

TOWN OF AUBURN, MASSACHUSETTS
AUBURN PLANNING BOARD
Minutes of the Meeting
Auburn Town Hall Select Board Meeting Room | April 11, 2023 – 7:00 PM

Members Present: Chair John Regan, Vice Chair Todd Kirrane, Member Ron Brooks, Member Dwarakesh Nallan, and Member Sierra Smarra

Members Absent: None

Also Present: Town Planner Dr. Adam Menard and Staff Assistant Danielle Chamberland Roberts

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 and televised. No other attendee was recording the meeting.

I. ANR: None

II. Public Hearings:

- a. **Amendments to Section 4.1 Floodplain District of the Auburn Zoning Bylaw to incorporate updated standards and Flood Insurance Rate Maps (FIRM) to ensure compliance as a participating national Flood Insurance Program community.**

Mr. Regan called for a motion to open the hearing at 7:02 PM. Mr. Nallan made the motion, it was seconded by Mr. Brooks.

Roll call vote:

Ms. Smarra	Mr. Nallan	Mr. Brooks	Mr. Kirrane	Mr. Regan
Aye	Aye	Aye	Aye	Aye

Motion passed 5-0.

Mr. Nallan asked Dr. Menard if the proposed Amendment was based on updated standards. Dr. Menard replied that all of the changes were coming directly from FEMA (Federal Emergency Management Agency) and DCR (Department of Conservation and Recreation), and he had not added anything to their proposals. He continued that if the changes are not made the community will be suspended from participation in the NFIP (National Flood Insurance Program).

No public comment.

Mr. Kirrane made a motion to close the hearing at 7:03 PM, it was seconded by Ms. Smarra.

Roll call vote:

Ms. Smarra	Mr. Nallan	Mr. Brooks	Mr. Kirrane	Mr. Regan
Aye	Aye	Aye	Aye	Aye

Motion passed 5-0.

Mr. Regan called for a motion to recommended approval of the Amendment at 7:03 PM. Mr. Brooks made the motion, it was seconded by Mr. Kirrane

Roll call vote:

Ms. Smarra	Mr. Nallan	Mr. Brooks	Mr. Kirrane	Mr. Regan
Aye	Aye	Aye	Aye	Aye

Motion passed 5-0.

- b. **Amendments to Section 7 Signs and Advertising Devices of the Auburn Zoning Bylaw. Proposed changes include amendments to the definitions, the size of certain signs, and colors flashing lights on an electric sign.**

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Mr. Regan called for a motion to open the hearing at 7:04 PM. Ms. Smarra made the motion, it was seconded by Mr. Brooks.

Roll call vote:

Ms. Smarra	Mr. Nallan	Mr. Brooks	Mr. Kirrane	Mr. Regan
Aye	Aye	Aye	Aye	Aye

Motion passed 5-0.

No public comment.

No Member comments.

Mr. Regan called for a motion to close the hearing at 7:04 PM. Ms. Smarra made the motion, it was seconded by Mr. Brooks.

Roll call vote:

Ms. Smarra	Mr. Nallan	Mr. Brooks	Mr. Kirrane	Mr. Regan
Aye	Aye	Aye	Aye	Aye

Motion passed 5-0.

Mr. Regan called for a motion to recommended approval of the Amendment as stated at 7:05 PM. Mr. Brooks made the motion, it was seconded by Mr. Kirrane

Roll call vote:

Ms. Smarra	Mr. Nallan	Mr. Brooks	Mr. Kirrane	Mr. Regan
Aye	Aye	Aye	Aye	Aye

Motion passed 5-0.

c. Applicant S&K Development, LLC requesting a Special Permit under section 5.3.2 of the Auburn Zoning Bylaw for a hammerhead lot at 375 Oxford Street North, Auburn, MA 01501, Map 40 Parcel 97.

Mr. Regan called for a motion to open the hearing at 7:05 PM. Ms. Smarra made the motion, it was seconded by Mr. Kirrane.

