



**City Council Workshop & Meeting  
Agenda  
January 2, 2024  
Auburn Hall, Council Chambers**

**5:00 P.M. City Council Workshop**

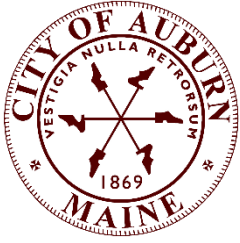
- A. Executive session, economic development, pursuant to 1 M.R.S.A. §405(6)(C).
- B. Executive session, personnel matter, pursuant to 1 M.R.S.A. §405(6)(A).
- C. Ordinance 28-12042023 discussion – Eric Cousens
- D. Ordinance 26-12042023 discussion – Eric Cousens
- E. Reconsideration of the Regulatory Advisory Board Ordinance – Karen Scammon
- F. Fund balance discussion – Phil Crowell

**7:00 P.M. City Council Meeting** - Roll call votes will begin with Councilor Whiting

**Pledge of Allegiance**

- I. **Consent Items** – All items with an asterisk (\*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
  - 1. **Order 01-01022024\***  
Confirming Chief Moen’s appointment of Aaron Briere, Dalton Geisel, and Ronald Seguin as Constable with firearm/arrest powers for the Auburn Police Department.
  - 2. **Order 02-01022024\***  
Authorizing the City Clerk to waive the \$200 business license fee for the food service license for the Danville Junction Grange #65.
  - 3. **Order 03-01022024\***  
Setting the time to open the polls at 7:00 a.m. for all 2024 Auburn Elections.
- II. **Minutes** – December 18, 2023, Regular Council Meeting
- III. **Communications, Presentations and Recognitions** – None
- IV. **Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

- V. Unfinished Business - None**
- VI. New Business**
  - 1. Ordinance 01-01022024**  
Amending Chapter 60 of the zoning ordinance to include Effective Date and Applicability Date of Ordinance #26-11202023.
  - 2. Ordinance 02-01022024**  
Amending Chapter 60 of the zoning ordinance to include Effective Date and Applicability Date of Ordinance #28-11202023.
  - 3. Order 04-01022024**  
Authorizing the City Manager to direct staff to work with the Agriculture Working Group, Sustainability & Natural Resource Board, LAWPC, the Planning Board, and public stakeholders to review the adopted amendments and recommend any changes back to the City Council.
  - 4. Order 05-01022024**  
Authorizing staff to waive the permit fees for storm damage repairs.
  - 5. Order 06-01022024**  
Approving the allocation of an additional \$1,000,000.00 from the FY2022 Undesignated Fund Balance.
- VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda***
- VIII. Reports**
  - a. Mayor's Report
  - b. City Councilors' Reports
  - c. City Manager Report
- IX. Executive Sessions – None**
- X. Adjournment**



## City of Auburn City Council Information Sheet

**Council Workshop or Meeting Date:** January 2, 2024

**Subject:** Executive Session

**Information:** Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

**Executive Session:** On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

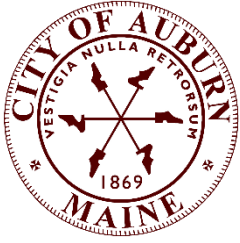
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



## City of Auburn City Council Information Sheet

**Council Workshop or Meeting Date:** January 2, 2024

**Subject:** Executive Session

**Information:** Personnel matter, pursuant to 1 M.R.S.A. Section 405(6) (A).

**Executive Session:** On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** January 2, 2024

**Author:** Eric Cousens, Planning and Permitting Director

**Subject:** Ordinance 28-11202023-1 Lake Auburn Watershed Text Amendments – Delayed Applicability Date and alternative Process

---

**Information:** The Council is considering a delayed applicability date for the December 4, 2023 Lake Auburn Overlay Text Amendments and as a separate item, and Order initiating a public process to reconsider elements of the ordinance changes that have been identified in the attached order.

Staff does not recommend this delayed applicability date due to impacts to existing property owners that are currently designing SSWW Disposal systems to the new standard. The new standards will treat wastewater better than the former standards and will require less soil disturbance in many cases with the system sited closer to the home. Details will be discussed in the workshop and questions or examples can be vetted on the same night of this hearing. Also attached is an overview of the changes and impacts of a delay.

---

**City Budgetary Impacts:**

---

**Staff Recommended Action:** Review information, ask questions and discuss proposed options to achieve Council goals in revisiting some of the LAO text amendments while minimizing any unintended consequences.

---

**Previous Meetings and History:** Previous discussion of amendments approved on December 4, 2023 and December 18, 2023.

---

**City Manager Comments:**



I concur with the recommendation. Signature:

---

**Attachments:** Background Slides, Order for reconsideration process recommended by Staff, Copy of text amendments

# Protecting Lake Auburn

Delayed Applicability Date for Lake Auburn  
Overlay Text Amendments Overview



---

---

---

---

---

---

---

## NEED & RESPONSE

**The lake is at risk** and past ordinances, despite significant restrictions, have not prevented the need for in-lake treatments.

The city is ensuring that the changes are easier to understand, science driven, better for the environment and water quality and that the combined effect of the changes result in **reduced** development potential overall in the Auburn portions of the watershed.



---

---

---

---

---

---

---

## Changes to Date

**Updated zoning standards to encourage housing outside of the Watershed** to reduce demand on rural areas and take advantage of existing public utilities.

**Updated phosphorus control ordinances** and adopted a stringent requirement for Low Impact Development Standards to be met in the Watershed whenever a development exceeds 200SF.

These would not change with the delayed applicability date.



---

---

---

---


---

---

---

**Changes to Date**

**Updated Subsurface Wastewater Standards** in the Watershed to improve wastewater treatment in new and replacement systems. 50 new systems under current ordinance and 270 "grandfathered" systems that would now need to meet a higher treatment standard (at time of future failure).  
 This would change with the delayed applicability date.




---

---

---

---


---

---

---

---

**Impacts of a Delayed Applicability Date**

<p><b>Existing system replacements (2 in discussion)</b></p> <p>Homeowners will need to redesign to meet old standards after paying for a design to meet new standards.</p> <ul style="list-style-type: none"> <li>- Less effective systems without guaranteed inspection access</li> <li>- Frustration with additional design costs and renegotiation with contractor.</li> </ul>	<p><b>New first time System Example(2 in discussion)</b></p> <p>Example 1 is permissible under either standard.</p> <ul style="list-style-type: none"> <li>- Old standard requires long service line and associated soil disturbance to get to 36"soils</li> <li>- New standards allows for placement 700+/- closer to home and further from the Basin</li> </ul> <p>Example 2 may not be permissible under old standards.</p> 
--	--

---

---

---

---

---

---


---

---

**Changes to Date**

**Require new systems to have 36" separation** between the bottom of the drain field and seasonal high groundwater with specific soils that maximize treatment of wastewater.

**Watershed Exemption** from the density increases of LD 2003




---

---

---

---

---

---

---

---



## Changes to Date

**Increased the minimum lot size** in the Lake Auburn Watershed (in conjunction with the wastewater change) from 1-acre to 3-acres, which will allow for better wastewater treatment and an overall reduction in the total number of buildable lots.

This would not change from the delayed applicability date.



---

---

---

---

---

---

---

## Changes to Date

**Increased setbacks** for agricultural uses and tilled fields from the lake or tributary streams.

**Prohibited so-called "septic farms"** where multiple lots build concentrated wastewater disposal systems.

**Prohibited new Agricultural Uses** larger than Hobby Scale in watershed

**Prohibition** of new SSWW systems within 400 feet of Lake Auburn or tributaries.

**No new Homes in AGRP zone** (73% of watershed in Auburn)



---

---

---

---

---

---

---

## WORK IN PROGRESS

**Asking the LAWPC to take a more active role** in ordinance-related permit reviews/compliance efforts, so Auburn does not bear the burden of watershed protection efforts alone.

**Drafting a subsurface wastewater inspection program**, requiring systems within the Lake Auburn Watershed to be inspected every 5 years or upon sale.

**Engage with Upper Watershed Towns** to improve protections beyond Auburn's Boundaries



---

---

---

---

---

---

---

## We will never be done protecting the Lake Auburn Watershed

Staff does not recommend delaying the applicability date of the protections that are already in place with Ordinance 02-010220241 Applicability Date LAO Text Amendments.

Staff does recommend revisiting the changes to identify additional Agricultural Uses that may be allowable, working collaboratively to modify, better define or improve SSWW Inspection Program and consider other items identified in the process with the Order Initiating Ordinance Change 04-01022024.



---

---

---

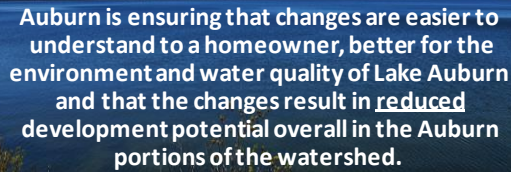
---

---

---

---

## WORK IN PROGRESS



Auburn is ensuring that changes are easier to understand to a homeowner, better for the environment and water quality of Lake Auburn and that the changes result in reduced development potential overall in the Auburn portions of the watershed.

