eric said he thinks he has enough information for he and Megan to draft an ordinance.

Palmer Moore of NexAmp said as it relates to forested land in the zoning district, that the Board consider a site be replanted with trees after the conclusion of a project verses the consideration for the ecological value of the primitive ecosystem there. He also mentioned that what's mapped on the GIS map may not be what's on the ground. A site-specific soil analysis should be used instead of relying on the GIS map. He said he would be happy to provide more information as the ordinance evolves.

Roger Gauthier who owns the last dairy farm on Penley Corner Road said he is trying to keep the farm going and this would help him a lot. He spoke about some of his property being difficult to hay because of the hills so this may be a better fit for some of his land.

Chairperson Duvall said the Board needs to decide how to involve the AG Committee and the Conservation Commission and if we want to proceed to a Public Hearing or not.

Eric said staff could write up a draft with the feedback taken from this meeting and ideally we could schedule for a Public Hearing next month but does not mean the Board would have to act on it as they may want some public feedback on the draft. If there's a need for change it could come back in a following month and then a recommendation could be sent to the City Council who could then solicit feedback from the 2 committees if they want.

Evan Cyr suggested that the Board have a workshop on the draft that staff develops for the next meeting as a joint workshop and then proceed with the public hearing so we are able to get feedback from the boards and commissions we feel we need to get feedback from during that workshop. After a short discussion, the Board and staff decided to schedule a joint workshop between the Planning Board, the Conservation Committee and the AG Committee on Tuesday, March 31<sup>st</sup>.

(2:27:10 on YouTube Recording)

### **3. DISCUSSION/SCHEDULE PUBLIC HEARING: Consider Adopting Language for Back Lots Under Chapter 60, Article II. – General Provisions**

Eric explained why this topic was before the Board. After a lengthy discussion, the Board decided that they should continue discussing this but not as a full pledged public hearing next meeting. Eric said staff would listen to the tapes and listen to the feedback and try to provide some of those examples requested by the Board but not schedule a public hearing.

(3:02:15 on YouTube Recording)

Chairperson Duvall stated that because it was after 9:00 pm, the Board would have to make a motion if they wanted to continue with the meeting.

A motion was made by Evan Cyr and seconded by Stephen Martelli to extend the meeting beyond 9:00 pm to include public comments and the rest of the items listed on the agenda. After a vote of 5-0-0, the motion passed.

**PUBLIC COMMENT:**

No comments.

**MISCELLANEOUS:**

**Upcoming items for April.**

Eric listed some of the items coming in April 2020 (A 4 or 5 lot subdivision on the corner of Stevens Mill & Hotel Rd, an additional 15 buildings on Mystique Way, and 2 more commercial projects along with those 2 mentioned)

**Planning Board Other Items for Discussion**

Eric mentioned that the Mayor is looking for a member of the AdHoc Committee to look at all of our existing meeting structures and try to make a recommendation about where we have too many. He said anyone interested should inform Chairperson Duvall.

(3:06:18 on YouTube Recording)

**ADJOURNMENT**

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

## **Auburn Planning Board Meeting Minutes April 14, 2020 (Virtual Meeting)**

### **ROLL CALL:**

**Regular Members present:** Mathieu Duvall – Presiding, Evan Cyr, Dan Carroll, John Engler and Stephen Martelli

**Regular Members absent:** 2 Vacant positions

**Associate and other Members present:** Riley Bergeron (arrived after the vote on the minutes)

**Associate and other Members absent:** 1 Vacant position

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

Chairperson Duvall called the meeting to order at 6:00 pm and explained that this was a Planning Board meeting even though it was being done remotely. He explained everyone's role in conducting the meeting and then asked for a roll call.

### **MINUTES:**

**Approval request of the March 10, 2020 meeting minutes.**

A motion was made by John Engler and seconded by Dan Carroll to approve the March 10, 2020 meeting minutes as presented. After a vote of 5-0-0, the motion passed.

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

- 1. Proposed Delly Drive Subdivision: Four, two-unit residential lots for a total of 8 units with shared driveways located on the northwesterly corner of Hotel and Stevens Mill Road at 301 Stevens Mill Road (PID: 217-048) in the Suburban Residential Zoning District.**

Megan went over the staff report and presented slides.

Evan Cyr suggested that staff read, for members of the public, the amended items that were given to the Planning Board members earlier in the day.

Megan read the items that were emailed to the Board members earlier. She and Eric then answered questions from Board members which consisted of, among other things, the vernal pool situation, the shared driveway, the open recreation space, and the fee in-lieu-of.

**(35:50 on YouTube Recording)**

Jim Corbrun, Senior Project Manager at SurveyWorks, Inc., went over the revised plan in detail and answered questions from Board Members.

(1:01:45 on YouTube Recording)

Paul Hollis, applicant, stated he was the sole owner of RF 1 Properties, LLC, and said they did not have any intention to sell the units as condominiums and said the vernal pool would be assessed within the next couple of weeks.

Chairperson Duvall recognized Riley Bergeron as having joined the meeting early enough to have heard everything regarding this item. He stated that since the Board had 2 vacancies, Mr. Bergeron's status would be elevated as a full voting member for this meeting.

### **Open Public Input**

A motion was made by Evan Cyr and seconded by Dan Carroll to open the public input part of the hearing. After a vote of 6-0-0, the motion carried.

Eric explained how people in the audience could raise their hands if they wanted to make a comment.

No comments from the public.

### **Close Public Input**

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

Board members discussed among other things, the open space and the issue of lot 4 having a potential vernal pool. The decision was made to bring the applicants back for some clarification.

(1:40:00 on YouTube Recording)

A motion was made by Dan Carroll and seconded by Riley Bergeron to return the applicants for comment regarding the vernal pool situation on lot 4.

Mr. Hollis agreed that it was a good alternative that lot 4 be the last lot to be built on and if it does prove to be a vernal pool, they would reconfigure the lot to meet DEP and City of Auburn standards.

After more discussion amongst Board members and City staff, the following 4 motions were made:

(1:58:30 on YouTube Recording)

1st) A motion was made by Evan Cyr and seconded by Dan Carroll to grant the variance with regard to open space for the specific site plan and subdivision with the findings and conditions that the site provide adequate opportunity for recreation and in addition, the finding that it's proximity to Mount Apatite also provides adequate opportunity for recreation. After a vote of 6-0-0, the motion carried.

2nd) A motion was made by Evan Cyr and seconded by John Engler to approve the lot bonuses to the lot width and lot size as referenced in the staff report. After a vote of 6-0-0, the motion carried.

3rd) A motion was made by Evan Cyr and seconded by Dan Carroll to amend the site plan to strike the reference to duplexes and rather accept the site plan that states any housing that meets the density requirements of the zone. After a vote of 6-0-0, the motion carried.



4th) A motion was made by Evan Cyr and seconded by Dan Carroll to approve the Delly Drive subdivision to 1 or 2 unit residential lots for a total of up to 8 possible units with a shared driveway located on the north westerly of Hotel and Stevens Mill Roads at 301 Stevens Mills Road, PID # 217-048 in the Suburban Residential Zoning District Finding that it meets the conditions and requirements of Section 60-1359, Section 60-1365 and Section 60-899 subject to conditions 1 through 13 to exclude condition #8 found on page 8 of the staff report.

Chairperson Duvall asked to make the friendly amendment to reference the staff report that was emailed to Board members dated April 14, 2020. Mr. Cyr and Mr. Carroll accepted the friendly amendment.

John Engler asked to make an additional friendly amendment to condition #5 to begin with “Out of concern for a vernal pool, the applicant agrees to leave lot #4 as final for developments additionally,...” Mr. Cyr and Mr. Carroll accepted the friendly amendment.

After a vote of 6-0-0, the motion carried.

**2. Proposed Site Plan/Special Exception U-Haul – Retrofitting the existing Kmart building for U-Haul self-storage, truck and trailer share and associated retail uses located at 603 Center Street (PID: 291-017) in the General Business Zoning District.**

Megan read the staff report and presented a couple of slides of the site plan. She answered several questions from Board members.

Shawn Goldrup, Project Representative, Stephany Sheekey of Amerco Real Estate Company and Matt Pepin explained what they would be doing with the existing locations and answered questions from Board members.

**Open Public Input**

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

No comments from the public.

**Close Public Input**

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

Board members were all in agreement that the proposed project was going to be a great improvement to the area and the following motion was made:

A motion was made by Dan Carroll and seconded by Stephen Martelli to approve the Site Plan/Special Exception U-Haul – Retrofitting the existing Kmart building for U-Haul self-storage, truck and trailer share and associated retail uses located at 603 Center Street (PID: 291-017) in the General Business Zoning District. After a vote of 6-0-0, the motion carried.

(2:26:45 on YouTube Recording)

**3. Proposed Site Plan/Special Exception Auburn Marketplace – Redevelopment of a Restaurant Building to Create 4 Units – A quick Service drive-thru, a sandwich shop/retail, retail space and the remainder as the lobby for the hotel, located at 1777 Washington Street (PID: 121-001) in the General Business Zoning District.**

Megan read the staff report and presented slides. There were no questions from Board members.

Shawn Frank, Project Engineer from Sebago Technics, Inc. added to the presentation and answered questions from Board members.