Roll call vote:

Ms. Smarra	Mr. Nallan	Mr. Brooks	Mr. Kirrane	Mr. Regan
Aye	Aye	Aye	Aye	Aye

Motion passed 5-0.

Mr. James Smith, representative for S&K Development, LLC, introduced the proposal for two lots, one conventional and one hammerhead.

Mr. James Barnett of 370 Oxford Street North asked which type of dwelling was planned for the hammerhead lot and voiced his concerns that the proposal would exacerbate existing problems with flooding from regular rainstorms. He asked if any mitigation system will be implemented to handle additional runoff caused by this proposal, and also asked about the timeline of project completion.

Mr. J. Smith replied that the developers are proposing two single-family house lots.

Mr. David Sampson of 24 Reithel Street asked if the proposed properties would be intended for rent or ownership.

Mr. J. Smith replied that the properties would be sold for ownership.

Mr. Barnett said that when the developers cut down all the trees on the property there was much more highway and traffic noise, and he asked if there was a plan to replace any of those trees.

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Mr. J. Smith said that there would be screening from the placement of the houses and there would probably be some fencing to provide privacy for the homeowners.

Mr. Ronald Brooks asked Mr. J. Smith to clarify his answer to Mr. Barnett's question about whether additional trees would be planted for sound protection. Mr. J. Smith replied that there was no plan to plant additional trees right now, and Mr. Brooks said that the developers clear-cut the lot to the maximum of the property line. Mr. J. Smith replied that it was necessary to level the steep grade of the lot, but the developers do plan to plant trees to make the property saleable.

Mr. Brooks asked how the developers plan to stabilize the bankings, and Mr. J. Smith replied that the developers will seed and loam them. Mr. Brooks asked if the developers had done anything to the bankings yet, and Mr. J. Smith said that the final grading has not been done yet. He then corrected himself to say that the bankings have been sloped and loamed, and asked his partner, Mr. George Smith, if the banks have been seeded. Mr. John Regan interrupted to assert that the bankings have been hydroseeded, and chided the developers for not knowing the status of their own development. Mr. G. Smith replied that they do know what they are doing, and Mr. Regan replied that the hydroseed is dead, he looked at it himself today. Mr. G. Smith said that the project is not yet finished yet, but there was a plan previously submitted to the Town that shows grading. Mr. Regan replied that he does not have that plan, and Mr. G. Smith said that it could be resubmitted as part of the current proposal with additional screening to dampen noise pollution per the public comments.

Mr. Nallan asked if this intended proposal was only splitting the property into two lots, and Mr. G. Smith replied in the affirmative. He continued to say that this hammerhead lot is very wide, and noted that there have been others that were similar that the Town approved subdividing in the past. Mr. Brooks said that the Town is familiar with large hammerhead lots, and he asked which properties Mr. G. Smith was referring to. Mr. G. Smith replied that he believed there was a multi-family lot several years ago down the road, and Mr. J. Smith said that lot was roughly the same size. Mr. Brooks asserted that this other lot is irrelevant to the current proposal, and Mr. G. Smith replied that the relevance lies in the width of the lot. Mr. Brooks said that intent is key; a hammerhead lot is usually granted on an existing piece of land with a 50-foot frontage and extra room in the back. He said that this proposal is incongruous with the neighborhood.

Mr. Barnett inquired about the ingress and egress, and asked about a possible easement between the two proposed houses. Mr. J. Smith replied that there would be 2 separate driveways. He continued that the lot is 67,000 square feet and the zoning allows for 6 potential units, and the developers are only proposing two. Mr. Regan said that the developers are correct with respect to area, but geographically they are incorrect. Mr. G. Smith noted that the requirement is 20,000 square feet; the hammerhead that the developers are proposing on Lot 2A is 47,524 square feet, better than double the requirement. Both Mr. Brooks and Mr. Regan pointed out that he was referring to Lot 2B; Lot 2A is 20,000 square feet. Mr. G. Smith apologized, saying that he had read the numbers backward, and the proposed lot, 2A, is 20,274 square feet. For Lot 2B, the requirement is 10,000 square feet and the developers have 47,524 square feet. He then mused that the lines could be moved, but Mr. J. Smith noted that the slope drives that decision.