---

---

---

---

---

---

---



# City Council Order

## IN CITY COUNCIL

Whereas the zoning text amendment evidenced by Ordinance #28-11202023 relating to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter;

Whereas members of the Auburn City Council and the Mayor have heard concerns from constituents related to limitations on agriculture and water quality protections in the Lake Auburn Watershed;

**The Auburn City Council hereby orders** the City Manager to direct staff to work with the AG Working Group, Sustainability and Natural Resource Board, LAWPC, the Auburn Planning Board and public stakeholders to review the adopted amendments and recommend any changes back to the City Council. The process should include an initial advertised public meeting with the AG working Group to solicit public feedback, a working meeting with the AG work Group and then a Planning Board Workshop, Council Workshop and then a Planning Board Public hearing and recommendation. At a minimum, consideration should include the following:

- Agricultural uses
  - In Sec 60-951(b) amend the definition of non-hobby agricultural uses
  - In Sec 60-952(a) amend the description of permitted/prohibited agricultural uses
  - Define which agricultural uses are permitted (and by default the non-permitted activities are prohibited) and the scale of the permitted activity with a focus on water quality impacts. As an example, three horses kept for a resident's enjoyment or to provide riding lessons for a fee have the same water quality impact.
- Subsurface waste-water disposal system inspection
  - In Sec 60-952(f)(6) consider amending the described inspection method to shift responsibility for the inspection to the land-owner and provide a phased implementation.
  - The current construct in Sec 60-952(f)(6) supposes that LAWPC will perform an inspection once every five years or upon sale. LAWPC may not have the capability to do this and will require additional funding / hiring to do so. Another approach

---

**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



## City Council Order

- should be considered to require the landowner to have an inspection performed on this cycle by an inspector meeting defined qualifications, with the inspection meeting defined standards and with the report being sent to LAWPC and the City Plumbing Inspector.
- Consider further limits on the number of new subsurface wastewater disposal systems. The current ordinance will limit the construction of new systems (new here having the same meaning as the state plumbing code) to an estimated 38 new systems.

PART II - CODE OF ORDINANCES

Chapter 60 - ZONING

---

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

• • •

*DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT*

**Sec. 60-950. Purpose.**

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A)

**Sec. 60-951. Boundaries and definitions.**

(a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn city Wwater Deistrict on file in the office of the Auburn city Wwater Deistrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.

(b) *Definitions.* For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

*Curtain drain* means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

*Hobby agricultural use* means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

*Lake Auburn Watershed Protection Commission or LAWPC* means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Soil horizon means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistence of each parent soil material.

Soil horizon, limiting or limiting soil horizon means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a "limiting factor."

Soil profile means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications:

**Soil Filter Media Specifications**

<b>Upper Fill Layer</b>	
<b>Sieve #</b>	<b>% Passing by Weight</b>
<b>No. 4</b>	<b>75-95</b>
<b>No. 10</b>	<b>60-90</b>
<b>No. 40</b>	<b>35-85</b>
<b>No. 200</b>	<b>20-40</b>
<b>200 (clay size)</b>	<b>&lt;2.0</b>

<b>Lower Fill Layer</b>	
<b>Sieve #</b>	<b>% Passing by Weight</b>
<b>No. 10</b>	<b>85-100</b>
<b>No. 20</b>	<b>70-100</b>
<b>No. 60</b>	<b>15-400</b>
<b>No. 200</b>	<b>6-8</b>
<b>200 (clay size)</b>	<b>&lt;2.0</b>

---

(Ord. of 9-21-2009, § 5.3B)

## Sec. 60-952. Use and environmental regulations.

- (a) *Agricultural uses.* ~~All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff. Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.~~
- (b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding ~~the provisions of Secs. subsections~~ 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new one-family detached dwellings units are only permitted-prohibited in the Lake Auburn Watershed Overlay District on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.
- (c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 10050 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.
- (d) ~~*Municipal and mManure and sludge disposal.* All sSpreading and disposal of municipal-sludge is prohibited. shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980. All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.~~
- (e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:
- (1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.
  - (2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Wwater Ddistrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

- 
- (3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn Water District indicating the changes so that a record can be maintained of watershed water yields to the system.
- (f) Private *subsurface wastewater* disposal systems. The following regulations shall be adhered to in the development of private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District:
- (1) Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.
  - (2) Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), no new disposal field subsurface absorption area shall be installed closer than 400300 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.
  - (3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.
  - (4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a certain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.
  - (5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement
-



---

system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

- (6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.
- (73) The Auburn city Wwater District or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that who shall require the abatement action by the property owner or operator of such defects or malfunctions.
- (84) The local plumbing inspector shall furnish a copy of all site investigation evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn city Wwater District or its designee.
- ~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

### **Sec. 60-953. Dimensional regulations; building setbacks.**

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

### **Sec. 60-954. Conflicts.**

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

• • •

## ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

• • •

### *DIVISION 2. PHOSPHORUS CONTROL*

• • •

---

**Sec. 60-1065. Definitions.**

The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Acceptable increase in lake phosphorus concentration (C)* is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

*Direct watershed* means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

*Future area to be developed (D)* means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

*Lake Auburn* means the Lake Auburn Watershed regulated by this chapter, which is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed Overlay District Map.

*Per-acre phosphorus allocation (P)* means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation  $(P) = (FC)/(D)$ . For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

*Phosphorus export coefficient (F)* means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

*Taylor Pond* means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

• • •

ARTICLE XV. BOARD OF APPEALS

• • •

DIVISION 6. SPECIAL APPEAL

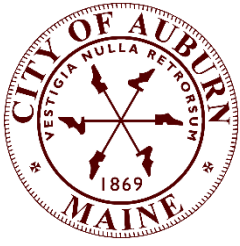
**Sec. 60-1237. Lake Auburn Watershed Overlay District ~~zone~~-variance.**

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewatersewage disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburneity Wwater Deistrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn Wwater Deistrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also

---

impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** January 2, 2024

**Author:** Eric Cousens, Planning and Permitting Director

**Subject:** Ordinance 26-11202023 – Delayed Applicability Date –AGRP/GB Zoning near Gracelawn

---

**Information:** The Council is considering a delayed applicability date for the December 4, 2023 ordinance that applied the General Business (GB) Zoning district to lands outside of the Lake Auburn Watershed near Gracelawn Road. The primary concerns seem to be that the zoning abuts the Landfill parcel without a buffer on the privately owned side of the shared property line and that the GB zone allows commercial and auto related uses.

Buffer-A buffer was included in the previous change last year based on a Council amendment and then repealed. The attached map shows where the approximate 100-foot buffer would be located along Gracelawn Road. The City owned access to the operations center is on the landfill property between the private pit access and the actual landfill area. The private pit access that exists onsite is just to the west of the property line, inside what would be the 100' buffer. City ordinances and State Traffic standards would encourage those two entrances to be merged if the pit is redeveloped to limit the number of curb openings.

GB Zoning Uses - The GB zone allows single and multi-family homes, places of indoor or outdoor recreation, Childcare Centers, Municipal Uses, Elderly housing and assisted living facilities and other related uses. The property owner that operates a large gravel mining and material processing facility on the land affected by the zoning change like the uses listed above, but the large commercial and Automotive uses are not desired by the City or the property owner.

---

**City Budgetary Impacts:**

---

**Staff Recommended Action:** Review information, ask questions and discuss proposed options to achieve Council goals and position the City best for the future while minimizing any unintended consequences.