**Open Public Input**

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

No comments from the public.

**Close Public Input**

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

Stephen Martelli disclosed that he had worked with Sebago Technics in the past and stated that it was approximately 12 years ago. After a short discussion, the following motion was made:

A motion was made by John Engler to approve the Site Plan/Special Exception Auburn Marketplace – Redevelopment of a Restaurant Building to Create 4 Units – A quick Service drive-thru, a sandwich shop/retail, retail space and the remainder as the lobby for the hotel, located at 1777 Washington Street (PID: 121-001) in the General Business Zoning District with the 6 conditions as outlined in the staff report dated April 14, 2020.

Chairperson Duvall asked to make the friendly amendment that they use the language located in another part of the staff report that reads as follows: Redevelopment of a Restaurant Building to Create 4 Units – A quick Service drive-thru, a sandwich shop/retail, another retail space and the remainder as the lobby for the hotel, located at 1777 Washington Street (PID: 121-001) in the General Business Zoning District. Mr. Engler accepted the friendly amendment.

Chairperson Duvall asked to make the friendly amendment that they use the 2 conditions emailed instead of the 6 that were referenced by Mr. Engler as 4 of the 6 conditions have been satisfied. The 1<sup>st</sup> of the 2 conditions that have not been met is that the traffic movement permit shall be issued before the issuance of the building permit and that the project shall comply with all conditions included in the traffic movement permit and the 2<sup>nd</sup> condition that was not satisfied is that an addressing plan for the new units shall be provided to the addressing officer before the start of construction. Mr. Engler accepted the friendly amendment.

The motion was seconded by Dan Carroll. After a vote of 6-0-0, the motion carried.

(2:56:05 on YouTube Recording)

**4. Proposed Site Plan Amendment/Site Location of Development Act Delegated Review – Fourteen new industrial cannabis cultivation and manufacturing structures located on Mystique Way (PID: 206-058) in the Industrial Zoning District.**

Megan read the staff report and presented slides. She then answered questions from Board members, specifically the parking situation on the site.

The applicant, Sean O'Brien of Mystique Way, LLC and Jeffrey Amos, Project Engineer from Terradyn Consultants explained the project and answered questions from Board members.

**Open Public Input**

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

No comments from the public.

**Close Public Input**

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

After a lengthy discussion amongst Board members, the following motion was made.

(3:40:00 on YouTube Recording)

A motion was made by John Engler to approve the Site Plan Amendment/Site Location of Development Act Delegated Review – Fourteen new industrial cannabis cultivation and manufacturing structures and a storefront located on Mystique Way (PID: 206-058) in the Industrial Zoning District with the following conditions: 1) Except in emergency situations, no vehicles shall be parked in roadway, 2) At least 2 parking spots shall be made available within 10 feet of each building and noted on the site plan 3) The applicant will need to return to the Planning Board if they want to add an additional cannabis retail operation to the site, 4) All applicable bonding fees shall be paid for before the start of construction, 5) A 15-foot easement shall be provided to the Auburn Water & Sewer for the public water main on Mystique Way, 6) Must address all concerns by the Fire Department regarding access and fire hydrant distances, and 7) An addressing plan shall be approved before building permits are issued.

Evan Cyr asked if he could propose the following friendly amendment: to include the waiver for the loading docks. Mr. Engler accepted the friendly amendment.

The motion was seconded by Dan Carroll. After a vote of 6-0-0, the motion carried.

Chairperson Duvall stated that because it was after 9:00 pm, the Board would have to make a motion if they wanted to continue with items 7 through 10 that are listed on the agenda.

A motion was made by John Engler and seconded by Evan Cyr to continue the meeting to include public comments and the rest of the items listed on the agenda. After a vote of 6-0-0, the motion passed.

The Board members agreed to have City staff prepare the AG Solar item on the Agenda as a Public Hearing in May.

**PUBLIC COMMENT:**

No comments.

**MISCELLANEOUS:**

**Upcoming items for May.**

AG Zone Solar

**Planning Board Other Items for Discussion**

Chairperson Duval stated that the City Council is looking to put energy & resources into the downtown area and they are likely going to request that the Planning Board start looking at ordinances to enliven that.

(3:49:10 on YouTube Recording)

**ADJOURNMENT**

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

## **Auburn Planning Board Meeting Minutes May 12, 2020 (Virtual Meeting)**

### **ROLL CALL:**

**Regular Members present:** Mathieu Duvall – Presiding, Evan Cyr, John Engler and Stephen Martelli

**Regular Members absent:** Dan Carroll and 2 Vacant positions

**Associate and other Members present:** Riley Bergeron

**Associate and other Members absent:** 1 Vacant position

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

Chairperson Duvall called the meeting to order at 6:00 pm and asked for a roll call. He explained that Riley Bergeron would be joining the meeting shortly but until then, he said the Board would need to make a motion to have only 4 members voting until he arrived.

A motion was made by John Engler and seconded by Stephen Martelli to allow only 4 members of the Planning Board as a quorum. After a vote of 4-0-0, the motion passed.

### **MINUTES:**

**Approval request of the April 14, 2020 meeting minutes.**

A motion was made by Evan Cyr and seconded by Stephen Martelli to approve the April 14, 2020 meeting minutes as presented. After a vote of 4-0-0, the motion passed.

Chairperson Duvall stated that Riley Bergeron had joined the meeting and said that his status would be elevated to full voting rights due to having some full members absent.

Before moving on to the Public Hearings, Phil Crowell, Assistant City Manager went over some of the city's Capitol Improvement Plans (CIP) for FY21. He presented slides highlighting Economic & Community Development's CIP items, answered questions from Board members and agreed with Board members that this should be presented to the Planning Board earlier in the budget process.

**(51:00 on YouTube Recording)**

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

- 1. Review Draft Ordinance Language, Discussion and Recommendations to City Council regarding the Adoption of an Ordinance Regulating Solar Energy Generating Systems in the Agriculture/Resource Protection Zoning District.**

Megan went over the staff report and she and Eric presented several slides. A lengthy discussion ensued as Board members and staff went over each section of the draft language.

(1:55:30 on YouTube Recording)

### **Open Public Input**

A motion was made by Evan Cyr and seconded by Riley Bergeron to open the public input part of the hearing. After a vote of 5-0-0, the motion carried.

Henry Barrett of NexAmp said he appreciated all the work the Board members and staff had done on this project.

### **Close Public Input**

A motion was made by Evan Cyr and seconded by John Engler to close the Public Input part of the hearing. After a vote of 5-0-0, the motion carried.

Board members went over each section and decided on the following proposed edits of the draft language:

- **Lot Coverage**
  - Leave language as is
- **Total Land Area:**
  - Provide clear language directing the committees and commissions – Use Option 2, D should read: The Planning Board shall request an assessment of the proposed project based on Sec. 60-145 D by the Agriculture Committee and, if located in...,
  - Constraining a farmer's choice regarding land use – Use language found under Sec. 60-1427 – Applicability
- **Height**
  - Option 2, F #3, strike the word approval and replace with recommendation
- **Clearing**
  - Option 2, F #2 rewrite paragraph to say: At the time of decommissioning of any Solar Energy Generating System approved by the Planning Board, the current sitting Planning Board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
- **Prime Soils**
  - Option 2, G #1, Rewrite the sentence to say: Non-prime farmland is not reasonably available on the subject property
  - Strike Option 2, G #2
- **Herbicides & Pesticides**
  - Option 2, I #2, Rewrite sentence to say: A plan that provides habitat for native plants and animals and native pollinators.

(2:36:35 on YouTube Recording)

A motion was made by Evan Cyr and seconded by Riley Bergeron to forward a recommendation for a Zoning Ordinance amendment allowing Solar Energy Generating Systems under Special Exception Standards for the Ag Zone as drafted in Ordinance format Option 2 presented by Staff at this meeting and to include the edits discussed during the deliberation section of this meeting.

After a vote of 5-0-0, the motion carried.

#### **DISCUSSION/SCHEDULE PUBLIC HEARING:**

##### **1. Consider Adopting Language for Back Lots Under Chapter 60, Article II. – General Provisions**

Megan went over the staff report. Staff answered questions from Board members and after a lengthy discussion, it was decided that staff would provide additional information at the next Planning Board meeting.

**(3:12:30 on YouTube Recording)**

Chairperson Duvall stated that because it was after 9:00 pm, the Board would have to make a motion if they wanted to continue with items remaining on the agenda.

A motion was made by Evan Cyr and seconded by John Engler to continue the meeting to hear the remaining items on the agenda. After a vote of 5-0-0, the motion passed.

#### **PUBLIC COMMENT:**

Alan Kinnerson spoke about trying to purchase a disc golf course since last November and thanked the Board for taking the time to hear him. Board members and staff discussed the possibility of a variance and/or waiver to help Mr. Kinnerson alleviate the problem regarding the back lot. Board members decided they would look at trying to find a solution for this specific lot but that would also apply to other lots in similar situations as well.

#### **MISCELLANEOUS:**

##### **Upcoming items for June.**

Megan listed the following items coming up in June: Mystique Way subdivision request, Futureguard at 101 Merrow Road factory expansion request and NexAmp solar request on Riverside Drive.

