



City of Auburn, Maine
Planning & Permitting Department
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PLANNING BOARD MINUTES
May 14th, 2024 – 6:00 p.m.
City Council Chambers, 60 Court Street

- 1. ROLL CALL:** Ryan Smith, Amanda Guerrette (elevated to full member), Paul Jacques, Stacey LeBlanc, Dave Trask, Darren Finnegan, Tim DeRoche, Bob Hayes (associate member)
- 2. MINUTES:** Review April 9th, 2024, meeting minutes. All meetings are available live and after airing on YouTube <https://www.youtube.com/c/CityofAuburnMaine>.

Motion to Approve: Dave Trask. Discussion on Minutes regarding Agenda Item # 8 (LD 2003). Bob Hayes asked for further clarification in the minutes to show that approval for 3 and 4 dwelling units would come before the Planning Board for consideration under new LD 2003 standards.

Motion to approve with amendment: Dave Trask, Second: Paul Jacques. Vote: 6-0-1 Ryan Smith abstained from vote due to being absent at previous meeting. Motion Carries

- 3. PUBLIC HEARING/ SUBDIVISION:** Jim Wu is applying to convert the existing school at 80 Lake Street, City Assessor's Parcel I.D. 239-114 to 12 two-bedroom apartments with a public easement and playground. This application shall be reviewed in accord with Chapter 60 Article XVI Division 2- Site Plan Review, Division 3- Special Exception, Division 4- Subdivision and Article IV Division 14 Form Based Code.

Staff report presented by Katherine Cook. The project meets zoning standards with the exception of setbacks. Because the location of the building will not be changing, this exception is needed.

Planning Board discussed the site plan details including walkways, trees and the public playground layout.

Craig Sweet from Terradyn Consultants is present and expresses that the developer is open to requested changes and happy to answer any questions about the development.

John Blais adds that the playground will need to be approved by the State of Maine and will be ADA compliant since there are federal funds being used in this project.

Motion to Open Public Comment: Dave Trask; Second: Tim DeRoche. Vote: 7-0-0 Motion Carries

Public Comment:

John Cleveland, 183 Davis Ave- Lives in the Lake Street neighborhood and was part of the group who helped bring the original playground to the property. He asks for further details on ADA requirements thinking about all aspects including ground coverings. Also asks for signage to specify public use of the space as well as pedestrian access from Fern St.

Motion to close public comment: Dave Trask; Second: Tim DeRoche; Vote: 7-0-0. Motion Carries

Planning Board asks for clarification on funding of the public space. John Blaise clarifies that approval of this plan does require State approval and the state wants to see a “robust” public space that is ADA compliant. Funds will be from Land and Water Conservation Fund. Ryan Smith asks applicant if there are future plans to develop any more of this parcel. Craig Sweet shares that the developer is also looking to add a daycare on the site on the neighboring parcel.

Dave Trask makes a motion to approve the application to convert the existing school at 80 Lake Street, City Assessor’s Parcel I.D. 239-114 to 12 two-bedroom apartments with an included public easement and playground and waive the requirements of Sec. 60-548B.1 pertaining to the front setback of a maximum of 25' and the frontage build-out of 60% . The motion to approve is contingent on the following **conditions**:

- a. All relevant building permits must be approved before the start of construction.
- b. Final Playground and easement space must be approved by the State of Maine’s Land and Water Conservation Fund Program.
- c. The applicant must submit a detail of the playground surface.
- d. Sidewalk should be extended from the walkway along easterly side of the building to Lake Street
- e. Remove the fencing around the playground area and replace with fencing along the southerly and westerly boundary to delineate the public space.
- f. Designate the closest ADA space to the playground as a Land and Water Conservation ADA space.
- g. Add a curb cut and a walkway to access the playground from Fern Street.

