

Town of Auburn, Massachusetts
Minutes of the Planning Board Meeting
Auburn Town Hall -Board of Selectmen Meeting Room
April 12, 2022- 7:00p.m.

Members Present: John Regan, Steven Chambers, Ron Brooks, Todd Kirrane and Dwarakesh Nallan

Absent: None

Also Present: Adam Menard - Town Planner, Rachel Pressey - Staff Assistant

Mr. Regan called the meeting to order at 7:00 pm and provided hybrid participation instructions for meeting attendees and access information to interested viewers. The Town cable staff was present, and the meeting was recorded. No other attendee was recording the meeting.

Mr. Kirrane made a motion to open the Planning Board meeting, seconded by Mr. Chambers; roll call vote: Mr. Nallan, Yes; Mr. Kirrane, Yes; Mr. Chambers, Yes; Mr. Regan, Yes; Mr. Brooks, Yes - **motion passed 5 -0.**

ANR:

440 Washington Street

Michael Wade of Papa Gallo LLC shared plans to subdivide 440 Washington Street for future development of the new 20,656 square foot lot.

Mr. Regan asked about the panhandle section of the new property and if the properties will share a common driveway.

Mr. Chambers asked if the access and utility easements run through the driveway.

Mr. Wade stated that the utilities run through the driveway and that he intends for the two properties to share a common driveway. Mr. Wade added that the panhandle runs along the curb.

No public comment.

Mr. Chambers made a motion to approve the ANR Plan, seconded by Mr. Kirrane; roll call vote: Mr. Nallan, Yes; Mr. Kirrane, Yes; Mr. Chambers, Yes; Mr. Regan, Yes; Mr. Brooks, Yes - **motion passed 5 -0.**

Public Hearings:

Robert Lemansky for G. L. McKinstry Trust, for a Definitive Subdivision Plan for a two lot single family home development with site improvements on property located at Claire Drive and Linda Avenue.

Mr. Kirrane made a motion to open the public hearing, seconded by Mr. Chambers; roll call vote: Mr. Brooks, Yes; Mr. Nallan, Yes; Mr. Kirrane, Yes; Mr. Chambers, Yes; Mr. Regan, Yes - **motion passed 5 -0.**

Mr. Regan said the plan warrants peer review due to its age, zoning and stormwater regulation changes. Mr. Regan also expressed concerns about runoff on Town property and the driveway proposed on Linda Avenue.

Steven Pikul of Bertin Engineering stated that runoff on Town property will be isolated to large events and agreed to update stormwater calculations. Mr. Pikul proposed a Linda Avenue driveway instead of the cul-de-sac due to steep grading. Mr. Pikul also requested replacing the public water and sewer with private, because the existing 2-inch water line cannot support a new hydrant.

Mr. Regan informed Mr. Likul that the nearest hydrant must be within 500 feet.

Mr. Chambers recommended the plan be peer reviewed and disagreed with the sidewalk waiver request.

Mr. Nallan agreed that the plan warrants peer review, and asked if a cul-de-sac is preferable for emergency vehicles, and if there are any Massachusetts Department of Transportation requirements.

Mr. Kirrane echoed Mr. Regan, Mr. Chambers and Mr. Nallan's recommendations regarding peer review and sidewalks. Mr. Kirrane also requested the Town Engineer's water and sewer recommendation, an emergency vehicle auto turn analysis, and Massachusetts Department of Transportation's comments regarding the development.

Mary Gough of 1 Claire Drive expressed concerns about the potential noise increase due to reduced vegetation.

Mirela Kropp of 26 Linda Drive also expressed concerns about noise and traffic, adding that vegetation removal will negatively impact the neighborhood aesthetics; especially when trees are bare. Ms. Kropp also asked about the construction process and timeframe, and the proximity of the new properties to the existing homes.

Mr. Regan stated that construction hours are 7:00am - 5:00pm Monday through Friday, and 8:00am - 12:00 pm on Saturdays. Mr. Regan also suggested residents reach out to a local representative regarding Massachusetts Turnpike noise concerns.