##### **Planning Board Other Items for Discussion**

Chairperson Duval stated that he would like the Planning Board to send a letter to the City Council urging them to update the zoning so that it matches the Comp Plan as part of their Comprehensive Plan update. He said he would like to have that placed on a future agenda for the Board to discuss.

**(3:32:40 on YouTube Recording)**

#### **ADJOURNMENT**

A motion was made by Evan Cyr and seconded by Riley Bergeron to adjourn. After a vote of 5-0-0, the motion carried.

## **Auburn Planning Board Meeting Minutes June 9, 2020 (Virtual Meeting)**

### **ROLL CALL:**

**Regular Members present:** Mathieu Duvall – Presiding, Stephen Martelli, John Engler, Stacey LeBlanc and Darren Finnegan. Also present but arriving late and joining only after the vote of the 1<sup>st</sup> Public Hearing were Evan Cyr and Dan Carroll.

**Regular Members absent:** None

**Associate and other Members present:** Riley Bergeron and Dana Staples

**Associate and other Members absent:** None

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

Chairperson Duvall called the meeting to order at 6:02 pm and asked for a roll call. He explained that because both Mr. Cyr and Mr. Carroll were not present, Riley Bergeron and Dana Staples would be acting as full members for the 1<sup>st</sup> Public Hearing on the agenda.

### **MINUTES:**

**No minutes available.**

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

1. **Auburn Renewables is proposing a 35-acre, 5MW solar array on two parcels totaling approximately 82.1 acres at 1115 Riverside Drive (PIDs: 162-001 and 137-028) in the Agriculture and Resource Protection Zoning District.**

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

**(17:40 on YouTube Recording)**

Henry Barrett, Business Development Manager of New England Nexamp introduced Palmer Moore also of NexAmp and Heather Storlaz and Cindy Martin of TRC Companies. Mr. Barrett spoke about the company and went over the proposal. Ms. Storlaz gave a broad overview of the project and spoke about the wetlands. The applicants answered questions from Board members.

### **Open Public Input**

A motion was made by Evan Cyr and seconded by John Engler to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.



No Comments from the public

**Close Public Input**

A motion was made by Dana Staples 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 some discussion amongst Board members, Tom Daniels of TRC asked to make a comment. Chairperson Duvall stated that the Board would have to make a motion to hear from the public.

**Open Public Input**

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

Tom Daniels, an Engineer from TRC spoke about the grading on the property.

**Close Public Input**

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

(49:45 on YouTube Recording)

A motion was made by John Engler and seconded by Dana Staples to approve a 35-acre, 5MW solar array on two parcels totaling approximately 82.1 acres at 1115 Riverside Drive, PID 162-001 & 137-028 in the Ag & Resource Protection Zoning District with the following findings:

A. Site Plan Review, Section 60-1277:

1. Protection of adjacent areas against detrimental or offensive uses on the site by provision of adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air;
2. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas;
3. Adequacy of the methods of disposal for wastes; and
4. Protection of environment features on the site and in adjacent areas.

B. Special Exception, Section 60-1336:

1. That the special exception sought fulfills the specific requirements, if any, set forth in the zoning ordinance relative to such exception.
2. That the special exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard.
3. That the special exception sought will not block or hamper the master development plan pattern of highway circulation or of planned major public or semipublic land acquisition.
4. That the exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of property adjoining and neighboring the property under application.

5. That reasonable provisions have been made for adequate land space, lot width, lot area, stormwater management in accordance with section 60-1301(14), green space, driveway layout, road access, off-street parking, landscaping, building separation, sewage disposal, water supply, fire safety, and where applicable, a plan or contract for perpetual maintenance of all the common green space and clustered off-street parking areas to ensure all such areas will be maintained in a satisfactory manner.
6. That the standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the city building code and by the provisions of this chapter.
7. That essential city services which will be required for the project are presently available or can be made available without disrupting the city's master development plan.

C. Special Exception, Section 60-145(b)(18): Ground-Mounted and Dual-Use Solar Energy Generating Systems greater than one acre in total land area as defined in Sec. 60-1425, subject to the following conditions:

- a. Must comply with the provisions of Article XVIII under this chapter;
- b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
  1. *Rear*. There shall be behind every structure associated with a Solar Energy Generating System a rear yard having a minimum depth of 25 feet.
  2. *Side*. There shall be a minimum distance of 15 feet between any structure associated with a Solar Energy Generating System and the side property line.
  3. *Front*. There shall be in front of every structure associated with a Solar Energy Generating System a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- c. Lot coverage shall not exceed 30%, as defined under Sec. 60-1430(a)(II).
- d. *Total Land Area*. Once one percent of the Agriculture and Resource Protection District has been developed into Solar Energy Generating Systems, the Planning Board must find that any additional proposed Solar Energy Generating Systems will not materially alter the stability of the overall land use pattern of the Agriculture and Resource Protection District. In making this determination, the Planning Board shall consider the overall effect of existing and potential Solar Energy Generating Systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The Planning Board shall request an assessment of the proposed project based on Sec. 60-145(b)(18)(d) by the Agriculture Committee and, if located in the Resource Protection District, the Conservation Commission and carefully consider their recommendations.
- e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
- f. If a Solar Energy Generating System is proposed on forestland in the Agriculture and Resource Protection District, on a parcel adjacent to prime farmland or land currently

used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:

1. The presence of the Solar Energy Generating System will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
  2. At the time of decommissioning of any Solar Energy Generating System approved by the Planning Board, the current sitting Planning Board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
  3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the Maine Department of Inland Fisheries and Wildlife, an IF&W recommendation shall be secured before a Planning Board ruling.
  4. A Vegetative Cover Plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. *Prime Soils.* All Solar Energy Generating Systems proposed in the Agriculture and Resource Protection District shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the Planning Board that:
1. Non-prime farmland is not reasonably available on the subject property;
- h. All applications for Solar Energy Generating Systems in the Agriculture and Resource Protection District shall be subject to the following provisions:
1. Siting of the overall facility and individual panels shall keep with the existing contours of the land, and
  2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation, and
  3. To the extent possible, infrastructure shall not be located on steep slopes, and
  4. A plan for topsoil maintenance shall be provided at the time of application to the Planning Board.
- i. All Operations and Maintenance Plans shall also include:
1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
  2. A plan that provides habitat for native plants and animals and native pollinators.

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

Chairperson Duvall stated that Evan Cyr and Dan Carroll were now going to be joining the meeting as full members, which means Mr. Staples and Mr. Bergeron would be continuing as Associate members for the remainder of the meeting.

2. **Terradyn Consultants on behalf of Mystique Way, LLC is proposing to amend the Site Plan/Special Exception approved by the Planning Board on April 14, 2020 to develop a Planned Unit Development consisting of 18 buildings split into 10 units in the Industrial Zoning District.**

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

**(1:19:20 on YouTube Recording)**

Applicants Jeff Amos, Engineer with Terradyn Consultants and Sean O'Brien from Mystique Way, LLC spoke about the project and answered questions from Board members.

### **Open Public Input**

A motion was made by Evan Cyr and seconded by John Engler to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

No Comments from the public.

### **Close Public Input**

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

After much deliberations, the following motion was made:

**(1:56:00 on YouTube Recording)**

A motion was made by John Engler to approve the development of a Planned Unit Development consisting of 18 buildings split into 10 units located on Mystique Way (PID: 206-058) in the Industrial Zoning District with the following conditions:

1. Except in emergency situations, no vehicles shall be parked on Mystique Way unless in a designated parking space.
2. No more than one retail use shall be on the site unless approval is granted by the Planning Board.
3. Before the start of construction, all applicable bonding and inspection fees shall be paid and the Engineering Department shall sign off on the stormwater review.
4. A 15-foot easement shall be provided to Auburn Water and Sewer and recorded in a deed for the public water main on Mystique Way.
5. All concerns raised by the Fire Department regarding access and fire hydrant distances shall be addressed.
6. An addressing plan shall be approved before building permits are issued.
7. Any future proposed change of industrial uses shall require presenting a site plan to staff and staff should examine the loading space requirements for those future uses.

Evan Cyr asked to make the following friendly amendment to the motion: Amend Condition #7 to not be applicable to any future proposed industrial use but that the applicant provide a current updated site plan to staff indicating where future loading zones may be located. Mr. Engler accepted the amendment.

The motion was seconded by Evan Cyr. After a vote of 7-0-0, the motion carried.

3. **Proposed expansion of FutureGuard at 101 Merrow Road (PID: 186-015) to construct a 3,258 square foot main entrance addition with adjustments to parking on both sides, relocation of the showroom to the southerly corner of the factory and a 9,930 square foot addition for a larger showroom and reception area, a new entrance on the west end of the building and 30 new parking spaces adjacent to the entrance, a 14,846 square foot addition for an additional manufacturing area and 20 new parking spaces proposed at the rear of the site.**

Megan went over the staff report while providing slides.

Applicant, Mike Gotto said he had nothing further to add to the staff report.

#### **Open Public Input**

A motion was made by Evan Cyr and seconded by John Engler to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

No Comments from the public.

