

# Auburn Planning Board Meeting Minutes March 25, 2021

## 1. ROLL CALL:

**Regular Members present:** Mathieu Duvall – Presiding, Evan Cyr, Dana Staples, Riley Bergeron and Stephen Martelli

**Regular Members absent:** Darren Finnegan and Stacey LeBlanc

**Associate and other Members present:** Brian Dubois

**Associate and other Members absent:** Vacancy

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

Chairperson Duvall called the meeting to order at 6:00 pm and asked for a roll call. After roll call, Chairperson Duvall stated that due to absences of full members this evening, Brian DuBois would be acting as a Full member for this meeting.

## 2. **PUBLIC HEARING/ORDINANCE AMENDMENT: Proposed amendment of Chapter 60, Article II, Section 60-34, Buildings per Lot of the Auburn Code of Ordinances to allow secondary dwelling units where two-family homes are permitted.**

Megan presented the staff report and suggested that the Board take this up in 3 parts. The first is allowing an additional dwelling unit, the second would be allowing 2-family in the Low-Density Country and the 3<sup>rd</sup> would be the Ag Zone component of it.

### **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 Dana Staples and seconded by Riley Bergeron to close the public input part of the hearing. After a vote of 6-0-0, the motion carried.

**(09:55 on YouTube Recording)**

A motion was made by Evan Cyr and seconded by Stephen Martelli to forward a positive recommendation to the City Council the language as presented in blue in the staff report dated March 25, 2021 with the amendment that the last sentence refer to a pre-existing dwelling instead of a primary dwelling for those zones in which a second unit is already allowed.

Chairperson Duvall read the following from the staff report: The Mayor and Council also requested that the Planning Board consider adding the Two-Family use allowance to two additional zones, the Low-Density Country Residential and Agriculture and Resource Protection Zones for existing nonconforming homes.

Megan explained the request from the City Council and answered questions from Board members.

After a lengthy discussion, Evan suggested that they suspend the rules and allow comment periods in each section of this Public Hearing.

(28:40 on YouTube Recording)

#### **Open Public Input**

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

Brad Kowalski of 41 Hersey Hill Rd spoke at length about the situation he and his family are dealing with at his property and said he cannot find any reason why the town would not allow a second home on a property as long as they met the requirements.

#### **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 6-0-0, the motion carried.

After a lengthy discussion, the following motion was made:

(50:40 on YouTube Recording)

A motion was made by Dana Staples and seconded by Riley Bergeron to table this pending Council guidance. Board members discussed the motion and after a vote of 1-4-1, the motion failed.

A motion was made by Evan Cyr and seconded by Brian DuBois to forward a favorable recommendation to implement the language outlined in blue in the staff report dated March 25, 2021 with the edit described in the previous motion subject to ordinance change by the council to allow for a 2<sup>nd</sup> dwelling unit within the Low-Density Country Residential zone. After a vote of 6-0-0, the motion carried.

Chairperson Duvall stated that they would next be considering the Ag and Resource Protection Zone and consideration of 2 Family Use allowance for that zone.

Megan clarified that it would not be allowing 2-family dwellings in that zone, instead would be allowing a second principal structure on a lot that already had a single-family building on the lot. She explained that staff was not in favor of this as it would go against the direction of the Comp Plan and she then answered questions from Board members.

#### **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

**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.

**(1:12:05 on YouTube Recording)**

A motion was made by Dana Staples and seconded by Evan Cyr that the City Council not include the Ag Zone in the two-family dwelling unit ordinance.

Evan Cyr asked to amend the motion to include findings stating that at this time, such a change is not permissible under ordinance due to its incongruent with the Comp Plan. This change would necessitate a change with the Comprehensive Plan. Stephen Martelli seconded the amendment. After a vote of 6-0-0, the motion to amend the motion carried.

Chairperson Duvall clarified that the original motion was for the City Council not to pursue 2 dwellings in the Ag District and the main reason being that the Planning Board is not able to proceed forward because that is not allowed by the Comprehensive Plan. After a vote of 6-0-0, the motion carried.

**3. PUBLIC HEARING/ORDINANCE AMENDMENT: Proposed amendment of Chapter 60, Article IV, Division 7 and 8, Sections 60-307(1)(2) and 60-335(1)(2) Dimensional Regulations, Multifamily Suburban District and Multifamily Urban District of the Auburn Code of Ordinances to Change Lot Depth/Density Requirements.**

Megan explained the proposal.

**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 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.

**(1:17:35 on YouTube Recording)**

A motion was made by Evan Cyr and seconded by Dana Staples to forward a positive recommendation to the City Council to amend the following section as followed: Sec. 60-307(1)(2). - Dimensional regulations for Multifamily Suburban, remove references to three and four families, amend the lot depth for multifamily to be 100 feet to match the other requirements of the district.

Sec. 60-335(1)(2) – Dimensional regulations for Multifamily Urban, remove references to three and four families. After a vote of 6-0-0, the motion carried.

**4. PUBLIC HEARING/ORDINANCE AMENDMENT: Proposed amendment of Chapter 60, Article IV, Division 10, to remove the Downtown Enterprise Zone from the Auburn Code of Ordinances.**

Megan explained the proposal.