---

**Previous Meetings and History:** Previous discussion of amendments approved on December 4, 2023 and December 18, 2023.

---

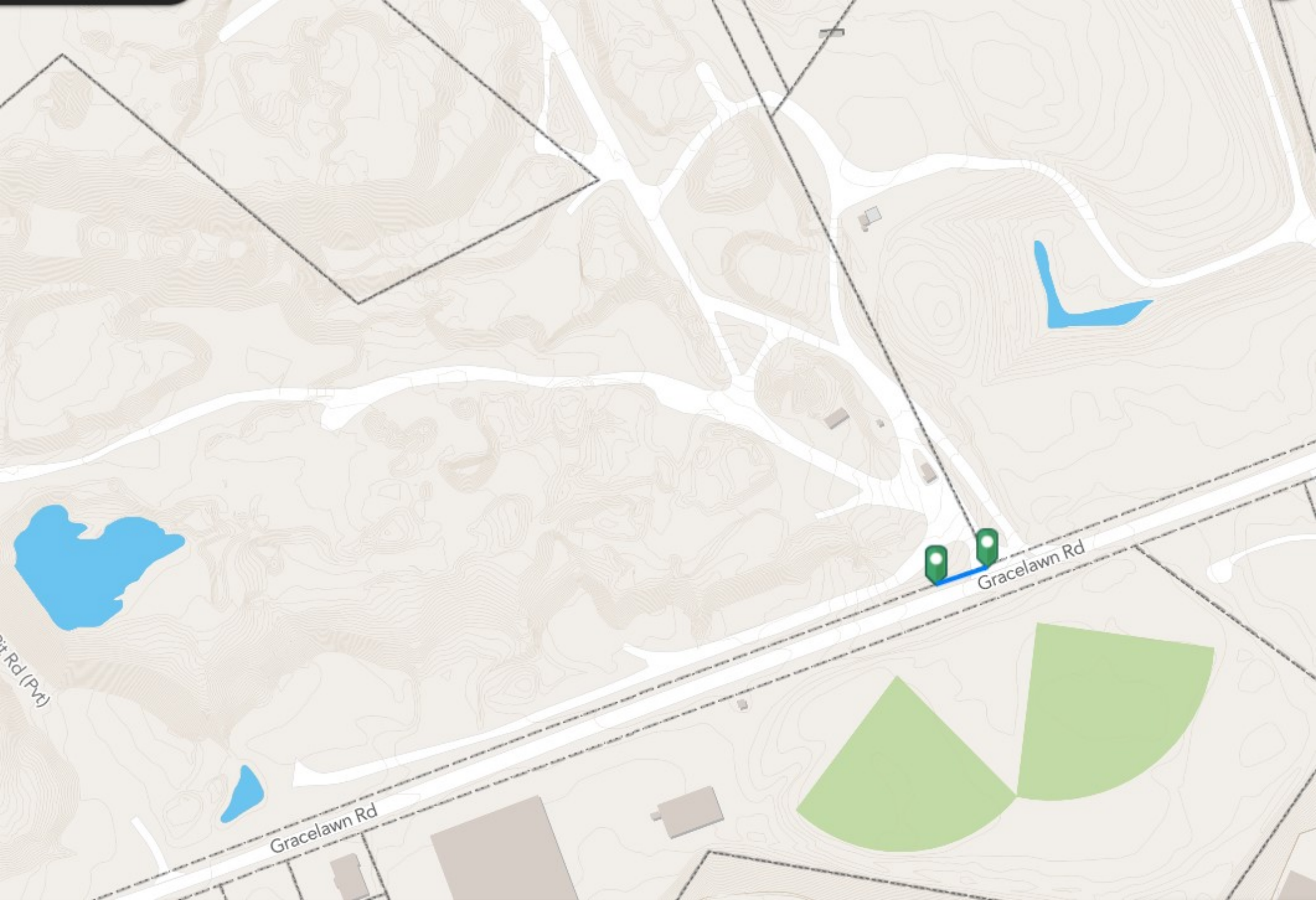
**City Manager Comments:**



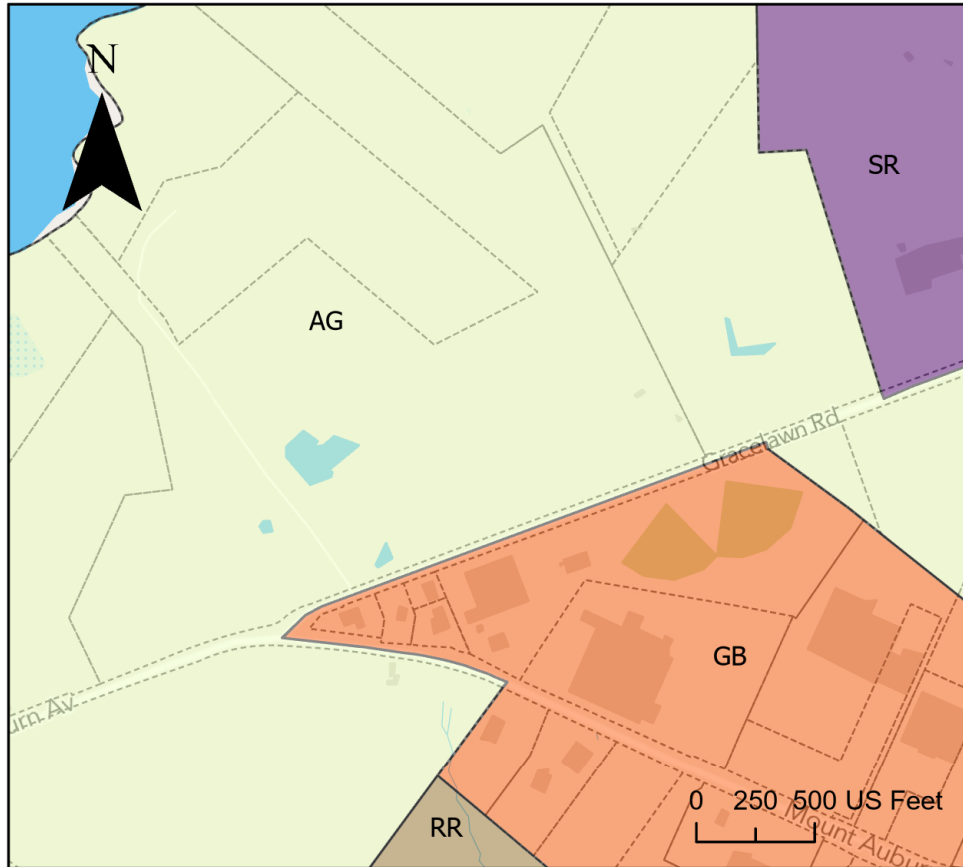
I concur with the recommendation. Signature:

---

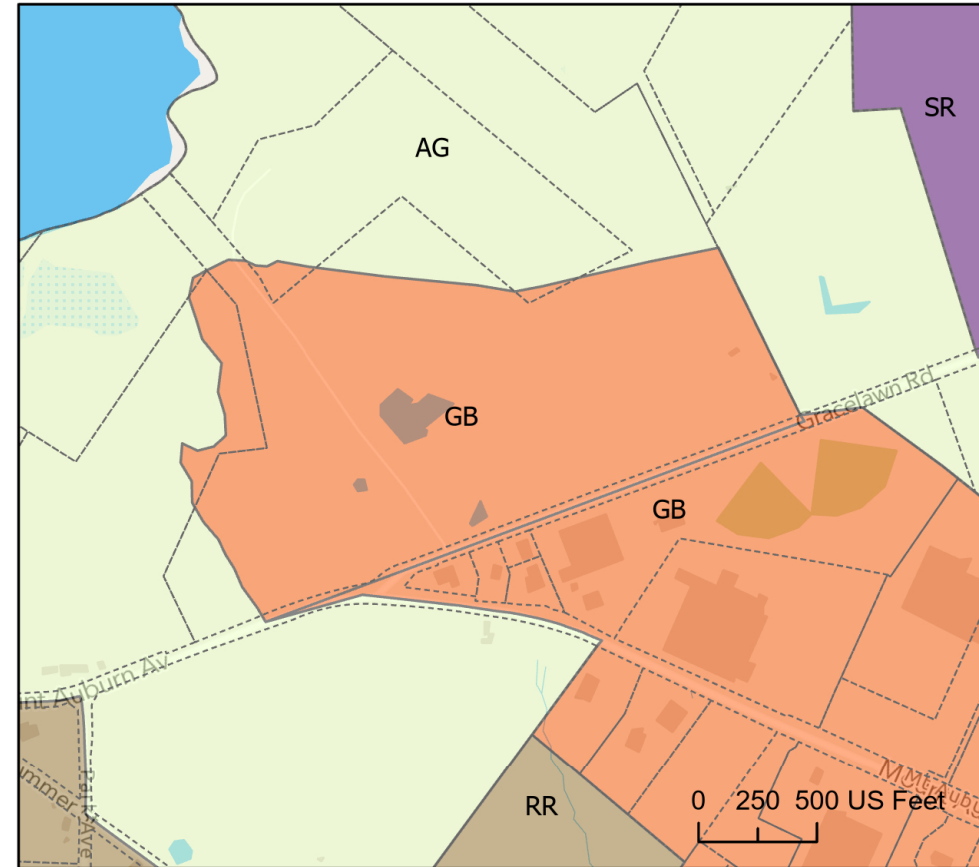
**Attachments:** Map of zoning for the affected area before and after a delayed applicability date.



## Zoning Map Amendment for Public Hearing November 14th 2023: Rezoning Approximately 60 Acres of AGRP to GB



**Existing Zoning**

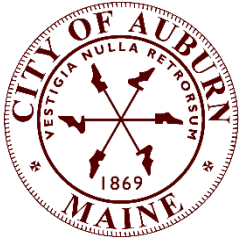


**Proposed Zoning**

- |   |  |  |
|---|--|--|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #d9ead3; border: 1px solid black; margin-right: 5px;"></span> AG - Agriculture and Resource Protection</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #5cb85c; border: 1px solid black; margin-right: 5px;"></span> C/OS - Conservation / Open Space</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #f4a460; border: 1px solid black; margin-right: 5px;"></span> GB - General Business</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #d9534f; border: 1px solid black; margin-right: 5px;"></span> GB II - General Business II</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #9b59b6; border: 1px solid black; margin-right: 5px;"></span> ID - Industrial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #7ed321; border: 1px solid black; margin-right: 5px;"></span> LDCR - Low Density Country Residential</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #90ee90; border: 1px solid black; margin-right: 5px;"></span> MFS - Multi-Family Suburban</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #cccccc; border: 1px solid black; margin-right: 5px;"></span> NB - Neighborhood Business</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #a67c52; border: 1px solid black; margin-right: 5px;"></span> RR - Rural Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #8e44ad; border: 1px solid black; margin-right: 5px;"></span> SR - Suburban Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #d4edda; border: 1px solid black; margin-right: 5px;"></span> T-4.1 - Traditional Mainstreet Neighborhood</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #6c757d; border: 1px solid black; margin-right: 5px;"></span> T-4.2 - Traditional Downtown Neighborhood</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #41c4c4; border: 1px solid black; margin-right: 5px;"></span> T-4.2B - Traditional Neighborhood Development District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #add8e6; border: 1px solid black; margin-right: 5px;"></span> T-5.1 - Downtown Traditional Center</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #6a5acd; border: 1px solid black; margin-right: 5px;"></span> T-5.2 - Downtown City Center</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #9932cc; border: 1px solid black; margin-right: 5px;"></span> T-6 - Great Falls Metropolitan</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #fff2cc; border: 1px solid black; margin-right: 5px;"></span> UR - Urban Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px dashed black; margin-right: 5px;"></span> Parcels</li> </ul> |
|---|--|--|

\* City of Auburn, Zoning Map, dated May 16, 2016





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** January 2, 2024

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Reinstating the Board of Assessment Review and the Zoning Board of Appeals and eliminating the Regulatory Advisory Board

---

**Information:** In 2021, Council voted to adopt the Regulatory Advisory Board to perform the responsibilities of the board of assessment review, and the zoning board of appeals. Staff is proposing to reinstate the Board of Assessment Review (with a few proposed amendments) and the Zoning Board of Appeals and eliminating the Regulatory Advisory Board.