#### **Close Public Input**

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

A motion was made by Evan Cyr and seconded by Dan Carroll to approve the expansion of FutureGuard at 101 Merrow Road (PID: 186-015) to construct a 3,258 square foot main entrance addition with adjustments to parking on both sides, relocation of the showroom to the southerly corner of the factory and a 9,930 square foot addition for a larger showroom and reception area, a new entrance on the west end of the building and 30 new parking spaces adjacent to the entrance, a 14,846 square foot addition for an additional manufacturing area and 20 new parking spaces proposed at the rear of the site with the following conditions:

- A. No development activity until any bonding or inspection fees is determined by the Auburn Engineering Department
- B. 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

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

(2:08:45 on YouTube Recording)

**PUBLIC COMMENT:**

No comments from the public

**MISCELLANEOUS:**

- a. Recommendation from Planning Board to City Council to Update Comprehensive Plan.

Board members discussed the process and timeline for Comp Plan updates

- b. Upcoming items for July.

New Edward Little High School – Neighborhood meeting scheduled for June 23, 2020

- c. Planning Board Other Items for Discussion.

Eric gave an overview of the ballfields project and introduced Travis Bashaw, President of the Auburn Suburban Little Baseball & Softball League and Marc Gosslin, Director of Sports Tourism for the City of Auburn. Mr. Bashaw and Mr. Gosslin added to the project overview and said they wanted to be 100 transparent throughout this process.

(2:51:50 on YouTube Recording)

**ADJOURNMENT**

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

## **Auburn Planning Board Meeting Minutes July 14, 2020 (Virtual Meeting)**

### **ROLL CALL:**

**Regular Members present:** Mathieu Duvall – Presiding, Stacey LeBlanc, Evan Cyr and Darren Finnegan (Arrived after Minutes)

**Regular Members absent:** Stephen Martelli and Dan Carroll

**Associate and other Members present:** Riley Bergeron and Dana Staples

**Associate and other Members absent:** None

**Also present representing City staff:** Eric Cousens, Deputy Director of Economic & Community Development, Megan Norwood, Auburn City Planner and Justin Poirier, Auburn Urban Development Specialist.

Chairperson Duvall called the meeting to order at 6:02 pm and asked for a roll call. He explained that because several of the Board members were not present, Riley Bergeron and Dana Staples would be acting as full members this meeting.

### **MINUTES:**

**Approval request of the May 12, 2020 meeting minutes.**

A motion was made by Evan Cyr and seconded by Riley Bergeron to approve the May 12, 2020 meeting minutes as presented. After a vote of 3-0-2, the motion failed. (Stacey LeBlanc & Dana Staples abstained)

A motion was made by Dana Staples and seconded by Evan Cyr to table the May 12, 2020 meeting minutes until more members of the Board would be present. After a vote of 5-0-0, the motion carried.

**Approval request of the June 9, 2020 meeting minutes.**

A motion was made by Evan Cyr and seconded by Dana Staples to approve the June 9, 2020 meeting minutes as presented. After a vote of 5-0-0, the motion passed.

**(13:30 on YouTube Recording)**

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

**The City of Auburn School Department is proposing construction of the new Edward Little High School building and associated parking, drives, track and field facility, tennis courts and new athletic fields on the existing site located at 77 Harris Street (PID: 240-322) in the Urban**

## **Residential Zoning District.**

Evan Cyr disclosed that he was an employee of the Edward Little High School but stated he believed he could be impartial on this subject and said he would leave it up to the Board to decide if he could continue as a voting member on this item.

Chairperson Duvall asked for any feedback from the Board. Dana Staples said he did not think it was a problem and welcomed Mr. Cyr to join in on this conversation as a voting member.

A motion was made by Dana Staples to allow Mr. Cyr to continue as a full voting member of the Planning Board for this topic. The motion was seconded by Riley Bergeron. After a vote of 5-0-1, the motion passed. Darren Finnegan had joined the meeting just prior to this topic being discussed and Evan Cyr abstained.

(18:00 on YouTube Recording)

Megan went over the staff report and concluded with the following:

1. The Planning Board will have to determine if the architectural renderings are important for tonight's discussion
2. Recommend discussing the airport suggestion of adding red lights to the top of the poles at the tennis courts and note that it's a suggestion and not a requirement as noted in the staff report
3. Hear from the traffic engineer and discuss the traffic flows and report that was provided
4. Granting of the 2 waivers for building height and the 2<sup>nd</sup> principle building
5. Discussion about the storm water in lieu of the report that was received today

(28:00 on YouTube Recording)

Megan and Eric then answered questions from the Board members.

(52:30 on YouTube Recording)

The following applicants introduced themselves:

- Adam Hanson, Business Manager for the Auburn School Department, and he introduced Billy Hunter, Director of Support Services for the Auburn School Department.
- Randy Dunton, Traffic Engineer with Gorrill Palmer
- Scott Annear, Principal of Edward Little High School
- Frank Crabtree, Civil Engineer with Harriman Associates, and he introduced Lisa Sawin, Project Manager and Principle Architect on the project

Frank Crabtree gave an overview of the project and presented site plans on the screen.

(1:13:00 on YouTube Recording)

Randy Dunton, Traffic Engineer with Gorrill Palmer went over the pre-feasibility traffic evaluation that was generated by Gorrill Palmer and he, Mr. Annear, Mr. Dunton and Mr. Crabtree answered questions from Board members. After a lengthy discussion, the following motion was made:

(2:14:00 on YouTube Recording)



### **Open Public Input**

A motion was made by Evan Cyr and seconded by Dana Staples to open the public input part of the hearing. After a vote of 6-0-0, the motion carried.

No Comments from the public

### **Close Public Input**

A motion was made by Evan Cyr and seconded by Dana Staples to close the Public Input part of the hearing. After a vote of 6-0-0, the motion carried.

Chairperson Duvall summarized the discussion with the following:

- Traffic & pedestrian traffic
- Screening on the east side
- Views of the buildings
- Obstruction lights
- Stormwater
- A couple of waivers

Board members went over the buffer waiver and Mr. Cyr suggested that instead of a waiver, the Board Findings should state that the site itself does not create an objectional or visual offense to neighbors. Board members agreed to include that statement in the Findings. Also discussed at length by Board members was the traffic entering and exiting the site and pedestrian traffic flow within the site.

Mr. Cyr suggested that the Board amend the site plan to remove the 2 trees that were discussed and amend the site plan to put in striping across the islands from the sidewalk. Chairperson Duvall clarified that this was to create a walkway running parallel to the building through the staff parking lot.

Mr. Cyr proposed that there be signage at the entrance to Fairmont and Chairperson Duvall asked if it could be changed to a one-way in access. Megan said she would like to run that by the Fire Department to make sure they are ok with that from a circulation perspective. A suggestion was made for the signage to say Exit to Court Street.

Mr. Staples said it would be very nice to have the City Council vote for sidewalk improvements on Fairmont and Harris and have a crosswalk across Western Avenue. He also mentioned that large vehicles should only use Western Avenue and stay off Harris and Fairmont Streets.

Ms. LeBlanc stated she was not comfortable with the bussing pattern that was proposed, and other Board members agreed.

Mr. Staples said in regard to the stormwater, staff should review any changes to the site plan based on the applicant's statements. Mr. Cyr agreed that staff is probably more qualified and suggested they include the condition that if it creates a substantial change it would come back to the Planning Board at that point.

Mr. Cyr suggested the Board handle the loading zone concern the same way they handled the buffer screening. Add a Finding that they do meet the requirement for the square footage of spaces required.

After a short discussion, the Board members decided that the obstruction lights were not an issue and the following motion was made:

**(3:09:20 on YouTube Recording)**

A motion was made by Evan Cyr that the Planning Board grant the following waivers to the site plan presented by the City of Auburn School Department for the proposed construction of the new Edward Little High School building located at 77 Harris Street (PID: 240-322) in the Urban Residential Zoning District:

1. lifting the restriction of 35 ft maximum building height
2. allow more than 1 principal building per lot

The motion was seconded by Dana Staples. After a vote of 6-0-0, the motion carried.

Chairperson Duvall said he had a suggestion to staff that the Board reopen the Public Input period and said he would need a motion from the Board to do that.

**(3:11:50 on YouTube Recording)**

#### **Open Public Input**

A motion was made by Evan Cyr and seconded by Riley Bergeron to open the public input part of the hearing. After a vote of 6-0-0, the motion carried.

No Comments from the public

#### **Close Public Input**

A motion was made by Evan Cyr and seconded by Dana Staples to close the Public Input part of the hearing. After a vote of 6-0-0, the motion carried.

Ms. LeBlanc stated she did not feel comfortable with the traffic pattern within the site and asked that this be revisited when they get more information from the applicant. Chairperson Duvall explained that this would mean the item would have to be tabled if that is what she wanted.

A motion was made by Stacey LeBlanc to table this until August 11. The motion was not seconded so the Board members continued their discussion.

