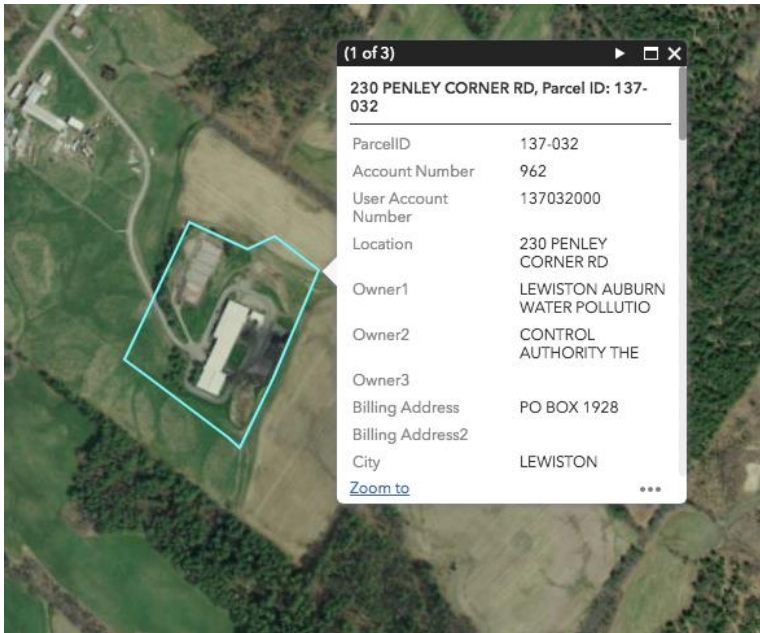


To: Auburn Planning Board
From: Megan Norwood, City Planner II
Re: Lewiston Auburn Water Pollution Control Authority (LAWPCA) proposal to change current City Agreements and 1992 Planning Board Approvals after a successful pilot project with the Maine DEP to evaluate how the facility may be operated with 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.
Date: September 15, 2020



I. PROPOSAL: The Lewiston Auburn Water Pollution Control Authority (LAWPCA) is the Wastewater Treatment Plant servicing Lewiston and Auburn located on Penley Corner Road. The facility has been in operation since 1993. Overtime, with technology and regulatory changes, the facility has had to adapt and recently completed a pilot project with the Maine DEP from September of 2019 to January of 2020 to evaluate operating with composting LAWPCA produced, anaerobically digested solids, with no odor control system. The pilot project was successful and LAWPCA secured approval to operate that way from DEP in June of 2020.

The approval was granted in the form of approved license amendments, which also require amendments to City agreements and Planning Board approvals. The main changes include: Operating the facility with less volume, using material derived only from the LAWPCA treatment facility and eliminating an odor mitigation system. LAWPCA is seeking approval from the City Council and Planning Board for these changes. At the May 18, 2020 City Council workshop, the City Council was comfortable dissolving the City agreement and allowing LAWPCA to operate under the conditions of the Planning Board agreement.

As part of the Planning Board approval, LAWPCA is seeking to have the agreements consolidated. Included in the Planning Board packets for this month is a marked up Planning Board approval that summarizes all of this information into one document. On the first page, it updates the findings to include a 2020 approval based on operational history, requested changes and participation by the City Manager on the LAWPCA Board of Directors, providing the City with additional capacity to monitor the ongoing activities at LAWPCA.

Municipal Wastewater Sewerage Sludge Facilities are permitted in the Ag-Zone, provided the following conditions are met:

- A. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the Planning Board.
- B. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
- C. An end-use plan must be filed as part of the Planning Board process.

One of the original Planning Board conditions stated that all compost and amendment materials shall be stored inside or under a roof. LAWPCA has removed that condition and stated that any biosolids being temporarily stored at the facility prior to composting, land application disposal shall be managed so as not to produce runoff or odors capable of impacting the surrounding properties or general environment. To address the above requirements, they have also added that all materials shall be screened from the public way and abutting properties.