Mr. Brooks asked if the developers were present several years ago when they came before the Board. Mr. G. Smith replied that he was. Mr. Brooks asked Dr. Menard what the finding was at that time, and Dr. Menard replied that there was an ANR and an earth removal special permit that was withdrawn. Mr. Brooks said that to his recollection there was discussion of not clear-cutting the trees and keeping certain slopes, but it seems like the developers circumvented the Planning Board's decision and went to another Department to get approval. Mr. G. Smith said that the approvals were for a single-family lot, not a hammerhead. Mr. Brooks clarified that the developers clear-cut and graded with the intention to build a single-family house, and Mr. G. Smith replied in the affirmative. Mr. Brooks asked why the developers were now proposing a hammerhead lot in addition, and Mr. G. Smith's reply was that the lot meets the requirements.

Mr. Regan said that he looked at the lot in person today. When the developers first applied the Board denied the proposal, and Mr. Regan specifically stated at that time that the developers could not set up a gravel operation with screening plants and they did it anyway. Mr. G. Smith asserted that the developers were not denied, they withdrew without prejudice. Mr. Regan said that the developers were denied, and that is why they withdrew. He continued to say that there is a steep slope between the two proposed lots that will dump water onto the street, and the developers cannot increase the flow to the street or any other neighboring property. Mr. G. Smith said that previously the grade was much steeper, and Mr. Regan replied that there were also trees and underbrush to mitigate the flow. Mr. G. Smith said that the developers will ensure that the drainage designs meet current regulations, and that there will be a 3:1

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slope on the sides to get to a 6% slope on the lots. Mr. Regan requested to see grading plans and to send them out for peer review, both of which Mr. G. Smith agreed to.

Mr. Regan finished his comments to reassert that the developers did mislead people by saying they are proposing a wide hammerhead lot as the entrance is only 0.96 feet over the requirement. He said he has complaints and letters from abutters about the construction dust, there were no water wagons, and there was no DEP number on the proposal. Mr. G. Smith said that he didn't intentionally mislead people, he simply looked at the plans incorrectly. Mr. Regan also advised that what is needed between the properties isn't fences but natural growth at least 6 feet tall. He restated that the developers resubmit a plan that includes grading and drainage, which Mr. G. Smith said was not a problem. Mr. Brooks also requested a landscape plan that shows trees, natural growth, and brush. Mr. G. Smith replied that he believes once the lot is stabilized there won't be any issues.

Mr. Regan asked Mr. G. Smith how he intends to stabilize the 3:1 slope. Mr. G. Smith replied that the developers will do whatever is needed, be it seeding or matting, and Mr. Regan agreed that matting was needed. Mr. Brooks requested that the developers make all the recommended changes first and then return to the Board to seek approval, rather than the Board approve the project now and grant a License with conditions. Mr. G. Smith said that it doesn't make sense per the nature of construction to make all of the proposed changes first. The 3:1 slope would be stabilized, but then the developers would be constructing houses which would necessitate ripping everything up again that was installed. Mr. Regan replied to Mr. Brooks's concern about a conditional License to say that the Board could ensure that all their concerns are met before the developers are allowed to sell the houses with an occupancy permit. He continued to say that he has not seen a grading plan, and Mr. G. Smith said that he had previously submitted one to the DPW. Mr. Regan reminded Mr. G. Smith that he was in front of the Planning Board, not the DPW, and in Mr. Regan's opinion he was "totally underwhelmed" by the presentation. Mr. G. Smith reasserted that the conditions would not be a problem.