Mr. Cyr said the Board had the following 3 options:

- Table this discussion
- Create a specific condition that fixes a problem that we see in the site plan
- Create a condition that delegates authority to staff to address an issue that was seen in the plan

**(3:21:05 on YouTube Recording)**

A motion was made by Evan Cyr to approve the Site Plan/Special Exception application for the proposed construction of the new Edward Little High School building and associated parking, drives, field facility, tennis courts and new athletic fields on the existing site located at 77 Harris Street (PID: 240-322) in the Urban Residential Zoning District with the findings as discussed by the Board and with the following conditions:

1. A street light shall be added in the proposed cul-de-sac at Forest Avenue.
2. Driveway drainage issues concerning the property owner at the corner of Harris/Fairmount shall be addressed.
3. The applicant shall present an analysis of a revised stormwater plan for Staff's review and approval
4. A follow up traffic analysis shall be provided looking specifically at the increase in traffic using the Harris/Auburn Heights access. Any potential issues with sight distances at all entrances shall also be included in the report with recommended solutions to be reviewed by Staff.
5. Large vehicle traffic access shall be limited to the Western Ave access of the site.
6. An addressing plan shall be provided to the addressing officer for the location of the new High School.
7. The Engineering Department shall sign off on the stormwater review before building permits are issued.

The motion was seconded by Dana Staples.

Mr. Cyr explained that to the new Board members that any Board member could make friendly amendments at this time which would be either accepted or rejected by those who made the motions.

Stacey LeBlanc asked if she could make a friendly amendment to review the internal traffic pattern. She asked that the applicant bring a revised plan to the Planning Board.

Mr. Cyr said he would be more than happy to entertain a friendly amendment that would send an analysis to Staff for review and approval. Ms. LeBlanc accepted Mr. Cyr's revision of her friendly amendment. Mr. Cyr then accepted the revised friendly amendment. Mr. Staples also accepted the revised friendly amendment.

Chairperson Duvall asked if he could make a friendly amendment that signage at the corner of Fairmount and Harris shall be erected that indicates "exit to Court Street and Downtown." The friendly amendment was accepted by Mr. Cyr and Mr. Staples.

After a vote of 6-0-0, the motion carried.

Chairperson Duvall said per the rules of the Planning Board, since it is after 9:00 pm, we need a motion to continue on with the rest of the items on the agenda.

Mr. Cyr asked Staff how important the items for discussion were under Miscellaneous and if they could be presented in an email. Megan said they could be presented in an email.

A motion was made by Evan Cyr that the Planning Board take up item #4 Public Comment on the agenda, and immediately after which he would entertain a motion for adjournment. The motion was seconded by Stacey LeBlanc. After a vote of 6-0-0, the motion carried.

**PUBLIC COMMENT:**

No comments from the public

(3:33:10 on YouTube Recording)

**ADJOURNMENT**

# **Auburn Planning Board Meeting Minutes**

## **August 11, 2020 (Virtual Meeting)**

### **1. ROLL CALL:**

**Regular Members present:** Mathieu Duvall – Presiding, Evan Cyr and Stephen Martelli

**Regular Members absent:** Stacey LeBlanc, Darren Finnegan and Dan Carroll

**Associate and other Members present:** Dana Staples and Riley Bergeron

**Associate and other Members absent:** None

**Also present representing City staff:** Megan Norwood, Auburn City Planner

Chairperson Duvall called the meeting to order at 6:03 pm and asked for a roll call. He explained that because several of the Board members were not present, Riley Bergeron and Dana Staples would be acting as full members for this meeting.

### **2. MINUTES:**

**Approval request of the May 12, 2020 meeting minutes.**

A motion was made by Evan Cyr and seconded by Stephan Martelli to approve the May 12, 2020 meeting minutes as presented. After a vote of 4-1-0, the motion passed. (Dana Staples abstained)

**Approval request of the July 14, 2020 meeting minutes.**

A motion was made by Evan Cyr and seconded by Dana Staples to approve the July 14, 2020 meeting minutes as presented. After a vote of 4-1-0, the motion passed. (Stephen Martelli abstained)

**(09:45 on YouTube Recording)**

**3. HOUSING GROWTH DISCUSSION:** Update from Staff on August 3<sup>rd</sup> City Council Workshop

Megan gave an update to the Board members.

A motion was made by Dana Staples and seconded by Evan Cyr to have Item #5 on the Agenda go before Item #4. After a vote of 5-0-0, the motion passed.

**5. COMPREHENSIVE PLAN DISCUSSION:** How the Comprehensive Plan Impacts Planning Board Decisions

Megan gave a general overview of how the Planning Board works with the Comprehensive Plan.

(27:45 on YouTube Recording)

4. **COMPREHENSIVE PLAN UPDATE DISCUSSION:** Update from Staff on August 3<sup>rd</sup> City Council Workshop Regarding Planning Board Correspondence to City Council. Planning Board Feedback Requested on Comprehensive Plan Update and Committee Sheet as Communication Item to City Council. Volunteers for Comprehensive Plan Committee?

Megan went over the staff report. Chairperson Duvall asked Board members for feedback regarding the City Council's proposed timeline. After a brief discussion, it was decided that Megan would be sending an email to Board members asking if anyone was interested in being on the Comp Plan committee and if so, to state in a couple of sentences why they are interested in participating in the process.

A discussion ensued after which Chairperson Duvall summarized that what he understood the Board members to say was that the timeline proposed by the City Council is short. Board members replied it could be done in the time proposed as long as the meetings are efficient. Chairperson Duvall continued summarizing the discussion by stating the role of the Planning Board would include reviewing any recommendations before they go to City Council, have regular updates from the Ad-Hoc Committee, and place some of the Planning Board members on the committee.

Mr. Cyr clarified that the Board proposes recommendations to the City Council. Chairperson Duvall agreed and said the Board's charge is clear, we prepare the Comprehensive Plan using suggestions from the committee and send recommendations to the City Council.

(57:40 on YouTube Recording)

Board members went over the list of topics identified as recommended items for the City Council. Megan gave a brief explanation on each of the items and provided some examples as requested by Board members.

(1:20:30 on YouTube Recording)

Chairperson Duvall said the Board should now move on to the document regarding the formation of the Comp Plan committee as drafted by staff. Board members went over the roles of the committee and Chairperson Duvall explained that items 1 and 7 are really part of a charge of the committee where the language could be cleaned up. Chairperson Duvall suggested that he sit down with the Mayor and talk about the process and potentially this document to clarify each item.

Megan presented a draft that she typed up during the Board's discussion and said it still needed to be reviewed and edited before sending on to the City Council. Chairperson Duvall stated that he would work with staff the next morning to help clean up the draft.

(1:39:55 on YouTube Recording)

6. **STAFF REPORT FORMAT UPDATE DISCUSSION:** How Items Under Review Relate to the Comprehensive Plan and Underlying Zoning Districts

Chairperson Duvall explained that staff received a suggestion from one of the Board members to add the following 2 items to the staff report; 1) to explain how the items under review relate to the Comprehensive Plan and 2) to clearly articulate the underlying zoning districts that are in question given the item in review. Several Board members agreed that adding these 2 items to the staff report would be beneficial to Board members and to members of the public that might have interest in the topic.

(1:43:25 on YouTube Recording)

**7. CREATION OF SUBCOMMITTEES:** Updating Policies and Procedures and Creating Reference Materials for Planning Board Internal Use:

- a. **Update Policies and Procedures:** Meeting Preparation, Placing Items on Future Agendas, Dress Code, Creation of Guided Notes for Public Hearing Items
- b. **Creation of a Land Use Matrix:** For Planning Board Internal Use
- c. **Creation of a FAQ Sheet for Guided Notes:** Special Exception, Subdivision, Site Plan Review for Planning Board Internal Use

Chairperson Duval explained the item and after a discussion amongst the Board members, he said it appeared Board members did not want to have subcommittees but would like to have more training on the procedures.

(1:58:00 on YouTube Recording)

**8. PUBLIC COMMENT:**

No members of the public were present.

**9. MISCELLANEOUS:**

- a. Upcoming items for September  
Change Meeting Date from September 8<sup>th</sup> to September 15<sup>th</sup>?
- b. Planning Board Other Items for Discussion
  - i. In-Person September Meeting: Discussion of Meeting Protocols

Megan said that so far, it appeared the September Planning Board meeting would have a light agenda. She explained that the Planning Board meeting date in September is being proposed for the 15<sup>th</sup> due to the City Council moving their meeting date to September 8 because of Labor Day being on their usual Monday meeting date of September 7. Chairperson Duvall asked for a motion:

A motion was made by Evan Cyr and seconded by Dana Staples to move the regular meeting of the Planning Board from September 8 to September 15. After a vote of 5-0-0, the motion passed.

Chairperson Duvall stated that the next Planning Board meeting on September 15 will be in person in Council Chambers without Ms. Norwood present, but Mr. Cousens will be there. He explained that Board members will be physically distant during the meeting and required to wear a mask if they cannot be physically distant. He added that the public will not be allowed in Council Chambers but will be able to view the meeting in the Community Conference room across the hall and if they want to comment on a particular item, they will be given the chance to.

(2:04:05 on YouTube Recording)

**10. ADJOURNMENT:**

A motion was made by Evan Cyr and seconded by Stephan Martelli to adjourn. After a vote of 5-0-0, the motion passed.



# **Auburn Planning Board Meeting Minutes**

## **September 15, 2020**

### **1. ROLL CALL:**

**Regular Members present:** Mathieu Duvall – Presiding, Evan Cyr, Stacey LeBlanc, Darren Finnegan and Stephen Martelli

**Regular Members absent:** Dan Carroll and Vacancy

**Associate and other Members present:** Dana Staples and Riley Bergeron

**Associate and other Members absent:** None

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

Chairperson Duvall called the meeting to order at 6:03 pm and asked for a roll call.