Second: Tim DeRoche. Vote: 7-0-0. Motion Carries

00:31:00

- 4. **PUBLIC HEARING/ SUBDIVISION (POSTPONED UNTIL JUNE):** Jason Cooper is applying to build three two-family homes on 105 Riverside Drive, City Assessor’s Parcel I.D. 221-140. This application shall be reviewed in accord with Chapter 60 Article XVI Division 2- Site Plan Review, Division 3- Special Exception and Division 4- Subdivision and Article IV Division 14 Form Based Code.
- 5. **WORKSHOP:** Review the proposed map and ordinance amendments changes related to the Lake Auburn watershed including the Phosphorous Control Ordinance, the Low-Density Country Residence District, the Lake Auburn Watershed Overlay District, and adopting a resource setback map and a septic inspection map (description below in item 6-10).

Staff Report presented by John Blais. Many of these text changes are intended to provide some clarity and definitions to the ordinance. It's not changing the intention behind the ordinance but will add specifics as to how the ordinance can be implemented and enforceable. The language will provide specific details that the public can see and will provide transparency about the process. Mr. Blais went through the suggested amendments described in Agenda items 6-10.

Staff and Board discuss the origin of these recommended amendments and how they affect local property owners. The board members express a strong desire to protect the water quality but also not to enact ordinances that are overly restrictive to property owners. Staff talks about the proposed septic inspection program and how that will work. Efforts will consist of educating the landowners and funds are available to assist with inspections and necessary repair costs. The Board asks about the enforcement process when a failing system is identified. There are already processes in place for the City to work with a homeowner who needs to make certain repairs to their property. The City would follow those protocols and explore Grant funds that might be available.

Staff and Board also discusses new development in the watershed and the suggested limit of 3 new dwelling units per year. Staff shares that over the last 5 years, there has been 1 new dwelling unit built within the watershed. Planning board wants the ability to reassess the amount of desire for development in the watershed to see if a limit of 3 is sufficient or not. Staff commits to report back to the Planning Board yearly on the new development within the Watershed.

02:32:39

6. PUBLIC HEARING/ TEXT AMENDMENT: City Council initiated a text amendment to Chapter 60 Article XIII Division 2- Phosphorous Control. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Motion to Open Public Comment: Dave Trask, Second: Tim DeRoche, Vote: 7-0-0 Motion Carries

Jay Bishop - 901 Lake Shore Dr – Shares concern about the protections' financial burden it will place on homeowners in the watershed. Voiced concerns over the erosion of buffers along Lake Shore Dr as well as woodland clearing near the feeder streams and asks the planning board and staff to consider all of the options for protecting the lake, not just septic systems.

Ben Lounsbury – 505 West Auburn RD – Shares a statement from wife, Bonnie. Shares that phosphorus is the number 1 threat to lake water quality. Encourages strict protections to limit phosphorus runoff.

Motion to close public hearing: Tim DeRoche, Second: Amanda Guerette, Vote: 7-0-0 Motion Carries

Ryan Smith makes a motion to forward a favorable recommendation to City Council to amend text to Chapter 60, Article II General Provisions, Division 2 Phosphorus Control, Sec. 60-1065, and Sec.60- 1069. Second: Paul Jaques, Vote: 6-1-0. Motion Carries

02:41:59

Planning Board moves to Public Hearing for Low-Density Country Residential – Agenda item #8 – Skips over Agenda item #7 in error.

8. PUBLIC HEARING/ TEXT AMENDMENT: City Council initiated a text amendment to Chapter 60 Article IV Division 3- Low Density Country Residential District. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

Motion to Open Public Comment: Ryan Smith, Second, Tim DeRoche, Vote: 7-0-0 Motion Carries

Evan Cyr – 122 Granite st – Wants to remind the board that they need to recommend a favorable or not favorable vote on this matter and feels like there are outstanding questions about language in this ordinance. Feels that the process of drafting the language for this ordinance was done too quickly.