Mr. Sampson asked to see the subdivision plan, which Mr. G. Smith showed him. Mr. Sampson told Mr. Regan that he had sent a letter to the Planning Board recently, and included a copy of a second letter that he had written two years ago as well. The older letter had stated Mr. Sampson's skepticism that the developers would complete their work in their stated two-month time frame, and he said this has borne out as the work took two years. He is still skeptical that the developers are not telling the truth tonight, either. He wants trees to be planted on his property as a buffer from the proposed development. Mr. Regan stated that he could not compel the developers to plant trees on Mr. Sampson's property, but he could insist that they plant trees on the proposed lot to act as a buffer. Mr. Sampson replied that he would prefer the trees be planted on his property so that he can care for them properly.

Mr. Regan called for a motion to continue the public hearing to the April 25, 2023 Planning Board meeting at 7:28 PM. Mr. Nallan made the motion, it was seconded by Ms. Smarra.

Roll call vote:

Ms. Smarra	Mr. Nallan	Mr. Brooks	Mr. Kirrane	Mr. Regan
Aye	Aye	Aye	Aye	Aye

Motion passed 5-0.

d. Applicant Kimley - Horn and Associates requesting Site Plan Approval under section 3.2.6.1 of the Auburn Zoning Bylaw for a self-storage facility at 319 Washington Street, Auburn, MA 01501, Map 42 Parcel 31. (Cont. from 3/28/23)

Mr. Regan stated that the applicants have requested to continue. He called for motion to continue the public hearing to the April 25, 2023 Planning Board meeting at 7:29 PM. Ms. Smarra made the motion, it was seconded by Mr. Kirrane.

Roll call vote:

Ms. Smarra	Mr. Nallan	Mr. Brooks	Mr. Kirrane	Mr. Regan
Aye	Aye	Aye	Aye	Aye

Motion passed 5-0.

- e. **Applicant Eastland Partners Inc. requesting Site Plan Approval under section 3.2.6.0 of the Auburn Zoning Bylaw for a warehouse/distribution facility at 190 Washington Street, Lot 1, Auburn, MA 01501, Map 34 Parcel 4.** *(Cont. from 3/28/23)*

Mr. Regan stated that the applicants have requested to continue. He called for motion to continue the public hearing to the April 25, 2023 Planning Board meeting at 7:29 PM. Ms. Smarra made the motion, it was seconded by Mr. Kirrane.

Roll call vote:

Ms. Smarra	Mr. Nallan	Mr. Brooks	Mr. Kirrane	Mr. Regan	Motion passed 5-0.
Aye	Aye	Aye	Aye	Aye	

- f. **Applicant Mass Ten Enterprises LLC requesting Special Permit under section 3.2.5.3 of the Auburn Zoning Bylaw for a drive thru restaurant at 824 Southbridge Street, Auburn, MA 01501 Map 66 Parcel 148.** *(Cont. from 3/28/2023)*

Mr. Patrick Doherty with MidPoint Engineering + Consulting, LLC presented on behalf of Mass Ten Enterprises, LLC. He acknowledged that some time had passed since the original applicant presentation, so he provided a recap of the proposal for the Board. He stated that in 2019/2020 the applicant requested a Special Permit for a drive-thru restaurant from the Board which was not approved, and since that time the applicant has made some changes to the site plan to improve circulation. He also noted that since the original application consumer behaviors and expectations have changed significantly due to the pandemic, and drive-thru restaurants are now vital to businesses. As a result, Starbucks will not go to this space without drive-thru approval.

Mr. Doherty reviewed nearby businesses and described their peak hours. He stated results of a queue analysis, as well as highlighted the traffic flow of the divided highway. He also gave the Board an update on the traffic study that was done in 2006 and the likely results if the Board approves the proposal. Mr. Doherty noted that at the applicant's initial hearing there were questions from the Board about an access point onto Maple Street, and the Board included a condition that the access point be closed. At that time, the applicants contacted the Auburn Fire Department to request a plan, and they were given specifications. Since that initial plan there have been changes to the NFPA (National Fire Protection Association) review process, but none that are relevant to this proposal, and the applicant agrees to implement it to the Department's specifications. The Police Department was also consulted in 2020, and the then-Chief was opposed to drive-thrus. The current Chief recommended security cameras but had no problem with the proposal otherwise.