---

**City Budgetary Impacts:** None

---

**Staff Recommended Action:** Discussion

---

**Previous Meetings and History:** Board of Assessment Review and Zoning Board of Appeals combined into the Regulatory Advisory Board in 2021.

---

**City Manager Comments:**



I concur with the recommendation. Signature:

---

**Attachments:** Current ordinance for the Regulatory Advisory Board, and previous Board of Assessment and Zoning Board of Appeals Ordinances.



## City of Auburn, Maine

Office of the Assessor

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 60 Court Street

Auburn, Maine 04210

207.333.6601

January 2, 2024

Mayor Harmon and Members of the City Council,

The Regulatory Advisory Board was created in 2021, combining the Board of Assessment Review, the Zoning Board of Appeals, and adding all other regulatory review functions as directed by the City Council. The size of the new board was increased from 5 full members to 7. Prior to the creation of the new board the Board of Assessment Review had a 5 member board. In the time since the Regulatory Advisory Board was created 3 members whose terms ended chose not to serve again.

The Board of Assessment Review is a very specialized Board. Members require training to understand Title 36 governing valuation and tax abatement and appeal procedures. The Zoning Board of Appeals is also a specialized Board. They are responsible for hearing appeals concerning interpretation of zoning, decisions of the Code Enforcement Officers, and granting of variances. This requires training of a completely different nature. The Board of Assessment Review may hear an appeal once per year and many years there have been no appeals. The time commitment is not typically substantial.

To meet statutory requirements, it is crucial to have enough board members to hear tax appeals. It is the opinion of this office that if the Board of Assessment Review were reinstated as a separate Board a greater number of applicants may apply to fill the vacancies.

The Assessing Department has a pending application to the Regulatory Advisory Board. The current Board does not have enough members to constitute a quorum. Luckily a



request for an extension of time beyond the statutory 60 days was granted by the taxpayer, allowing enough time to follow the current procedures, find applicants and have them appointed by the City Council.

I believe we, as a municipality, have the responsibility to follow due process in a timely manner and I am requesting the City Council consider reinstating the Board of Assessment Review with the hope that this will encourage more applicants to fill the vacancies and avoid situations such as this. I appreciate your consideration.

Karen Scammon, CMA-4  
Assessor  
City of Auburn

## *DIVISION 2. BOARD OF ASSESSMENT REVIEW<sup>1</sup>*

### **Sec. 2-430. Membership; responsibility.**

A board of regulatory advisory shall be appointed by the city council, consisting of seven members.

The purpose of the regulatory advisory board is to perform the responsibilities of the board of assessment review, board of appeals, and all other regulatory review functions as directed by the city council. The board shall develop such rules to govern its meetings (to include meetings dates and times) and operations as it deems advisable.

Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the regulatory advisory board.

(Code 1967, § 5-2.1; Ord. No. 04-02162021, 3-1-2021; Ord. No. 02-01032022, 1-18-2022)

Editor's note(s)—Ord. No. 04-02162021, adopted March 1, 2021 changed the title of § 2-430 from "membership; compensation of members" to "membership; responsibility."

### **Sec. 2-431. Term of members.**

The initial terms of office of the members of the regulatory advisory board shall be staggered terms. The city council shall annually appoint one member to serve on the board for a three-year term. Their successors shall be appointed for three-year terms.

(Code 1967, § 5-2.2; Ord. No. 05-02162021, 3-1-2021)

### **Sec. 2-432. Assessment review appeals procedure.**

When written application is made by a taxpayer for a review of a refusal by the tax assessor to grant a request for an abatement, the board of assessment review shall, within 14 days of the receipt of such request, set a date for hearing, of which the applicant shall receive at least seven days' written notice. In its conduct of the hearing the board shall act as an impartial panel to receive evidence from the appellant and the assessor, advocating for neither party in rendering a decision. The board shall conform that decision to all applicable statutes. At such hearing, the applicant shall have the right to be heard in person, to present witnesses, to examine the tax assessor and any witnesses presented by him, and to be represented by counsel. Upon the evidence presented, the board shall determine whether or not the applicant was over-assessed and may grant such reasonable abatement of his assessment as it determines to be proper. The board shall give notice to the applicant of its decision and of the reasons therefor at the hearing or within a reasonable time thereafter.

(Code 1967, § 5-2.3; Ord. No. 06-02162021, 3-1-2021)

---

<sup>1</sup>State law reference(s)—Board of assessment review, 36 M.R.S.A. § 471-A.

---

Editor's note(s)—Ord. No. 06-02162021, adopted March 1, 2021, changed the title of § 2-432 from "appeals procedure" to "assessment review appeals procedure."

**Sec. 2-433. Quorum.**

The regulatory board shall take no official action unless at least three members are present; provided, however, that a lesser number may adjourn the proceedings to a later time. When a regular member of the board is unable to participate in an appeal, the chair shall designate one of the alternate members to replace him.

(Code 1967, § 5-2.4; Ord. No. 07-02162021, 3-1-2021)

**Sec. 2-434. Rules and regulations for conduct of hearings.**

The regulatory board may establish such rules and regulations governing the conduct of hearings before it as it may deem necessary consistent with this Code and with state law.

(Code 1967, § 5-2.5; Ord. No. 08-02162021, 3-1-2021)

**Sec. 2-435. Legal counsel.**

The regulatory board may have legal counsel present during any appeal hearing to advise on points of law and to assist the board in drafting its final decision.

(Code 1967, § 5-2.6; Ord. No. 09-02162021, 3-1-2021)

**Secs. 2-436—2-439. Reserved.**

**Sec. 2-440. Board of appeals review.**

See procedures as outlined in article XV board of appeals.

(Ord. No. 10-02162021, 3-1-2021)

**Sec. 2-441. Compensation of the regulatory board.**

All members of the regulatory board shall receive annually \$600.00, payable quarterly.

(Ord. No. 41-11152021, 12-6-2021)

**Secs. 2-442—2-453. Reserved.**

DIVISION 2. - BOARD OF ASSESSMENT REVIEW<sup>[13]</sup>

Footnotes:

--- (13) ---

**State Law reference**— Board of assessment review, 36 M.R.S.A. § 471-A.

Sec. 2-430. - Membership; compensation of members.

A board of assessment review shall be appointed by the city council, consisting of five members, to serve without compensation. The city council shall also appoint three alternate members.

(Code 1967, § 5-2.1)

Sec. 2-431. - Term of members.

The initial terms of office of the members of the board of assessment review shall be staggered terms. The city council shall annually appoint one member to serve on the board for a five-year term. The initial terms of the alternate members of the board shall be staggered. Their successors shall be appointed for five-year terms.

(Code 1967, § 5-2.2)

Sec. 2-432. - Appeals procedure.

When written application is made by a taxpayer for a review of a refusal by the tax assessor to grant a request for an abatement, the board of assessment review shall, within 14 days of the receipt of such request, set a date for hearing, of which the applicant shall receive at least seven days' written notice. In its conduct of the hearing the board shall act as an impartial panel to receive evidence from the appellant and the assessor, advocating for neither party in rendering a decision. The board shall conform that decision to all applicable statutes. At such hearing, the applicant shall have the right to be heard in person, to present witnesses, to examine the tax assessor and any witnesses presented by him, and to be represented by counsel. Upon the evidence presented, the board shall determine whether or not the applicant was over-assessed and may grant such reasonable abatement of his assessment as it determines to be proper. The board shall give notice to the applicant of its decision and of the reasons therefor at the hearing or within a reasonable time thereafter.

(Code 1967, § 5-2.3)

Sec. 2-433. - Quorum.

The board of assessment review shall take no official action unless at least three members are present; provided, however, that a lesser number may adjourn the proceedings to a later time. When a regular member of the board is unable to participate in an appeal, the chair shall designate one of the alternate members to replace him.

(Code 1967, § 5-2.4)

Sec. 2-434. - Rules and regulations for conduct of hearings.

The board of assessment review may establish such rules and regulations governing the conduct of hearings before it as it may deem necessary consistent with this Code and with state law.

(Code 1967, § 5-2.5)

Sec. 2-435. - Legal counsel.

The board of assessment review may have legal counsel present during any appeal hearing to advise on points of law and to assist the board in drafting its final decision.

(Code 1967, § 5-2.6)

Secs. 2-436—2-453. - Reserved.

## ARTICLE XV. - BOARD OF APPEALS

DIVISION 1. - GENERALLY  
DIVISION 2. - ORGANIZATION  
DIVISION 3. - APPEALS PROCEDURE  
DIVISION 4. - POWERS AND DUTIES  
DIVISION 5. - JUDICIAL APPEAL  
DIVISION 6. - SPECIAL APPEAL

### DIVISION 1. - GENERALLY

[Secs. 60-1116—60-1129. - Reserved.](#)

**Secs. 60-1116—60-1129. - Reserved.**

### DIVISION 2. - ORGANIZATION

[Sec. 60-1130. - Membership.](#)  
[Sec. 60-1131. - Term of office.](#)  
[Sec. 60-1132. - Associate members.](#)  
[Sec. 60-1133. - Jurisdiction.](#)  
[Sec. 60-1134. - Board rules.](#)  
[Sec. 60-1135. - Quorum.](#)  
[Secs. 60-1136—60-1150. - Reserved.](#)

#### **Sec. 60-1130. - Membership.**

There shall be a board of appeals consisting of seven members and two associate members appointed by the city council. Each member shall be at all times a resident of the city.

(Ord. of 9-21-2009, § 6.1A)

#### **Sec. 60-1131. - Term of office.**

The members and associate members of the board shall serve no more than three consecutive three-year terms.