### **2. MINUTES:**

Chairperson Duvall stated that the minutes are on YouTube so there are no minutes to approve.

**3. SITE PLAN/SPECIAL EXCEPTION:** Lewiston Auburn Water Pollution Control Authority (LAWPCA) proposal to change current City Agreements and 1992 Planning Board Approvals after a successful pilot project with the Maine DEP to evaluate how the facility may be operated with composting only LAWPCA-produced, anaerobically digested solids with no odor control system. The changes proposed do not include changes to the originally approved Site Plan but do include: Operating the facility with less volume, using material derived only from the LAWPCA treatment facility and eliminating an odor mitigation system that has impacted groundwater at the facility, located at 230 Penley Corner Road, PID: 137-032 in the Agriculture and Resource Protection Zoning District.

Eric went over the staff report and presented slides.

Chairperson Duvall explained that because several of the Board members were not present, Riley Bergeron and Dana Staples would be acting as full members for this meeting.

Eric answered questions from Board members and introduced the applicant, Travis Peaslee, P.E. from LAWPCA who also answered questions from Board members.

(14:30 on YouTube Recording)

### **Open Public Input**

A motion was made by Evan Cyr and seconded by Dana Staples to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

Barry Skilling of 1425 Riverside Drive said he has lived near the facility since the beginning and has had many go-arounds with Mack Richardson, who is now retired. He said he asked Mr. Richardson to do a water test on his well but Mr. Richardson never followed through with the test. He spoke about Penley Corner Road remaining a nice road and suggested having trucks continue to enter from Route 136. He said the odor control ordinance is huge for him as the odor is horrendous for the neighbors and asked that the city keep the odor control ordinance in case of issues in the future. He said he worries about his kids and grandkids who will be living in the area and thanked the Board for hearing him.

#### **Close Public Input**

A motion was made by Evan Cyr and seconded by Dana Staples to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

Several questions were asked by Board members which were answered by Mr. Cousens and Mr. Peaslee. After a lengthy discussion, the following motion was made:

**(47:15 on YouTube Recording)**

A motion was made by Evan Cyr and seconded by Dana Staples to Table the hearing to a date certain to coincide with the regular October Planning Board meeting and to provide feedback to staff and the applicant that we would be seeking language regarding review and possible inclusion of compliance with Auburn's Odor Ordinance, educational outreach for the surrounding community and addressing entry routes for contractors who are delivering to the facility.

Eric said for clarity, staff would look at ownership, life estate situation to make sure we understand how that affects the application of the odor ordinance.

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

#### **4. REVIEW/DISCUSSION: Planning Board Policies and Procedures.**

Dana Staples commented that the Board does not currently follow Robert's Rules very strictly. Evan Cyr concurred and said the Board should discuss areas in Robert's Rule that are not followed and find out why they are not followed.

Eric said he could reach out to MMA for recommendations on the language so that would give the Board some framework to use and provide more flexibility.

Stacey LeBlanc stated that as a new member, it has been confusing to follow the process and the cadence in the order and paying it forward, it would be helpful if the Board had something more formalized to give to new members to follow.

Evan Cyr said he would like to have the placemat back on the Agenda where Planning Board members could give report on those things they felt were important to the Board and/or a placemat for Board members to raise questions that they felt had come up in the meeting that needed to be addressed.

Board members continued discussing the language in the Planning Board Policies and Procedures, with a lot of time spent on the language on attendance of Board members.

Stephen Martelli stated that he would not be present at the November and December Planning Board meetings.

Chairperson Duvall said that the Policies and Procedures states Board members must elect a Vice-Chair and he asked if the Board members wanted to hold the election at this meeting or wait until the October meeting. Evan Cyr said he thought it might be best to let the new Board members think about what the role of a Vice-Chair entails, so he recommended that they do the election at the October meeting.

Chairperson Duvall said if we proceed as Mr. Cyr suggested, he would write up what he does to prepare for a meeting and then ask for members that are interested to join prep meetings with staff and the Chair as they occur.

Dana Staples suggested that they table this until the next meeting.

(1:14:15 on YouTube Recording)

Chairperson Duvall listed the following items Board members brought up relating to the Policies and Procedures:

- Whether or not to follow Robert's Rules Order
- Adding a section called Planning Board Discussion / Concerns to the order of business
- Suggestion relating to submissions and materials coming after deadlines
- Discussion about the attendance requirements
- Vice-Chair elections

Evan Cyr brought up Article 9, which reads that the Planning Board will review these Policies and Procedures every 2 years at their annual meeting in February. He said that the February meeting can be a busy month for the Board and is also when elections are held for officers. He suggests that Board members come up with another mechanism to review the document when they feel the need and not necessarily every 2 years in February.

Eric said he would be happy to look at other options from MMA regarding Robert's Rule along with some suggestions for the other items mentioned and bring them back to the Board for their review.

A motion was made by Dana Staples and seconded by Evan Cyr to Table the action on the Policies and Procedures to a date certain at either the November or October meeting as long as the agenda has

less than 3 items. After a vote of 7-0-0, the motion carried.

**5. COMPREHENSIVE PLAN AD-HOC COMMITTEE:** Vote on Planning Board Members to be appointed to Ad-Hoc Committee. Update from September 8, 2020 City Council meeting.

Chairperson Duvall said the following two members volunteered to serve on the committee, Mr. Martelli and Mr. Staples. He asked for a vote to approve the appointment of these two members to the Comp Plan Ad-Hoc Committee. The appointments passed with a vote of 6-1-0. Mr. Cyr opposed because his preference would have been to have the two junior-most members on the committee only because the Ad-Hoc committee itself has a fair amount of legacy built in.

**6. PUBLIC COMMENT:**

No members of the public were present.

**7. MISCELLANEOUS:**

- a. Upcoming items for October  
Eric went over items coming before the Board in October.
- b. Planning Board Other Items for Discussion  
No comments

**8. ADJOURNMENT:**

(1:26:50 on YouTube Recording)

A motion was made by Evan Cyr and seconded by Stephan Martelli to adjourn. After a vote of 7-0-0, the motion passed.

## **Auburn Planning Board Meeting Minutes October 13, 2020 (Virtual)**

### **1. ROLL CALL:**

**Regular Members present:** Mathieu Duvall – Presiding, Evan Cyr, Stacey LeBlanc, Dana Staples, Darren Finnegan and Stephen Martelli

**Regular Members absent:** Dan Carroll

**Associate and other Members present:** Riley Bergeron

**Associate and other Members absent:** Vacancy

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

**(15:35 on YouTube Recording)**

Chairperson Duvall called the meeting to order at 6:03 pm and asked for a roll call. He said since one full member was absent, Mr. Bergeron would be acting as a full member for this meeting.

### **2. MINUTES: Approval request of the August 11, 2020 & September 15, 2020 meeting minutes.**

A motion was made by Evan Cyr and seconded by Stephen Martelli to approve the August 11, 2020 & September 15, 2020 meeting minutes as presented. After a vote of 7-0-0, the motion passed. (Ms. LeBlanc noted that she was not at the August 11, 2020 meeting)

**3. SITE PLAN/SPECIAL EXCEPTION:** Lewiston Auburn Water Pollution Control Authority (LAWPCA) proposal to change current City Agreements and 1992 Planning Board Approvals after a successful pilot project with the Maine DEP to evaluate how the facility may be operated with composting only LAWPCA-produced, anaerobically digested solids with no odor control system. The changes proposed do not include changes to the originally approved Site Plan but do include: Operating the facility with less volume, using material derived only from the LAWPCA treatment facility and eliminating an odor mitigation system that has impacted groundwater at the facility, located at 230 Penley Corner Road, PID: 137-032 in the Agriculture and Resource Protection Zoning District. ***Item was Tabled at the September 15, 2020 Meeting – Request Coming Off Table***

Eric went over the staff report and introduced the applicant, Travis Peaslee, P.E. from LAWPCA. Mr. Peaslee said Eric did a great job summarizing the proposal. There were no questions from the Board.

### **Open Public Input**

A motion was made by Evan Cyr and seconded by Dana Staples to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

No Comments

### **Close Public Input**

A motion was made by Dana Staples and seconded by Evan Cyr to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

**(28:20 on YouTube Recording)**

A motion was made by Dana Staples and seconded by Evan Cyr to approve the proposed changes to the Lewiston Auburn Water Pollution Control Authority (LAWPCA) agreements with the City as presented in the application and cover letter dated August 5, 2020, supplemented via email from Travis Peaslee dated 9/17/2020, located at 230 Penley Corner Road (PID: 137-032) in the Agriculture and Resource Protection Zoning District.

1. Upon deactivation of the facility, a plan shall be provided to the City of Auburn that includes future use or demolition of the buildings and structures and disposal of any new waste materials on the site including but not limited to: Sewage sludges, compost, amendment materials, equipment and vehicles.
2. Compliance with the commitment in an email dated 9/17/2020 to make contractual provisions that require trucks serving the facility to use the Rt. 136 access to Penley Corner Road.
3. Due to the unique ownership situation the odor ordinance shall be applied to measure odors from the parcel lines as prescribed by ordinance but also protect the Gauthier Residence, which occupies space within the LAWPCA Parcel, by requiring that odors will also be controlled such that they do not exceed the odor threshold within a buffer that extends 100' around the Gauthier Residence on the LAWPCA Parcel during the term of his Life Estate recorded in the Androscoggin County Registry of Deeds, Book 2859, Page 209.