No public comment.

Mr. Brooks asked a clarifying question about the queue rate and ordering process, and Mr. Doherty explained how they work to Mr. Brooks's satisfaction.

Mr. Nallan asked about access to Maple Street, and Mr. Doherty said that the applicant would have preferred leaving access open, but if the Board conditions that it be closed they are amenable to changing that.

Mr. Kirrane questioned why when the applicant initially came before the Board in 2006 and the Board conditioned closing access to Maple Street it was not done back then. He wondered why the Board would have to condition it again when it was already a previous condition that the applicant ignored.

Mr. Doherty stated that he wasn't associated with the project in 2006, and he could not answer Mr. Kirrane's query. Mr. Kirrane asked if Mr. Doherty was aware of the crash history of the intersection of Maple Street and Route 12, and Mr. Doherty replied in the negative. Mr. Kirrane stated that there have been 15 crashes there since 2018, most of them angle crashes, and this greatly concerns him. He repeated his initial query about why the applicant did not comply with the condition when it was initially requested in 2006. Mr. Doherty said that he understands that it is important to the Board that the area is closed, and it will happen.

Mr. Brooks said the Board always tries to condition any projects that border neighborhoods to disallow the business traffic to go through neighborhoods for safety.

Mr. Regan asked if the neighboring businesses in the proposed location are all owned by the same owner, and Mr. Doherty replied in the affirmative.

Mr. Nallan asked about the proposed operating hours of Starbucks, and Mr. Doherty said he believes they are 5:00 AM to 9:00 PM, but the customer rate drops off significantly as the day goes on. He stated that the traffic memorandum that the applicants submitted gave an update on the initial proposed traffic impact, and the findings were that the peak hour during the weekdays would have significantly fewer cars than initially proposed, and Saturday midday would have about 10% more.

Mr. Regan called for a motion to close the hearing at 7:45 PM. Mr. Brooks made the motion, it was seconded by Mr. Kirrane.

Roll call vote:

Ms. Smarra	Mr. Nallan	Mr. Brooks	Mr. Kirrane	Mr. Regan
Aye	Aye	Aye	Aye	Aye

Motion passed 5-0.

Mr. Regan called for a motion to approve with the contingencies of installing a gate at Maple Street and implementing all of the Fire Department’s specifications at 7:46 PM. Mr. Kirrane made the motion, it was seconded by Mr. Nallan.

Roll call vote:

Ms. Smarra	Mr. Nallan	Mr. Brooks	Mr. Kirrane	Mr. Regan
Aye	Aye	Aye	Aye	Aye

Motion passed 5-0.

g. Applicant 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, Auburn, MA 01501 (Cont. from 3/28/2023)

Mr. Jason Dubois of DC Engineering & Survey, Inc. representing the applicant gave an update to the Board. He said that he recently spoke with DPW Superintendent Joanna Paquin to go over the Stormwater Land Disturbance permit, and she requested a full-size set of plans. He is currently waiting on her comments. He recapped the proposal for the Board from 2012 when it was originally approved: the applicant is proposing a cul-de-sac/turnaround on one side and a driveway that leads off to the second home on the other side. Mr. Dubois asked the Board if waivers that were accepted in 2012 are still acceptable now, and noted that the subdivision is already on record.

Mr. Regan replied that all of the drainage requirements have changed since 2012, but he knows that both the DPW and Conservation Commission have updated standards as well. Mr. Dubois said that in 2012 a Land Disturbance permit was required, but the developers still had a full Stormwater design including catch basins, manholes, and an infiltration basin to mitigate runoff. He will work with the DPW to see if they can work it out. With respect to waivers that had been previously granted, though, Mr. Dubois would like the Board’s recommendations so that the project can move forward.