(Ord. of 9-21-2009, § 6.1B)

**Sec. 60-1132. - Associate members.**

An associate member shall have a vote only in the event that one or more regular members of the board are absent or are disqualified from serving on a particular matter because of a conflict of interest.

(Ord. of 9-21-2009, § 6.1C)

**Sec. 60-1133. - Jurisdiction.**

The board of appeals shall have jurisdiction over:

- (1) Interpretation of provisions of the zoning chapter called into question;
- (2) Administrative appeals from decisions or lack thereof of the building inspector or code enforcement officer in regard to an application for a permit under the zoning chapter;
- (3) The granting of variances from the requirements of the zoning chapter would cause undue hardship.

(Ord. of 9-21-2009, § 6.1D)

**Sec. 60-1134. - Board rules.**

The board shall adopt, and may from time to time amend, rules and regulations to govern the conduct of its business. The tape recording of the board's proceedings, the transcript of testimony, if any, and exhibits, together with all papers and requests filed in the proceedings, shall constitute the record. All decisions shall become a part of the record and shall include a statement of findings and conclusion and the appropriate order, relief or denial thereof.

(Ord. of 9-21-2009, § 6.1E)

**Sec. 60-1135. - Quorum.**

Five members shall constitute a quorum at any meeting.

(Ord. of 9-21-2009, § 6.1F)

**Secs. 60-1136—60-1150. - Reserved.**

**DIVISION 3. - APPEALS PROCEDURE**

[Sec. 60-1151. - Petition.](#)

[Sec. 60-1152. - Public hearing.](#)

[Sec. 60-1153. - Decision.](#)

[Secs. 60-1154—60-1184. - Reserved.](#)

**Sec. 60-1151. - Petition.**

Written petitions for appeal signed by any party in interest shall be filed in duplicate in the office of the municipal officer charged with enforcement of the zoning ordinance, together with the fee in the amount provided in the city fee schedule, within 30 days from the date of the decision or order. The municipal officer shall forward to the board of appeals, planning director, the chairman of the planning board and the city solicitor, one copy of such petition. The planning director, or in his absence, the chairman of the planning board, shall forward to the board of appeals as soon as possible any pertinent city planning information in his possession bearing on such appeal. The city solicitor shall forward to the board of appeals as soon as possible any pertinent legal information bearing on such appeal. Where no such information is received by the board of appeals by the time of the meeting at which such appeal is scheduled to be heard, it shall be presumed that none was available at that time. In any case in which such planning and legal information is received, it shall be summarized at the public hearing and an opportunity afforded for comment by those interested in the appeal.

(Ord. of 9-21-2009, § 6.2A)

**Sec. 60-1152. - Public hearing.**

(a) On each such petition, the board shall hold a public hearing, within 65 days of the filing of the appeal petition. Notice of the time, date, place, appellant name and subject of each such hearing shall be given by publication in a newspaper of general circulation in the city on two separate dates not more than 12 nor less than three days before the date of such hearing. Notification of the public hearing shall also be sent to the appellant, the planning director, the building inspector, the city manager and all owners of abutting property and property located directly across the street from the site of the property which is the subject of the appeal by mailing to them copies of such notice as published. Notices shall be mailed to such property owners at the addresses appearing for them in the then current property tax listing of the city. Failure of any property owner to receive such mail notice of any such public hearing shall not necessitate another hearing and shall not constitute grounds for objection by such property owner and shall not invalidate any action by the board of appeals on such appeal or application for variance.

(b) The chairman, or in his absence the acting chairman, shall preside at the public hearing. All hearings of the board of appeals shall be open to the public.

(c) The chairman shall open the hearing and determine whether a quorum of the board of appeals is present. For each appeal heard, the chairman shall summarize the nature of the appeal, identify all relevant information submitted, determine the board's jurisdiction and the appellant's standing, determine the parties to the action and proceed to accept oral and written testimony from the appellant and the public for and against the appeal. When all parties have been heard, the chairman shall close the hearing or, if additional time is needed, continue it to a later date.

(d) The chairman shall determine that the appellant has standing, that is, the right to appear as an appellant before the board. An appellant must hold title to the land, be part owner or have an option to buy or lease property and/or building, in order to have standing.

(e) The chairman shall determine the parties to the action. The appellant, municipal officers, planning board, abutting property owners, individuals who might be adversely affected by any decision and any member of the general public attending the meeting who has made specific statements concerning terms of the appeal, may be made party to the action.



PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XV. - BOARD OF APPEALS  
DIVISION 6. - SPECIAL APPEAL

(Ord. of 9-21-2009, § 6.2B)

**Sec. 60-1153. - Decision.**

(a) The decision of the board shall be made as soon as possible, but not later than 30 days of the public hearing, unless extended by mutual agreement of the board and appellant. Failure of the board to act within 30 days shall be deemed to be the denial of the petition sought, subject to judicial appeal.

(b) The board of appeals may by an affirmative vote of a majority of those members present amend or revise a decision of the building inspector, code enforcement officer or of any other municipal officer acting under the zoning ordinance. The board of appeals may permit variances from literal application of the zoning ordinance in accordance with the principles, conditions and procedures set forth in this chapter, subject to the duty of the board to promote the public health, safety, convenience and welfare and to adhere to the central intents and purposes of this chapter. Approval may be subject to conditions, modifications and restrictions as the board of appeals may deem necessary.

(c) The board shall keep a record of each appeal entertained, noting the date when received from the building inspector or code enforcement officer, the date of hearing, the applicant or appellant and the date of the decision. The board shall record by resolution the final disposition of every appeal. All of the foregoing shall be public records filed with the office charged with enforcement of the zoning ordinance. Notice of the decision shall be mailed within seven days to the applicant or appellant. Each notice shall specify that judicial appeals shall be made pursuant to the terms of section 60-1208

(d) The right to proceed under any variance or petition granted under the terms of this chapter, voted by the board of appeals, or under change in a decision of the building inspector, code enforcement officer or other municipal official voted by the board of appeals, shall expire if such right be not exercised beginning within six months from the date of such vote. If such right is not exercised within six months of the date of the vote, the board may grant a six-month extension without having to make another finding of hardship provided that:

- (1) Conditions upon which the appeal was granted have not changed; and
- (2) The appellant can show just cause for the delay in beginning the project.

(Ord. of 9-21-2009, § 6.2C)

**Secs. 60-1154—60-1184. - Reserved.**

**DIVISION 4. - POWERS AND DUTIES**

- [Sec. 60-1185. - Interpretation.](#)
- [Sec. 60-1186. - Administrative appeals.](#)
- [Sec. 60-1187. - Variance.](#)
- [Secs. 60-1188—60-1207. - Reserved.](#)

**Sec. 60-1185. - Interpretation.**

(a) Except as otherwise provided in this chapter, the board of appeals shall interpret provisions of the zoning ordinance which are called into question. Only persons with standing may appeal the denial of a permit which was based on provisions of the zoning ordinance.

(b) Where there is no evidence to the contrary, zoning ordinance language should be given its ordinary meaning. Statements of purpose may provide a key to the intent of zoning provision. In interpreting the ordinance, the board may request the advice of the city solicitor, the planning director or qualified experts in zoning law.

(Ord. of 9-21-2009, § 6.3A)

**Sec. 60-1186. - Administrative appeals.**

(a) The board of appeals may hear appeals in the administration of the zoning chapter in order to determine if the building inspector or code enforcement officer erred in granting or denying a permit. An applicant who is given no decision on a permit request, or who is denied a permit may appeal.

(b) If the board of appeals finds that the building inspector or code enforcement officer acted in error, it should order the error to be corrected.

(Ord. of 9-21-2009, § 6.3B)

**Sec. 60-1187. - Variance.**

(a) The board of appeals may grant a variance from the dimensional regulations and supplementary district regulations contained in the zoning chapter where the strict application of the ordinance, or a provision thereof, to the petitioner or property would cause undue hardship based on:

- (1) The land in question cannot yield a reasonable return unless the variance is granted;
- (2) The need for a variance is due to the unique circumstances of the property and not to the general conditions in the neighborhood;
- (3) The granting of a variance will not alter the essential character of the locality; and
- (4) The hardship is not the result of action taken by the appellant or a prior owner.

Variances granted under this subsection (a) shall be the minimum necessary to relieve hardship. The burden of proof is on the applicant to prove undue hardship.

(b) The board of appeals may grant a variance for the expansion, extension or enlargement of nonconforming buildings or uses provided that:

- (1) The use being requested shall be approved by a majority of those members present (not less than a quorum being present).
- (2) The board of appeals shall make findings that the requirements of subsection (a) of this section have been met.

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XV. - BOARD OF APPEALS  
DIVISION 6. - SPECIAL APPEAL

(c) In addition to the criteria in this section, in determining whether or not to grant a variance, the board shall also take into consideration the following:

- (1) Fire, electrical and police safety requirements;
- (2) The adequacy of the traffic circulation system in the immediate vicinity;
- (3) The availability of an adequate water supply;
- (4) The availability of adequate sewerage facilities;
- (5) Would not violate the environmental standards or criteria contained in the Overlay Zoning Districts;
- (6) Would not adversely affect property adjoining the premises under appeal or nearby in the same neighborhood or in the same zoning district;
- (7) Would not endanger the public health, safety or convenience; and
- (8) Would not impair the integrity of the zoning chapter.

(d) Wherever necessary to meet the criteria or consideration listed in this division, the board, when granting a variance, may attach such conditions or restrictions as are in accordance with the objectives and purposes of this zoning chapter.