**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 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.

A motion was made by Evan Cyr and seconded by Stephen Martelli to forward a positive recommendation to the City Council to remove Division 10 of Article IV, Chapter 60 from the ordinance as the zoning district no longer exists. After a vote of 6-0-0, the motion carried.

**5. PUBLIC HEARING/ORDINANCE AMENDMENT: Proposed amendment of Chapter 60, Article IV, Division 12, General Business II, Section 60-525(b)(14) of the Auburn code of Ordinances to Fix the Improper Reference from Section 60-499(a) to Section 60-525(a).**

Megan explained the proposal.

**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 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.

**(1:22:42 on YouTube Recording)**

A motion was made by Evan Cyr and seconded by Dana Staples to forward a positive recommendation to the City Council to amend Chapter 60, Article IV, Division 12, Section 60-524(b)(14) to remove reference to section 60-499(a) and replace it with section 60-525(a). After a vote of 6-0-0, the motion

carried.

**6. PUBLIC HEARING/ORDINANCE AMENDMENT: Proposed amendment Chapter 60, Division 14, Section 60-553 of the Auburn Code of Ordinances to Explain the Purpose of the Conservation/Open Space Form-Based Code District.**

Megan explained the proposal.

**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.

A motion was made by Evan Cyr and seconded by Dana Staples to forward a positive recommendation to the City Council to amend the ordinance language as follows: Section 60-553 (Intent/Purpose) to read:

The Conservation/Open Space District is reserved for natural resource and compatible open space uses such as agriculture and forestry, low-intensity recreation, facilities that provide water access and similar low impact uses. After a vote of 6-0-0, the motion carried.

**7. PUBLIC HEARING/ORDINANCE AMENDMENT: Proposed amendment of Chapter 60, Article XII, Division 2, Section 60-668(b)(1) of the Auburn Code of Ordinances to Match the Elevation Requirement to Current FEMA Regulations.**

Megan explained the proposal and answered 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 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.

**(1:28:50 on YouTube Recording)**

A motion was made by Dana Staples and seconded by Riley Bergeron to forward a positive recommendation to the City Council to amend the ordinance language as follows:

Chapter 60, Article XII, Division 2, Section 60-668(b)(1):

(b) Mobile homes shall be elevated as follows:

- (1) General requirements that the lowest floor of the mobile home be elevated to one foot above the base flood elevation

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

**8. PUBLIC HEARING/ORDINANCE AMENDMENT: Proposed amendment of Chapter 60, Article XII, Division 5, Section 60-992 of the Auburn Code of Ordinances to Amend the Lot Depth Requirement for Nonconforming Lots in the Shoreland Zone.**

Megan explained the proposal and answered 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 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.

A motion was made by Evan Cyr and seconded by Dana Staples to forward a positive recommendation to the City Council to begin the process of coordinating with DEP to increase the lot depth for nonconforming lots from 120 feet to 150 feet within the shoreland zone. After a vote of 6-0-0, the motion carried.

**9. PUBLIC HEARING/ORDINANCE AMENDMENT: Proposed amendment of Chapter 60, Article XVI, Division 4, Subdivision of the Auburn Code of Ordinances to Remove the Mylar Requirement, Reduce the Required Number of Copies for Submissions to 15 and Consistently Reference Staff Members as the Director of Planning and Permitting or their Designee.**

Megan explained the proposal.

**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 Dana Staples and seconded by Riley Bergeron to close the public input part of the hearing. After a vote of 6-0-0, the motion carried.

(1:41:07 on YouTube Recording)

A motion was made by Dana Staples and seconded by Riley Bergeron to forward a positive recommendation to the City Council to amend the number of required submission copies for Site Plan/Special Exception/Subdivision Review to 15 copies, remove all references to Mylars and consistently reference “Planning Staff” as the Director of Planning and Permitting or their Designee” throughout the ordinance. After a vote of 6-0-0, the motion carried.

**10. PUBLIC HEARING/ORDINANCE AMENDMENT: Proposed amendment of Chapter 60, Article XVI, Division 4, Section 60-1367 Recreation/Open Space Standards of the Auburn Code of Ordinances to specify that it only applies to Single-Family Residential Subdivisions.**

Megan explained the proposal and answered questions from the Board.

**Open Public Input**

A motion was made by Dana Staples 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

**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.

(2:10:25 on YouTube Recording)

A motion was made by Evan Cyr and seconded by Dana Staples that the Planning Board make a recommendation to the City Council not to amend the Recreation & Open Space language to clarify that it only applies to single family residential subdivision. After a vote of 6-0-0, the motion carried.

A motion was made by Evan Cyr that the Planning Board initiate a zoning amendment process of Chapter 60, Article XVI, Division 4 Section 60-1367 Recreation/Open Space Standards to discuss possible alternatives that meet the goal of maintaining open space. The motion was seconded by Riley Bergeron.

A motion was made by Dana Staples to amend the motion on the floor to have staff come back to the Board with a few different options to accomplish the task. Stephen Martelli seconded the motion. After a vote of 6-0-0, the motion to amend the motion carried.

Chairperson Duvall clarified that on the floor was a motion for the Board to have a future discussion about the value of open space and to have staff bring options for how that might be accomplished in the future. After a vote of 6-0-0, the motion carried.

**11. ADJOURNMENT:**

A motion was made by Dana Staples and seconded by Stephen Martelli to adjourn. After a vote of 6-0-0, the motion passed.

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