Mr. Kirrane said that he would like a new set of plans submitted. Mr. Brooks said that doesn’t anticipate there will be many changes needed with respect to waivers. Mr. Regan requested that the applicants account for and respect the needs of the abutters and try to return any disturbances to their original states.

Mr. Robert Lemansky, the applicant, stated that the total project is 35,000 square feet, and Mr. Dubois said that he believes it’s even less, closer to 25,000 feet. Mr. Lemansky made comments and questions addressing Mr. Dubois and the Board about how permitting has changed throughout his time.

Mr. Nallan said that he would look at the updated plans and he presumed that peer review was also needed. He mentioned that the Fire Department had concerns about the turnaround and access because of the width of the driveways. Mr. Lemansky said that his son Ross does construction and his son spoke with the Fire Chief who expressed surprise at the comments as the street is only four houses long. Mr. Lemansky continued to say that he appreciates the Board’s input and he hopes that the project will be approved.

Mr. Dubois said that Claire Drive is currently 200 feet long and 22 feet wide, and the applicant is proposing a 75-foot pavement turnaround and the end of the road, which in his opinion is an improvement, both for plow trucks and fire trucks.

Mr. Regan called for motion to continue the public hearing to the April 25, 2023 Planning Board meeting at 7:56 PM. Ms. Brooks made the motion, it was seconded by Mr. Kirrane.

Roll call vote:

Ms. Smarra	Mr. Nallan	Mr. Brooks	Mr. Kirrane	Mr. Regan
Aye	Aye	Aye	Aye	Aye

Motion passed 5-0.

III. Other Business:

a. **Discussion:** None

b. **Modification:** None

c. **Decisions:**

i. **12-14 Sword Street** was signed by all Board members

d. **Minutes: 3/28/2023**

Mr. Regan called for a motion to approve the March 28, 2023 Meeting Minutes as submitted at 7:56 PM. Mr. Nallan made the motion, it was seconded by Ms. Smarra.

Roll call vote:

Ms. Smarra	Mr. Nallan	Mr. Brooks	Mr. Kirrane	Mr. Regan
Aye	Aye	Aye	Aye	Aye

Motion passed 5-0.

e. **New Business Unforeseen by the Chair:** None

f. **Member/Town Planner Update: Housing Production Plan**

i. Dr. Menard announced that the Town is working on updating its Housing Production Plan. There is a short survey that has been distributed on the Town website and on Facebook to try to get the community's input on its housing needs. It is a requirement of the State, and Dr. Menard encouraged everyone to take the survey and share it with their respective networks.

ii. Mr. Regan announced that the Planning Board still needs an Associate Member, so interested parties are encouraged to apply.

g. **Adjournment / Next Meeting: 4/25/2023**

Mr. Regan called for a motion to adjourn the meeting at 7:58 PM. Ms. Smarra made the motion, it was seconded by Mr. Nallan.

Roll call vote:

Ms. Smarra	Mr. Nallan	Mr. Brooks	Mr. Kirrane	Mr. Regan
Aye	Aye	Aye	Aye	Aye

Motion passed 5-0.

Next meeting will be April 25, 2023 at 7:00 PM.

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Danielle Chamberland Roberts, Staff Assistant to the Town Manager

To access video playback of the Planning Board meetings, please visit www.auburnguide.com and click the YouTube icon on the homepage to go directly to ACTVAuburn's page.

Planning Board Packet Documents:

- Nordic Industrial Properties at 12-14 Sword Street
 - Site Plan Approval Memo
- S&K Development, LLC at 375 Oxford Street North
 - ANR Plan
 - Application for Special Permit
 - Auburn Water District Comments
 - Board of Health Comments
 - Building Commissioner/ZEO Comments
 - Site Plan
- Section 4.1 Floodplain District of the Auburn Zoning Bylaw with proposed Amendments
- Section 7 Signs and Advertising Devises of the Auburn Zoning Bylaw with proposed Amendments
- Planning Board Agenda
 - April 11, 2023
- Planning Board Meeting Minutes
 - March 28, 2023