(e) The planning director, or his representative, shall be responsible for reviewing the records of hearings of the board of appeals. Such review shall be conducted on a monthly basis and shall be for the purpose of maintaining the zoning ordinance. The ordinance may be deemed to be in need of amendment when variances for identical purposes or reasons are applied for in a single zoning district or regarding a specific section of this chapter on three or more occasions within a given calendar year. In any case in which the zoning ordinances are deemed to be in need of amendment, the planning director or his representative shall prepare a report indicating whether the variances applied for suggest that the ordinance or the description of the zoning districts should be amended. Such reports shall be forwarded to the planning board for its review and recommendation.

(Ord. of 9-21-2009, § 6.3C)

**Secs. 60-1188—60-1207. - Reserved.**

## DIVISION 5. - JUDICIAL APPEAL

[Sec. 60-1208. - Superior court.](#)

[Secs. 60-1209—60-1234. - Reserved.](#)

**Sec. 60-1208. - Superior court.**

Appeals from decisions of the city planning board or of the city zoning board of appeals or on account of the failure of any municipal official or board to comply with the order of the board of appeals shall be taken to the

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING  
ARTICLE XV. - BOARD OF APPEALS  
DIVISION 6. - SPECIAL APPEAL

superior court within 30 days of such decision or action in accordance with Rule 80B of the Maine Rules of Civil Procedure and 30-A M.R.S.A. § 2691(3). Except as otherwise provided by statute, every person shall have the right to inspect and copy any record of the board's proceedings, provided that, the inspection be scheduled to occur during regular hours and at such a time as will not inconvenience the regular activities of the office having custody of the record and provided further that the cost of copying the recorded or, if necessary, the translation of mechanical or electronic data compilations into some other form, shall be paid by the person requesting the copy.

(Ord. of 9-21-2009, § 6.4)

**Secs. 60-1209—60-1234. - Reserved.**

### **DIVISION 6. - SPECIAL APPEAL**

[Sec. 60-1235. - Floodplain district variances.](#)

[Sec. 60-1236. - Shoreland zone variance.](#)

[Sec. 60-1237. - Lake Auburn Watershed zone variance.](#)

[Secs. 60-1238—60-1255. - Reserved.](#)

**Sec. 60-1235. - Floodplain district variances.**

The board of appeals may grant a variance from strict compliance with requirements of division 2 of article XII of this chapter after public notice and public hearing as provided in this article, provided the following conditions are met:

- (1) The applicant can show that a failure to grant a variance would result in undue hardship as defined in 30-A M.R.S.A. § 4353.
- (2) A determination made by the board with a certification from a registered professional engineer provided by the applicant, if need be, that the granting of the variance will not result in increased flood heights. The professional engineer shall include the following information within their certification: criteria on which the certification was based; any assumptions that were made; source of data for those assumptions; and references to the research material that was relied upon in making the certification. In addition, the board shall determine as a condition for the granting of the variance that it will not result in threats to public safety, extraordinary public expense, create a nuisances, causes fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (3) A determination by the board that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) The applicant shall be notified in writing that the issuance of a variance to building a structure below the base flood level will result in increased premium rates for flood insurance and such construction below the base flood level increases risks to life and property.

(Ord. of 9-21-2009, § 6.5A)

**Sec. 60-1236. - Shoreland zone variance.**

When by reasons of extraordinary physical conditions peculiar to the land or building under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by reason of the literal application and rigorous enforcement of the terms of this chapter), the board of zoning appeals may grant a variance from strict compliance with the requirements of division 2 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the adjacent water body. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5B)

**Sec. 60-1237. - Lake Auburn Watershed zone variance.**

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid sewage disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the city water district with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the water district that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

**Secs. 60-1238—60-1255. - Reserved.**

## DIVISION 2. - BOARD OF ASSESSMENT REVIEW

*State Law reference— Board of assessment review, 36 M.R.S § 471-A and § 844-N.*

Sec. 2-430. - Membership; responsibility.

A board of assessment review (the Board) shall be appointed by the city council, consisting of five regular members and three alternate members.

The purpose of the board of assessment review is to hear property tax appeals pursuant to Maine Statute. The Board shall develop such rules to govern its meetings (to include meetings dates and times) and operations as it deems advisable.

Sec. 2-431. - Term of members.

The initial terms of office of the members of the board of assessment review shall be staggered terms. The city council shall annually appoint members to serve on the board for three-year terms. Their successors shall be appointed for three-year terms.

Sec. 2-432. - Assessment review appeals procedure.

When written application is made by a taxpayer for a review of a refusal by the tax assessor to grant a request for an abatement, the board of assessment review shall, within 14 days of the receipt of such request, set a date for hearing, of which the applicant shall receive at least seven days' written notice. In its conduct of the hearing the Board shall act as an impartial panel to receive evidence from the appellant and the assessor, advocating for neither party in rendering a decision. The Board shall conform that decision to all applicable statutes. At such hearing the applicant shall have the right to be heard in person, to present witnesses, to examine the tax assessor and any witnesses presented on behalf of the Assessing Department, and to be represented by counsel. Upon the evidence presented, the Board shall determine whether the applicant

has met their burden of proof and may grant such reasonable abatement of their assessment as it determines to be proper.

The board of assessment review must provide written notice of the decision on an appeal within 60 days of receiving the appeal unless the taxpayer agrees to an extension of the decision deadline.

Sec. 2-433. - Quorum.

The board of assessment review shall take no official action unless at least three members are present; provided, however, that a lesser number may adjourn the proceedings to a later time. When a regular member of the board is unable to participate in an appeal, the chair shall designate one of the alternate members to serve in place of any absent member.

Sec. 2-434. - Rules and regulations for conduct of hearings.

The board of assessment review may establish such rules and regulations governing the conduct of hearings before it as it may deem necessary consistent with this Code and with state law.

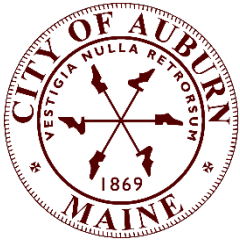
Sec. 2-435. - Legal counsel.

The board of assessment review may have legal counsel present during any appeal hearing to advise on points of law and to assist the board in drafting its final decision.

*(other sections edited)*

Sec. 2-441. - Compensation of the board of assessment review.

All members of the board of assessment review shall receive annually \$600.00, payable quarterly.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** January 2, 2024

**Order:** 06-01022024

**Author:** Jill M. Eastman, Finance Director

**Subject:** FY ending June 2022 – Undesignated Fund Balance

---

**Information:**

On December 4, 2023, the City Council approved allocating \$2,023,255 to various projects or funds from the Undesignated Fund Balance. At the December 18, 2023 city council meeting, a presentation was given relating to the timing of the project for Rink 2 at the Norway Savings Bank Arena. For the best optimal timing for the arena programming, staff is recommending an additional \$500,000 be allocated to complete the project.

The City Council also requested what the UDF would be if an additional \$500,000 was added to the Worker's Compensation Fund. The additional \$500,000 for the arena floor and \$500,000 for worker's compensation would place the UDF at 13.73%.

It is the City's policy to maintain an unrestricted fund balance in the general fund of no less than 10% and no more than 14% of general fund budgeted expenditures.

The FY ending June 2023 estimated unrestricted fund balance will be in excess of \$2,500,000.

---

**City Budgetary Impacts:** Allocate \$1,000,000 Undesignated Fund Balance as follows:

- \$500,000.00 Transfer to Worker's Compensation Fund
  - \$500,000.00 Norway Savings Bank Arena Floor
- 

**Staff Recommended Action:** Vote to increase allocation of two projects from the Undesignated Fund Balance.

---

**Previous Meetings and History:** December 4, 2023, and December 18, 2023

---

**City Manager Comments:**



I concur with the recommendation. Signature:

---

**Attachments:**



### **Scope of Work by All-American Arena Products will include:**

- ✓ Engineered Drawings Stamped by licensed Mechanical Engineer.
- ✓ The floor system will carry a five-year warranty.
- ✓ Any additional taxes will be extra.
- ✓ Shipping to site included.
- ✓ Forklift and Genie Boom rental cost included.
- ✓ Project (demo) to start on, or around, May 6<sup>th</sup>, 2024

### ***SAND FLOOR REMOVAL AND DEMO***

- The rink floor system will be drained and the fluid stored onsite for reuse in the new floor system and subfloor system.
- Remove and dispose of the existing floor piping, rink header and chair system.
- The existing insulation under the rink floor will be pulled up and removed.
- The existing subfloor piping will be removed and disposed of.
- The existing sub-grade will be excavated an additional 8" and the granular fill removed to the outside of the building. It will be reused to cover the new subfloor system.

### ***86' X 201' CONCRETE RINK FLOOR SYSTEM***

- **Mains** - The refrigeration mains and subfloor mains between the equipment room and the refrigerated floor will be reconnected.
- **Sub-Floor Heating System** - The sub-floor heating system will be constructed of 1" O.D. high density polyethylene tubing placed on 18" centers throughout the rink floor. The manifold system will be constructed of 3" SDR 11 fusion pipe and fittings. The polyethylene tubing is connected to the manifold with ¾" SDR 11 fusion fittings. The mains will be stubbed up in the mechanical room for future connection.
- **Fine Grading** - This section consists of placing 6" of the exiting granular material on top of the sub-floor heating system after it has been tested and leveling that fill to plus or minus ¼" throughout the rink area.
- **Rink Floor Insulation** - This section consists of furnishing and installing two layers of 1½" thick 25 psi extruded insulation on top of the fine grade, including cutting and fitting the insulation to conform to the profiles of the rink and the header trench.
- **Vapor Barrier** - This section consists of furnishing and installing a 6 mil. vapor barrier on top of the rink floor insulation including overlap of vapor barrier material.
- **Reinforcing Steel** - This section consists of furnishing and installing 22,500 lbs. of #4, grade 60 reinforcing steel on top of the reinforcing steel supports. The steel is installed on 12" centers the 86' direction of the rink floor and 12" centers the 201' direction of the rink floor.
- **Rink Floor System** - Our refrigerated floor manifolds are constructed of 8" SDR 11 fusion pipe. They will be in a header trench at center of your ice-skating surface. The rink floor tubing is 1" SDR 11 pipe placed on 4" centers. The return bends are 180° fusion fittings connected to the rink floor tubing at each end of the rink. Our tubing spacers are constructed of 3/16" wire with a 3" wide foot plated for stability. They are placed in 2' centers throughout the rink floor and double as reinforcing steel supports.