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

**4. SPECIAL EXCEPTION/PUBLIC HEARING:** Proposed expansion of FutureGuard at 101 Merrow Road (PID: 186-015) to construct a 47,456 sf of additional space with adjustments to parking on both sides, relocation of the showroom and new parking spaces proposed at the rear of the site. This will increase total building size to approximately 285,580 square feet.

Eric went over the staff report and introduced Mike Gotto of Stoneybrook Consultants, and Don Bateau, owner of FutureGuard Holdings, LLC.

Mr. Gotto said staff did a great job with the presentation as usual and said he would answer any questions from the Board. Eric said we did have one abutter's comment from a residential neighbor that lives next to the Toddle Inn Daycare who said she was supportive of the project and did not have any concerns.

### **Open Public Input**

A motion was made by Evan Cyr and seconded by Dana Staples to open the public input part of the hearing. After a vote of 7-0-0, the motion carried.

No Comments

### **Close Public Input**

A motion was made by Evan Cyr and seconded by Riley Bergeron to close the Public Input part of the hearing. After a vote of 7-0-0, the motion carried.

Mr. Gotto stated that he would be back again next month representing FutureGuard to propose more expansion. He said they will have to deal with stormwater a different way.

**(45:45 on YouTube Recording)**

A motion was made by Evan Cyr and seconded by Dana Staples to approve the Site Plan for Phase 4 of the proposed expansion of FutureGuard at 101 Merrow Road (PID: 186-015) to construct a 47,456 sf of additional space with adjustments to parking on both sides, relocation of the showroom and new parking spaces proposed at the rear of the site. This will increase total building size to approximately 285,580 square feet. with the following conditions:

- a. No development activity until any bonding or inspection fees is determined by the Auburn Engineering Department.
- b. 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.

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

**5. PRIVATE ROAD NAME** – 448 Youngs Corner Road. Chairperson Duvall stated that the applicant for this proposal has withdrawn his application and so for the time being, the Board can table this item.

A motion was made by Dana Staples and seconded by Riley Bergeron to Table this item. After a vote of 7-0-0, the motion carried.

**6. ELECTION OF OFFICER: Election of a Vice Chairperson.** Darren Finnegan nominated Evan Cyr to be Vice Chair and Mr. Cyr accepted the nomination. After a vote of 6-0-1, the motion carried. (Evan Cyr abstained)

**7. REVIEW/DISCUSSION:** Planning Board Policies and Procedures. Delayed until November. Chairperson Duval stated that because of staffing issues, this item will be delayed until November.

### **8. PUBLIC COMMENT:**

No members of the public were present.

**9. PLANNING BOARD ITEMS FOR DISCUSSION:** Dana Staples stated there have not been any Comp Plan Committee meetings, so there are no updates. Chairperson Duvall stated he has

been working as part of the Mayor's Ad-Hoc committee and spoke about a couple of changes that would be going before the City Council in November.

**10. MISCELLANEOUS:** Eric went over the following items coming in November:

- a. Futureguard – Small 3 lot subdivision
- b. City Council's proposal to expand the Form Based Code
- c. City will be able to access some funding from the State of Maine for transportation improvements that relates to the Heads-Up Pedestrian Safety project.

**11. ADJOURNMENT:**

(1:00:20 on YouTube Recording)

A motion was made by Evan Cyr and seconded by Stephan Martelli to adjourn. After a vote of 7-0-0, the motion passed.



# **Auburn Planning Board Meeting Minutes November 10, 2020**

## **1. ROLL CALL:**

**Regular Members present:** Mathieu Duvall – Presiding, Evan Cyr, Dan Carroll, Dana Staples, and Darren Finnegan

**Regular Members absent:** Stacey LeBlanc and Stephen Martelli

**Associate and other Members present:** Riley Bergeron

**Associate and other Members absent:** Vacancy

**Also present representing City staff:** Megan Norwood, City Planner II and Justin Poirier, Urban Development Specialist

**(5:00 on YouTube Recording)**

Chairperson Duvall called the meeting to order at 6:03 pm and asked for a roll call.

## **2. MINUTES: Approval request of the October 13, 2020 meeting minutes.**

Evan Cyr commented that in the minutes, the vote on the motion on Item #6, Election of Officers was incorrect. He said it should have read 6-0-1 as he had abstained.

A motion was made by Dana Staples and seconded by Dan Carroll to approve the October 13, 2020 meeting minutes as amended. After a vote of 6-0-0, the motion passed

## **3. SITE PLAN/SPECIAL EXCEPTION: Proposed minor subdivision of the parcel at 101 Merrow Road, (PID 186-015), Futureguard Holdings, LLC, to create 3 Industrial parcels pursuant to Chapter 60, Article XVI, Division 4, Subdivision of the City of Auburn Ordinances.**

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

Michael Gotto of Stoneybrook Land Use, Inc and Project Representative for Futureguard Holdings, LLC said he did not have anything else to add to the presentation.

## **Open Public Input**

A motion was made by Evan Cyr and seconded by Dana Staples 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 Evan Cyr and seconded by Dana Staples to close the Public Input part of the hearing. After a vote of 6-0-0, the motion carried.

Chairperson Duvall stated that Riley Bergeron's Board member status would be elevated to full membership status for the remainder of this meeting

(14:00 on YouTube Recording)

A motion was made by Dana Staples and seconded by Dan Carroll to approve the proposed Minor Subdivision for the creation of 3 industrial parcels located at 101 Merrow Road (PID: 186-015) in the Industrial Zoning District. After a vote of 6-0-0, the motion carried.

**4. ZONING ORDINANCE UPDATE/FORM BASED CODE: To expand the T-4.2 - Traditional Downtown Neighborhood to the Downtown Enterprise district in the area adjacent to Academy, Elm, Maple, Pleasant, High, Drummond and a portion of Spring Streets and the Multi-Family Urban district in the Laurel Avenue and Newbury Street neighborhood.**

Justin presented the staff report and displayed zoning maps on the screen. He and Megan answered questions from Board members. After a lengthy discussion, Chairperson Duvall asked for a motion to open the public input section of the hearing.

(40:25 on YouTube Recording)

### **Open Public Input**

A motion was made by Dana Staples and seconded by Dan Carroll to open the public input part of the hearing. After a vote of 6-0-0, the motion carried.

Albert Mandell, of 177 Hersey Hill Road in Minot said he owns property in the Laurel Street neighborhood and asked several questions which were answered by staff.

### **Close Public Input**

A motion was made by Dana Staples and seconded by Evan Cyr to close the public input part of the hearing. After a vote of 6-0-0, the motion carried.

The discussion continued amongst Board members and City Staff.

(58:00 on YouTube Recording)

A motion was made by Evan Cyr and seconded by Riley Bergeron to recommend expanding the T-4.2 - Traditional Downtown Neighborhood to the Downtown Enterprise district in the area adjacent to Academy, Elm, Maple, Pleasant, High, Drummond, (excluding the lots on Elm Street from Main Street to High Street) and a portion of Spring Street and the Multi-Family Urban district in the Laurel Avenue and Newbury Street neighborhood based on the findings described in the Staff Report authored by Justin Poirier and dated November 10, 2020. After a vote of 6-0-0, the motion carried.

A motion was made by Evan Cyr and seconded by Dana Staples to initiate a Planning Board Zone Change and recommend to the City Council that they expand the T-4.1 Traditional Main Street Neighborhood along Elm Street from Main Street to High Street for the parcels on that section of Elm Street. After a vote of 6-0-0, the motion carried.

Evan asked if he could add the following amendment to the motion: Our Findings for doing so is that the properties on Elm Street from Main Street to High Street represent high value historical properties that better fit the T-4.1 Traditional Main Street Neighborhood description.

The Planning Board members were all in agreement with the amendment.

A motion was made by Dana Staples and seconded by Dan Carroll to Table Item 2 of this Public Hearing until a date certain of the next meeting in December, pending more information to clarify Mr. Cyr and Mr. Duvall's questions.

Mr. Staples asked to amend his motion for more clarification as to whether the Board needs to make a decision on 186 Main Street. Mr. Carroll approved Mr. Staples's amendment to the motion. After a vote of 6-0-0, the motion carried.

## **5. REVIEW/DISCUSSION: Planning Board Policies and Procedures.**

Re: The Use of Robert's Rules: Megan said she had spoken to an attorney at MMA about the use of Robert's Rules of Order for Planning Board meetings and was told they were never intended to be used for Planning Board meetings because they're complex and were created more for legal assemblies. She presented a Robert's Rules Cheat sheet on the screen and went on to explain other options for running a Board meeting. A lengthy discussion ensued amongst the Board members and staff.