Mr. Pikul explained that construction of the subdivision should take 3-6 months, that there is no work within the Massachusetts Department of Transportation's right-of-way, and noise and environmental impacts will follow Town bylaws.

Mr. Chambers asked why the properties were not constructed with the initial approval, if the properties will be marketed or for personal use, and if soil testing was completed.

Mr. Nallan asked if the lots would be built simultaneously.

Property Owner Robert Lemansky said the properties were not developed because of market conditions at the time of approval. The properties will be built simultaneously, though one will take additional time due to more extensive site work. Mr. Lemansky added that the properties will be sold on the public market.

Mr. Regan asked about the retention pond depth and discharge points.

Mr. Pikul stated that the retention pond will be fenced and approximately 5 feet and shared the drainage plan, which was determined based on previous soil samples.

Mr. Nallan made the motion to continue the public hearing until peer review is complete, seconded by Mr. Kirrane; roll call vote: Mr. Brooks, Yes; Mr. Nallan, Yes; Mr. Kirrane, Yes; Mr. Chambers, Yes; Mr. Regan, Yes - **motion passed 5 -0.**

Amendment to Section 3.9.1.4 and adding a new Section 14 Animals, to the Auburn Zoning Bylaw.

Mr. Chambers made a motion to open the public hearing, seconded by Mr. Kirrane; roll call vote: Mr. Nallan, Yes; Mr. Kirrane, Yes; Mr. Chambers, Yes; Mr. Brooks, Yes; Mr. Regan, Yes - **motion passed 5 -0.**

Mr. Menard shared Section 14 Animal Zoning Bylaw updates based on fall 2021 Town Meeting feedback and asked the Board to vote whether to recommend the Town Meeting Warrant Article.

Mr. Brooks asked if a special permit is required for properties over five acres.

Mr. Chambers asked about grandfathering, if permits would be one-time or periodically, and grace period reporting.

Ms. Coyle explained that grandfathering is challenging because those currently recorded are done in compliance with state law or addressed due to complaints or investigations; most are not recorded. Ms. Coyle added that the proposed bylaw will be permitted and enforced through the Zoning Board of Appeals, Board of Health and Animal Control.

Mr. Menard said that special permit is required for a piggery or commercial raising of animals on properties less than 5 acres and reminded the Board that the current bylaw only permits 4 animals of any kind on a single property.

Mr. Kirrane made a motion to close the public hearing, seconded by Mr. Nallan; roll call vote: Mr. Nallan, Yes; Mr. Kirrane, Yes; Mr. Chambers, Yes; Mr. Regan, Yes; Mr. Brooks, Yes - **motion passed 5 -0.**

Mr. Kirrane made the motion to recommend the Section 3.9.1.4 amendments for Town Meeting, seconded by Mr. Nallan; roll call vote: Mr. Brooks, No; Mr. Chambers, No; Mr. Kirrane, Yes; Mr. Nallan, Yes; Mr. Regan, Yes - **motion passed 3-2.**

Amendments to the Table of Uses, Section 3.2.2.3 Apartments, of the Auburn Zoning Bylaw .

Mr. Chambers made a motion to open the public hearing, seconded by Mr. Kirrane; roll call vote: Mr. Brooks, Yes; Mr. Nallan, Yes; Mr. Kirrane, Yes; Mr. Chambers, Yes; Mr. Regan, Yes - **motion passed 5 -0.**

Mr. Menard asked the Board to postpone the hearing indefinitely, as changes cannot be made until the Table of Uses approved at Town Meeting in fall 2021, are accepted by the Attorney General.

Mr. Kirrane made the motion to postpone the public hearing indefinitely, seconded by Mr. Nallan; roll call vote: Mr. Brooks, Yes; Mr. Chambers, Yes; Mr. Kirrane, Yes; Mr. Nallan, Yes; Mr. Regan, Yes - **motion passed 5 -0.**

Mr. Kirrane made a motion to close the public hearing, seconded by Mr. Nallan; roll call vote: Mr. Nallan, Yes; Mr. Kirrane, Yes; Mr. Chambers, Yes; Mr. Regan, Yes; Mr. Brooks, Yes - **motion passed 5 -0.**

Amendments to Section 3.2.7.10 Table of Uses and Description of Uses, 3.3 Temporary Moratorium on the Sale and Distribution of Recreational Marijuana, 3.7 Prohibited Uses, and 9.3.13 Registered Marijuana Dispensaries of the Auburn Zoning Bylaw .