- **Mesh** - This section consists of furnishing and installing a 6" x 6", 10-gauge wire mesh on top of the rink floor tubing.
- **Rink Floor Concrete** - This section includes providing a complete design mix, concrete testing, furnishing, and placing the concrete, proper finishing, and visqueen cure of the concrete. The concrete will be placed with a concrete pump. The concrete design will include a water reducing agent, air entrainment, and super plasticizer for the placement.
- **Expansion Joint** - This section consists of all the materials that make up the expansion joint which separates the refrigerated ice rink concrete from the outer perimeter concrete.

#### **DASHERBOARDS:**

- **Frame**
  - Panels to be welded aluminum with a mill finish.
  - Panels to be 42" high x 6" wide and typical 8 ft in length.
- **Anchors**
  - 5/8" pre-cast anchors placed into refrigerated floor prior to concrete pour.
  - A representative from All-American Arena Products will be present during the rink slab pour to ensure the integrity of the anchors.
- **Gates**
  - 4 – 30" player gates along the player boxes.
  - 2 – 30" penalty box gates with ice side push release buttons.
  - 4 – 30"/36" access gates for off-ice access with push release buttons.
  - 2 – 36" access gates with ice side push release buttons.
  - Hardware made of stainless steel. Fasteners are zinc plated.
  - Player and access gates to have adjustable hinges, as well as pivoting latch/catch assemblies.
  - 1 – 120" double leaf machine gate.
  - Machine gate to have heavy duty adjustable hinges, heavy-duty spring-loaded caster wheels and sliding closure bars – all stainless steel.
- **Board Cladding**
  - .500" thick white high-density polyethylene (HDPE) board facing.
  - .500" thick x 8" high, yellow HDPE kick plate, top edge routed to 3/8" radius.
  - .750" thick HDPE cap rail, front and back routed to 3/8" radius.
  - Color for cap rail is TBD.
- **Shielding and Supports**
  - 6' high x 5/8" (15mm) thick supported tempered glass for the ends and radii.
  - 6' high x 1/2" (12mm) thick supported tempered for the sides of the rink, including in front and between the penalty and timekeeper boxes.
  - Shield supports to be our 2pc quick change anodized aluminum face plates.
  - Shield supports to extend to 1" from the top of the glass.
  - No glass included for the fronts of the player boxes.
  - Glass in front of timekeeper boxes to have 3 1/2" diameter speak hole.
  - Safety pads for termination points at player boxes.
- **Players, Penalty, and Timekeeper Boxes**
  - Player boxes are to be approx. 30' long x 5' deep with side and back walls.

- Penalty boxes are to be approx. 8' long x 5' deep with side and back walls.
- Timekeeper's box to be approx. 8' long x 5' deep with back and half side walls.
- Water bottle shelves to be included for the front of the player and penalty boxes.
- Timekeeper table provided.
- **Players, Penalty And Timekeeper's Box - Floors**
  - Raised wooden platforms installed throughout all boxes.
  - Raised coach's walkways included for player boxes.
  - ¾" treated plywood installed on top of raised aluminum platforms.
  - 3/8" black rubber flooring loose laid on top of platforms and walkways.
- **Players And Penalty Benches**
  - Benches are 9 ½" wide x 1 ½" thick black plastic lumber fastened to steel support posts.
  - Support posts to be zinc plated steel.
  - Player box benches are to be approx. 24 ft long.
  - Penalty box benches are to be approx. 8 ft long.
- **Spectator Netting**
  - 12' high white or black nylon boundary netting installed around the ends, radii of the rink.
  - Netting to be attached to a steel conduit header suspended from the ceiling beams using aircraft cable and beam clamps.



**ORDER 06-01022024**

# City Council Order

## IN CITY COUNCIL

**ORDERED**, that the City Council allocate an additional \$1,000,000.00 from the FY2022 Undesigned Fund Balance which is within the policy of 10% - 14% as follows:

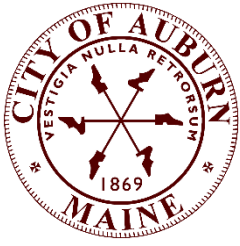
- \$500,000.00 Transfer to Worker's Compensation Fund
- \$500,000.00 Norway Savings Bank Arena Floor

---

**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** January 2, 2024

**Order:** 01-01022024

**Author:** Jason D. Moen, Chief of Police

**Subject:** Confirm Chief Moen's appointment of Aaron Briere, Dalton Geisel and Ronald Seguin as a Constable with firearm for the Auburn Police Department.

---

**Information:** The Auburn Police Department requests the City Council to appoint Aaron Briere, Dalton Geisel and Ronald Seguin as a Constable with firearm for the City of Auburn.

---

**City Budgetary Impacts:** N/A

---

**Staff Recommended Action:** Motion to confirm Chief Moen's appointment of Aaron Briere, Dalton Geisel and Ronald Seguin as a Constable with firearm for the Auburn Police Department.

---

**Previous Meetings and History:** None

---

**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:**

N/A



**ORDER 01-01022024**

# City Council Order

**IN CITY COUNCIL**

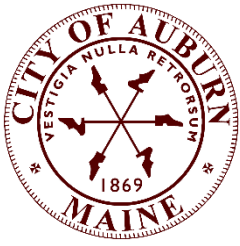
**Ordered,** that the City Council hereby appoints Aaron Briere, Dalton Geisel, and Ronald Seguin as Constable with firearm/arrest powers for the Auburn Police Department.

---

**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** January 2, 2024

**Order:** 02-01022024

**Author:** Alison F. Pepin, Deputy City Clerk

**Subject:** Waiver of Business License Fee – Danville Grange

---

**Information:** An application and letter for a waiver of business license fee was submitted by representatives of the Danville Grange. The fee is \$200 for the year.

---

**City Budgetary Impacts:** None

---

**Staff Recommended Action:** Consider waiving the fee.

---

**Previous Meetings and History:** N/A

---

**City Manager Comments:**

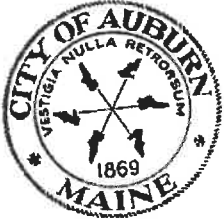


I concur with the recommendation. Signature:

---

**Attachments:**

- Application
- Request to waive fees
- Order



**CITY OF AUBURN  
BUSINESS LICENSE APPLICATION**

NEW  RENEWAL exp date 10/27/23

If new business, please provide proposed opening date. \_\_\_\_\_

Please check the boxes for all licenses you are applying for:

Business Name: Danville Jet Grange

Office of the City Clerk  
60 Court St, Auburn,  
ME 04210  
207.333.6600  
www.auburnmaine.gov  
Please Note: All real estate and personal property taxes related to the business must be current before a license can be issued.

There is a late fee of \$50.00 for renewals that are 30-45 days late, \$100.00 for more than 46 days late, and \$200.00 for reoccurring

**Food Service Establishments:**

- \*FSE Mobile Food distribution Unit (12 mths) ...\$100  
*Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use of location.*
- FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I) ..... \$500  
Plus actual cost of advertising hearing required for new license. Background check must also be included.
- \*FSE Serving Malt and/or Vinous (FSE Class III & IV)..... \$400  
Plus actual cost of advertising hearing required for new license. Background check must also be included.
- \*Class A Lounge Serving Malt, Vinous & Spirituous Liquor (Class X) ..... \$1300  
Plus actual cost of advertising hearing required for new license. Background check must also be included.
- \*FSE(On/Off), no Alcohol.....\$200  
Includes Prepackaged Foods
- \*Bottle Club/BYOB..... \$200  
Plus actual cost of advertising hearing required for new license. Background check must also be included.
- \*Temp FSE (Per event max 30 days).....\$60  
Event Name \_\_\_\_\_  
Event Date \_\_\_\_\_

**Other Business Licenses Applying for:**

- \*Special Amusement .....\$125  
Plus actual cost of advertising hearing required for new license. Please fill out supplemental questionnaire (pg. 4)
- \*Pawnshop/Pawn Broker .....\$100
- \*Secondhand Dealer..... \$100
- \*Massage Establishment/Therapist..... \$150  
State license #: \_\_\_\_\_
- Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.
- \*Tattoo Artist..... \$100  
Please also include photo ID, Blood Pathogen Cert, and state license.

**\*Above licenses:** Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application. You can do it yourself on-line here: <http://www5.informe.org/online/pcr/>

- Roller Skating Rinks with Part/Full Kitchen.....\$90
- Lodging House, Boarding House, Rooming Houses, Hotels, Motels, etc..... \$100
- Motion Picture Theaters # of screens \_\_\_\_\_ No Fee
- Coin-Op Devices # of devices \_\_\_\_\_ No Fee
- Pool Hall # of tables \_\_\_\_\_ No Fee
- Juke Box # of boxes \_\_\_\_\_ No Fee

**\*All above licenses:** include copy of floor plan, menu/draft menu, certified food handler certificate and a copy of all State licenses applicable.