**(1:22:00 on YouTube Recording)**

Re: Planning Board Discussion Item or Concerns: Board members agreed that this needs to be an item added on the agenda in the actual Planning Board Policies and Procedures manual

Re: Findings of Fact: Megan went over the format of an approval letter and asked for feedback as to how and where the Board members wanted to present the Findings of Fact. It was agreed that the Findings should be added to the procedures, but members wanted to have clarity as to how it would look before they voted

**(1:41:40 on YouTube Recording)**

Re: Attendance Policies: Megan went over the current policy. Board members discussed and questioned if there was a policy that was used across Auburn City Boards. Board members all agreed through a straw poll to let Chairperson Duvall ask the Mayor and City Manager if they would agree to create a Citywide policy.

Re: Updating the Policies & Procedures Every 2 Years: Board members preferred the language of Reviewed and Updated as Needed.

**6. PUBLIC COMMENT:** No members of the public were present.

**7. PLANNING BOARD ITEMS FOR DISCUSSION:** Dana Staples stated the 1<sup>st</sup> Comp Plan Committee meeting will be November 19. Chairperson Duvall stated he has been asked by the Mayor to look for an alternate member since Mr. Martelli would not be available for the first couple of meetings. Evan Cyr nominated Chairperson Duvall to be the alternate and Chairperson Duvall accepted.

**8. MISCELLANEOUS: Upcoming Items for December:** Megan stated that some component of the December meeting would have to be conducted virtually on Zoom because of the large mailing for abutters affected within the Form Based Code expansion area. She said she would send the Board notification as soon as staff knows who (Board members and / or Public) would be virtual.

Also coming before the Board in December is a solar project in the Ag Zone and an amendment to the medical marijuana caregiver cultivation in Home Occupation Regulations.

**9. ADJOURNMENT:**

(1:59:10 on YouTube Recording)

A motion was made by Evan Cyr and seconded by Dan Carroll to adjourn. After a vote of 6-0-0, the motion passed.

## **Auburn Planning Board Meeting Minutes December 8, 2020 (Virtual Meeting)**

### **1. ROLL CALL:**

**Regular Members present:** Mathieu Duvall – Presiding, Evan Cyr, Dana Staples, and Darren Finnegan

**Regular Members absent:** Dan Carroll, Stacey LeBlanc and Stephen Martelli

**Associate and other Members present:** Riley Bergeron

**Associate and other Members absent:** Vacancy

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

**(3:20 on YouTube Recording)**

Chairperson Duvall called the meeting to order at 6:00 pm and asked for a roll call. After roll call, Chairperson Duvall stated that Riley Bergeron's Board member status would be elevated to full membership status for the remainder of this meeting.

### **2. MINUTES: Approval request of the November 10, 2020 meeting minutes.**

A motion was made by Evan Cyr and seconded by Dana Staples to approve the November 10, 2020 meeting minutes as presented. After a vote of 5-0-0, the motion passed

### **3. SITE PLAN/SPECIAL EXCEPTION: Proposed 18.9-acre, 4.995 solar array at 1040 Perkins Ridge Road (PID 295-004), Borrego Solar Systems, Inc. on a parcel split between the Agriculture and Resource Protection and Low-Density Country Residential Zoning Districts.**

Dana Staples stated for the record, that he was associated with the applicant but felt that he could act impartially when it came to this Public Hearing. The Board members did not object to Mr. Staples participating.

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

**(20:30 on YouTube Recording)**

David Albrecht, Principal Civil Engineer at Borrego Solar, presented a couple of site plans and addressed questions from Board members.

**(44:45 on YouTube Recording)**

Harry Ricker, owner of Apple Ridge Farms, explained the clear cutting.

### **Open Public Input**

A motion was made by Evan Cyr and seconded by Dana Staples to open the public input part of the hearing. After a vote of 5-0-0, the motion carried.

Harry Ricker, owner of Apple Ridge Farms, spoke about prime soils and the maintenance of the grounds.

### **Close Public Input**

A motion was made by Evan Cyr and seconded by Dana Staples to close the Public Input part of the hearing. After a vote of 5-0-0, the motion carried.

A lengthy discussion ensued regarding the prime soils, Farmland of Statewide Importance, the potential waiver of the width of the road, the Fire Department's lack of comment, and ordinance section 60-806.

**(1:19:20 on YouTube Recording)**

Chairperson Duvall, for public record, read the following chat message from David Albrecht: "We would accept a condition that the road be increased to 20 feet throughout and then it should be a moot point".

A motion was made by Evan Cyr and seconded by Riley Bergeron to approve the Site Plan/Special Exception by Borrego Solar to construct an 18.9 acre, 4.995MW solar array at 1040 Perkins Ridge Road (PID: 295-004) on a parcel split between the Agriculture and Resource Protection and Low-Density Country Residential Zoning Districts, with the following conditions:

1. All bonding and inspection fees shall be paid and a notice to proceed issued by the Engineering Department before the start of construction.
2. An Addressing Plan shall be provided for the area of the property that will be used for the solar project.
3. No herbicides, pesticides and insecticides shall be used as part of the project.
4. The roadway throughout the project be increased to a width of 20 feet
5. An O & M plan be submitted for staff review and approval prior to the construction of the project.

After a vote of 5-0-0, the motion carried.

- 4. ORDINANCE AMENDMENT/PUBLIC HEARING: Consider proposed amendments to Chapter 60, Article IX – Home Occupation Regulations, Section 60-738 of the Ordinances of the City of Auburn to limit the size of medical marijuana caregiver cultivation in Home Occupations.**

Megan presented the staff report and she and Eric Cousens answered questions from Board members.

### **Open Public Input**

A motion was made by Evan Cyr and seconded by Dana Staples to open the public input part of the hearing. After a vote of 5-0-0, the motion carried.

No comments from the public.

### **Close Public Input**

A motion was made by Dana Staples and seconded by Riley Bergeron to close the public input part of the hearing. After a vote of 5-0-0, the motion carried.

A motion was made by Evan Cyr and seconded by Dana Staples to send a favorable recommendation to the City Council to amend Chapter 60, Article IX – Home Occupation Regulations, Section 60-738 Criteria #3 to cap the maximum floor area of medical marijuana caregiver cultivation at 25% of the household OR 500 square feet, whichever is less.

After a vote of 5-0-0, the motion carried.

- 5. ORDINANCE AMENDMENT: Consider proposed amendments to the form-based code to add a provision in the ordinance to allow the Planning Board to move parcels on a zoning district line into the adjacent form-based code zone upon application of an applicant, if it fits the character of the neighborhood.**

**(1:36:10 on YouTube Recording)**

Megan presented the staff report and she and Eric answered questions from the Board. After a short discussion, the Board members agreed that this should come back as a public hearing.

- 6. ORDINANCE AMENDMENT/PUBLIC HEARING: Proposed expansion of the form-based code zoning district T-4.2 Traditional Downtown Neighborhood, to replace the current zoning in the Multi-Family Urban district in the New Auburn neighborhood consisting of the streets from Riverside Drive to Ninth St. and portions of Broad and South Main St., pursuant to Chapter 60, Article XVII Amendments, of the City of Auburn Ordinances.**

Megan briefly went over the staff report and suggested that this be tabled because the link to the Zoom meeting was not on the agenda and she worried that abutters would have a difficult time logging in to the meeting to offer their comments.

### **Open Public Input**

A motion was made by Dana Staples and seconded by Evan Cyr to open the public input part of the hearing. After a vote of 5-0-0, the motion carried.

**(1:52:40 on YouTube Recording)**

June Anne Vaillancourt said she was 3<sup>rd</sup> generation in New Auburn and that the letter the neighborhood received from the City brought up a lot of questions. She said her neighbors wondered why they were being notified, what concerns they should be concerned about, and some questioned if a large developer was coming to the area and throwing them out of their homes. She said there was a lot of discussion in the neighborhood asking what this was all about.

### **Close Public Input**

A motion was made by Riley Bergeron and seconded by Dana Staples to close the public input part of the hearing. After a vote of 5-0-0, the motion carried.

Chairperson Duvall stated that we need to make a good faith effort to answer all the questions Ms. Vaillancourt brought up.

A motion was made by Dana Staples and seconded by Riley Bergeron to Table this hearing to a date certain of the January meeting pending further notification of residence of this zoning change. After a vote of 5-0-0, the motion carried.

**7. REVIEW/DISCUSSION: Planning Board Policies and Procedures**

**a. Roberts Rules of Order**

**b. Attendance Policy**

**c. Findings**

Megan presented the staff report. Board members went over each of the 3 topics and Megan and Eric answered questions from the members. Megan said she would create a draft for Board members to review at the next meeting.

**8. PUBLIC COMMENT:** No members of the public were present.

**9. PLANNING BOARD ITEMS FOR DISCUSSION:** Dana Staples stated that the 1<sup>st</sup> Comp Plan Committee meeting had occurred, and it was decided at the meeting that they would not do a complete rewrite of the Comp Plan. Mr. Staples also mentioned that he had been nominated as Chair of the Comp Plan Committee which still had to go before the City Council for approval.

**10. MISCELLANEOUS: Upcoming Items for January:** Megan stated that the City Manager wants to do a brief presentation on the Capital Improvement Plan (CIP). She said the Board will also continue their discussion on the Policies and Procedures and will be taking up the Tabled item.

**11. ADJOURNMENT:**

**(2:37:10 on YouTube Recording)**

A motion was made by Evan Cyr and seconded by Dana Staples to adjourn. After a vote of 5-0-0, the motion passed.