Motion to close public comment: Tim DeRoche, Second: Amanda Guerrette, Vote: 7-0-0 Motion Carries

There is some confusion over the order of discussion topics on the agenda and Planning board packets. One citizen shares that she is in attendance at the meeting on her behalf as well as neighbors who received the written notice about the meeting and feels that the agenda of the meeting was not accurate to the notice that was sent to the public. Stacey LeBlanc decides to seek a motion to re-open public comment on this agenda item.

Motion to Re-Open Public comment: Dave Trask, Second: Amanda Guerrette, Vote: 7-0-0 Motion Carries

Citizen: Asks how she can really make comments on text that they don't have. Concerned that there are other sources of pollution that the city is not considering.

Evan Cyr – 122 Granite St- Reserves comment

Steven Beal – 575 Johnson Rd- Asks if the meeting will go back to discuss agenda item #7 regarding the Lake Auburn Watershed. (Staff clarifies that agenda #7 will be discussed after agenda item #8)

Motion to close Public Comment: Tim DeRoche, Second: Dave Trask, Vote: 7-0-0 Motion Carries

Board asks about procedure if there are recommended changes in text that they want to see. Staff explains that board can include text changes as part of their recommendation

Ryan Smith makes a motion to forward a favorable recommendation to City Council to amend text to Chapter 60, Article II General Provisions, Division 3, Low Country Density Residential, Sec. 60-202.

Second: Paul Jacques

Dave Trask asks for clarification that this item is just changing the minimum setback for building form 50' to 25'. That is confirmed. Vote: 7-0-0 Motion Carries.

03:04:26

Stacey LeBlanc asks for a motion to either continue the meeting or save remaining agenda items to a date certain.

Tim DeRoche makes a motion to continue the meeting through agenda item #10. Second: Second Ryan Smith. Vote 6-1-0. Vote is not unanimous, Motion Does Not Carry.

7. **PUBLIC HEARING/ TEXT AMENDMENT:** City Council initiated a text amendment to Chapter 60 Article XII Division 4-Lake Auburn Watershed Overlay District. The proposed amendments pertain to septic system installation, maintenance and replacements and new development. This amendment is pursuant to Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.
9. **PUBLIC HEARING/ MAP AMENDMENT:** Consider adopting the Lake Auburn Watershed Overlay District Septic Systems Inspection Map. This map will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.
10. **PUBLIC HEARING/ MAP AMENDMENT:** Consider adopting the Official Lake Auburn Overlay District 400 ft. Setback to Lake, Stream, and Brook for Subsurface Wastewater Fields map. This map will be referenced in Chapter 60 Article XII Division 4-Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.
11. **WORKSHOP:** Review Planning Board Opening Remarks
12. **WORKSHOP:** Review and give feedback on text amendment related to LD 2003 including Article II- General Provisions, Article IV Division 3- Low Density Country Residential District, Division 4- Low Density Rural Residence District, Division 5- Suburban Residence District, Division 6- Urban Residence District, Division 7- Multifamily Suburban District, Division 14 Form Based Code, Sec. 60-2 Definitions, and Article V- Off-Street Parking and Loading, all within Chapter 60.
13. **PUBLIC COMMENT:**
14. **MISCELLANEOUS:**
 - a. Upcoming Agenda Items

Discussion between staff and Planning Board regarding next meeting to occur on May 28, 2024. Board and Staff agree that the workshop regarding a new Public Safety site plan will occur at the May 28th meeting and further agenda items from tonight's meeting will be carried over to June 18th.

15. ADJOURNMENT

Motion to Adjourn: Dave Trask, Second: Tim DeRoche, Vote: 7-0-0. Meeting Adjourned.

Auburn Planning Board meetings can be viewed live on the City of Auburn YouTube channel (<https://www.youtube.com/c/CityofAuburnMaine>), and on Great Falls Television (Spectrum Cable Channel 11).

Following live broadcasts, Planning Board meetings are rebroadcast at 7:00AM, noon, and 7:00PM on Tuesdays on GFTV and are available anytime on our YouTube channel.