Mr. Chambers made a motion to open the public hearing, seconded by Mr. Kirrane; roll call vote: Mr. Brooks, Yes; Mr. Chambers, Yes; Mr. Kirrane, Yes; Mr. Nallan, Yes; Mr. Regan, Yes - **motion passed 5 -0.**

Mr. Menard shared plans to reduce setback requirements from 1000 feet to 500 feet, increase operating hours, and to permit registered marijuana dispensaries in business and industrial districts beyond general industry.

Mr. Regan asked about the temporary moratorium and if the amendment would permit recreational marijuana.

Mr. Chambers asked if drive-throughs and onsite cultivation would be allowed.

Board of Selectmen Chairman Tristan Laliberte informed the Board that drive-throughs would be permitted.

Mr. Menard explained that the moratorium was no longer valid once the bylaw was adopted and onsite cultivation would be permitted with the amendment. Mr. Kirrane added that onsite cultivation requires state licensing and changes to recreational cultivation and retail would require a local ballot question.

Mr. Kirrane made the motion to recommend the amendments to Section 3.2.7.10 to the warrant article for Town meeting, seconded by Mr. Nallan; roll call vote: Mr. Nallan, Yes; Mr. Kirrane, Yes; Mr. Chambers, Abstain; Mr. Brooks, Yes; Mr. Regan, Yes - **motion passed 4-0-1.**

Mr. Kirrane made a motion to close the public hearing, seconded by Mr. Nallan; roll call vote: Mr. Brooks, Yes; Mr. Chambers, Yes; Mr. Kirrane, Yes; Mr. Nallan, Yes; Mr. Regan, Yes - **motion passed 5 -0.**

Decision:

Auburn School Department - 35 Swanson Road

Mr. Menard provided the 35 Swanson Road decision for the Board to sign.

Minutes:

03-08-2022

Mr. Kirrane made the motion to approve the March 08, 2022 Planning Board meeting minutes, seconded by Mr. Nallan; roll call vote: Mr. Brooks, Yes; Mr.

Chambers, Yes; Mr. Kirrane, Yes; Mr. Nallan, Yes; Mr. Regan, Abstained due to meeting absense - **motion passed 4-0-1.**

Town Planner Updates:

Mr. Menard invited the Board to pre-town meeting on April 19, 2022 at 6:00pm in the Board of Selectmen’s Meeting Room. Mr. Menard also reminded the Board and public that the Planning Board is seeking an Associate member and encouraged interested residents to apply.

Adjournment:

Mr. Chambers made the motion to adjourn at 7:18pm, seconded by Mr. Kirrane; roll call vote: Mr. Brooks, Yes; Mr. Nallan, Yes; Mr. Kirrane, Yes; Mr. Chambers, Yes; Mr. Regan, Yes - **motion passed 5 -0.**

Next meeting will be April 26, 2022 at 7:00 PM.

Respectfully Submitted,

Rachel Pressey, Staff Assistant to the Town Manager

To access video playback of the Planning Board meetings, please visit www.auburnguide.com and click the “Playback of Government Meetings” link on the homepage.

Planning Board Packet Documents

- ANR Application Plan - 440 Washington Street
- Site Plan - 440 Washington Street
- Letter of Intent - Claire Drive and Linda Avenue
- Subdivision Application - Claire Drive and Linda Avenue
- Subdivision Plan - Claire Drive and Linda Avenue
- Table Of Uses Amendment
- Animal Zoning Bylaw Amendment
- Marijuana Bylaw Amendment
- Site Plan Decision - 35 Swanson Road
- Planning Board Meeting Minutes - 03/08/2022