An end-use plan was provided in the 90s that needed updates. LAWPCA has provided an updated end-use plan for the facility, which includes the basic steps necessary to safely close down the facility. It is expected at the time the facility is no longer in effect, that a formal plan is submitted to the City for deactivation that includes: future use or demolition of the buildings and structures, disposal of any new waste materials on the site including but not limited to: Sewage sludges, compost, amendment materials, equipment and vehicles.

The condition regarding traffic was removed, this was reviewed in the 90s and upgrades were made to Penley Corner Road to address the concerns, no issues have been noted today. The same condition also made reference to LAWPCAs ability to provide adequate water supply/storage capacity to meet building requirements. These have also been satisfied.

In the 90s, an assessment was completed that reviewed potential impacts to property values as determined by the Assessor at the time. There have not been any impacts to property values since the facility has been in operation, however, the Planning Board still has to keep that finding in there to ensure moving forward there will not be any impacts as it is a requirement of Site Plan/Special Exception. The Applicant provided a list of abutters and City Staff calculated the estimated property values from 2010 to present. Nearly all of the property values have increased with the exception of one that had a barn demolished between 2010 and 2017.

2020 Value	2017 Value	2010 Value
\$38,300.00	\$35,900.00	\$31,100.00
\$39,200.00	\$39,200.00	\$39,200.00
\$135,400.00	\$126,700.00	\$131,900.00
\$12,100.00	\$11,900.00	\$11,300.00
\$401,900.00	\$405,200.00	\$400,300.00
\$231,400.00	\$231,400.00	\$346,600.00
\$188,000.00	\$191,800.00	\$196,100.00
\$272,700.00	\$274,200.00	\$247,400.00

LAWPCA states that over the course of many years, the facility has never received a complaint concerning noise from the facility. The only equipment used outside is a front-end loader, for periods of

about one and a half hours per day, this same type of equipment is currently used in surrounding farm areas. The same 70dBA noise standard still applies as a light industrial zoning area under Sec. 60-1037 of the Ordinance today. The application makes it clear that the 70dBA noise limit will be met by the facility.

LAWPCA has included in their submission an Operations and Maintenance Plan for the facility.

The biggest change proposed are the odor system amendments, LAWPCA agrees to perform odor intensity testing at any dwelling or public road and agrees that only anaerobically digested sewage sludge from treatment plant and amendment materials having little or no potential to generate odors (saw dust, wood shavings, wood ash, spent coffee grounds) will be composted at the facility unless the proposed material is low in potential to produce odors and is approved in advance by the City of Auburn.

The agreement wraps up with information regarding the contract and that the facility cannot be subcontracted or responsibility transferred without the consent of the Auburn City Council.

II. DEPARTMENT REVIEW:

- b. *Police* – No comments received.
- c. *Auburn Water and Sewer* – No comments received.
- d. *Fire Department* – No comments received.
- e. *Code Enforcement* – No comments received.
- f. *Engineering* – No comments received.
- g. *Addressing* – No comments received.
- h. *Airport* – No comments received.
- i. **NEW (Comprehensive Plan Conflict):** *While this proposal is not a new or revised Site Plan before the Planning Board, Staff wanted to get in the habit of including a new Comprehensive Plan section to the Staff Report per the Planning Board request at the August 11, 2020 meeting. It also gives the Planning Board an opportunity to revise the format if needed for future proposals.*

YES

✓NO – The property is located in the Agriculture and Resource Protection Zoning District which allows as a Special Exception Sec.60-145(b)(#12): Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:

- A. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the Planning Board.
- B. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
- C. An end-use plan must be filed as part of the Planning Board process.

The Future Land Use Map designates the area as Agriculture/Rural. Page 109 of the Future Land Use Plan (Allowed Uses for the Agriculture/Rural District) states that the Agriculture/Rural District should continue to include the uses allowed in the existing AG/RP zoning district.

II. PLANNING BOARD ACTION – Sec. 60-1277. – Objective. In considering a site plan, the Planning Board shall make findings that the development has made provisions for:

- (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.

Sec. 60-1336. – As conditions prerequisite to the granting of any special exceptions, the board shall require evidence of the following:

- (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.

III. STAFF RECOMMENDATIONS – Staff recommends the Planning Board approve the new agreement. Suggested Condition:

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.

Suggested Motion: *I make a motion 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 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.*

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