FSE Off Premise/Retailer-Malt Liquor/Table Wine.....\$200

LICENSING FEE(S) TOTAL DUE: \$ waiver request



NAME OF BUSINESS: Danville Junction BUSINESS ADDRESS: 15 Grange Rd

BUSINESS MAILING ADDRESS: Grange # 65 48 Pond Rd Raymond, ME 04071

OWNER'S NAME (LOCAL/ONSITE): N/A DOB: \_\_\_\_\_ PHONE: \_\_\_\_\_

OWNER'S ADDRESS: N/A MAILING ADDRESS: \_\_\_\_\_

PREFERRED EMAIL: \_\_\_\_\_

MANAGER'S NAME: Tanya Vanasse PHONE # 2075773205 DOB: 6/23/73

PREFERRED CONTACT NAME: Same PHONE #: Same

EMAIL ADDRESS: tvnasse2@gmail.com

DESCRIPTION OF BUSINESS: Patrons of Husbandry - Grange - Fraternity

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): \_\_\_\_\_

FORM OF BUSINESS ORGANIZATION:  Corporation  Partnership  Sole Proprietorship  LLC  Other

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title
<u>N/A</u>				

OWNER OF BUILDING/UNIT: \_\_\_\_\_ PHONE # \_\_\_\_\_

OWNER'S ADDRESS: \_\_\_\_\_

HOURS OF OPERATION: Mon: \_\_\_\_\_ Tues: \_\_\_\_\_ Wed: \_\_\_\_\_ Thurs: \_\_\_\_\_  
Fri: \_\_\_\_\_ Sat: \_\_\_\_\_ Sun: \_\_\_\_\_

First Saturday of the month

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years?  Yes  No (If yes, complete the following)

Name: \_\_\_\_\_ Date of conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

**Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials** *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.*

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

\*\*\*READ CAREFULLY BEFORE SIGNING\*\*\*

I, Maynard Chapman, (Print name) Owner/Operator of the business, hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

Applicant Signature: Maynard Chapman

Date: 12/6/23

**FOR OFFICE USE ONLY**

**REPORT OF INSPECTING OFFICERS:**

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	FIRE INSPECTOR	<u>DD 12-13-23</u>
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	CODE ENFORCEMENT OFFICER	<u>KB 12-13-23</u>
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	POLICE	<u>BS 12-13-23</u>
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	FINANCE	<u>TN 12-12-23</u>

**Comments:**

\_\_\_\_\_

\_\_\_\_\_

Application date: <u>12-06-23</u>	License issued on: _____
Fees paid: License fee(s) <u>—</u>	Public hearing fee _____ Background fee _____ Late fee _____
Total amount paid = \$ <u>—</u>	

Dear City Council Members,

Danville Junction Grange #65 respectfully requests the Auburn City Council to waive the Business License Application fee of \$200.00 for the upcoming year.

Danville Junction Grange has been a contributing member of our community for over 100 years and wants to continue far into the future. The Grange is a non-profit organization that was started by local farmers to help them get a fair shake on shipping their products through railroads but has become much more to the community since.

The Grange Hall has served as a major local community resource, hosting dinners and other social events, theatrical productions, as well as civic functions, including meetings with municipal officials. Grangers raise money for many local charities including but not limited to the PAL Center, Coupons for Troops, House in the Woods, Student Scholarships, Christmas presents for the Salvation Army and Dictionaries for Third Graders to name a few.

The Grange supports itself through different fundraisers each year. One of the major fundraisers are the Bean Suppers which are held the first Saturday of the month from September through May. According to the State of Maine, we do not have to have a "licensed kitchen" because we have fewer than 12 dinners a year. However, we do have a Certified SERV safe Manager who will be overseeing the kitchen during the dinners.

Thank you for your consideration and continued support.

Sincerely,



Maynard Chapman, Master



**ORDER 02-01022024**

# City Council Order

**IN CITY COUNCIL**

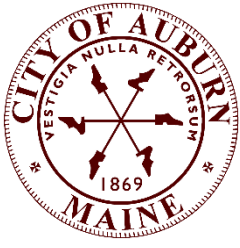
**Ordered,** that the City Council authorizes the City Clerk to waive the \$200 business license fee for the food service license for the Danville Junction Grange #65.

---

**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** January 2, 2024

**Order:** 03-01022024

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Setting the time for opening the polls for 2024 Elections

---

**Information:**

State law requires the Municipal Officers to set the time to open the polls for elections (21-A §626. Polling times). The polls must be opened no earlier than 6 a.m. and no later than 8 a.m. on election day, except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m. It is recommended that the polls open at 7:00 A.M. in Auburn for all 2024 elections. Opening the polls at 7:00 A.M. is consistent with past practice in Auburn and it allows additional time in the morning for people to have an opportunity to vote.

---

**City Budgetary Impacts:** Minimal – the cost for Election workers to start one hour early is minimal.

---

**Staff Recommended Action:** Recommend a motion to set the time for opening the polls for all 2024 Elections to be 7:00 AM.

---

**Previous Meetings and History:** N/A

---

**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:** Order



**ORDER 03-01022024**

# City Council Order

**IN CITY COUNCIL**

**ORDERED**, that the City Council hereby sets the time for opening the polls for all 2024 Auburn elections to be 7:00 AM.

---

**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager

**IN COUNCIL REGULAR MEETING DECEMBER 18, 2023, VOL. 37 PAGE 118**

Mayor Harmon called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

1. **Order 171-12182023\***  
Confirming Chief Moen's appointments of Constables/Civil Process Servers without Firearm.
2. **Order 172-12182023\***  
Confirming the re-appointment of Bryan Bachelder as Local Sealer of Weights and Measures for 2024.

Motion was made by Councilor Gerry and seconded by Councilor Walker for passage of the two consent items.

Passage 7-0.

**I. Minutes – December 4, 2023, Regular City Council Meeting**

Motion was made by Councilor Walker and seconded by Councilor Whiting to approve the minutes of the December 4, 2023, Regular City Council Meeting.

Passage 7-0.

**II. Communications, Presentations and Recognitions**

- Communication – April 9, 2024, Special Election (Ward 4 School Committee)
- Communication – Mayoral Appointments

**III. Open Session –**

Dan Campbell, 294 Hotel Road, spoke regarding homelessness and said he would like to seek the help of the City Council, stating that we need to come together on this, and he asked that they join him when he walks the streets of Auburn. He stated that we need shelters now.

Alex, who stated that he was homeless, spoke about his experience, addiction, homelessness, and challenges in getting a job.

Beth, who also stated that she was currently homeless, spoke about her experience, and the difficulty finding an apartment. She also encouraged Councilors to visit some of the shelters and to walk amongst the homeless community, to meet them and start a conversation. She stated that she is hoping we can find a solution.

Greg Whitney, President of the Pleasant Street Drop-In Center said the center opened almost two years ago as a warming center and as the need got greater and greater, they've opened as a drop-in center. He said what the city really needs is an overnight shelter and an emergency shelter especially on days like today. He added that there is also a need for day shelters.

**IV. Unfinished Business –None**

V. **New Business**

1. **Order 173-12182023**

Confirming Mayor Harmon's Board and Committee Appointments.

Motion was made by Councilor Walker and seconded by Councilor Whiting for passage.

Public comment – No one from the public spoke.

Passage 7-0.

Motion made by Adam Platz seconded by Councilor Gerry to adopt the following order which was discussed during the Executive Session held during the Council Workshop earlier this evening.

**Order 174-12182023**

***ORDERED**, that the City Manager be and hereby is authorized and directed to prepare, in consultation with the City Attorney and appropriate City staff, proposed Zoning Ordinance amendments that would serve to delay the applicability date of the amendments to the Zoning Ordinance evidenced by Ordinance #26-12042023 and Ordinance #28-12042023;*

***BE IT FURTHER ORDERED**, that such proposed Zoning Ordinance amendments be prepared in time for a first reading of them at the January 2, 2024 City Council meeting.*

Public comment – No one from the public spoke.

Passage 5-2 (Councilors Milks and Walker opposed).

Motion was made by Councilor Whiting and seconded by Councilor Gerry to rescind Order 152-12042023 re-appointing Riley Bergeron to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee.

Public comment – No one from the public spoke.

Motion was made by Councilor Whiting and seconded by Councilor Cowan to take a brief recess.

Passage 5-2 (Councilors Milks and Walker opposed). Time 7:50 pm.

The Council meeting resumed after a ten-minute recess. Time 8:00 pm.

Passage to rescind Order 152-12042023 4-3 (Councilors Milks, Walker, and Weisner opposed).



**IN COUNCIL REGULAR MEETING DECEMBER 18, 2023, VOL. 37 PAGE 120**

Motion was made by Councilor Whiting and seconded by Councilor Gerry to rescind Order 153-12042023 re-appointing Evan Cyr to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee.

Public comment – No one from the public spoke.

Passage 4-3 (Councilors Milks, Walker, and Weisner opposed).

Motion was made by Councilor Whiting and seconded by Councilor Gerry to rescind Order 154-12042023 appointing Timothy DeRoche to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee.

Public comment – No one from the public spoke.

Passage 4-3 (Councilors Milks, Walker, and Weisner opposed).

**VII. Open Session** – No one from the public spoke.

**VIII. Reports**

Mayor Harmon announced that he will be forming a Mayor's Ad hoc committee on housing and another on homelessness. He thanked the school department for hosting the inauguration at the Donald Gay Performing Arts Center adding that it is a beautiful facility that will not only serve the school well but will also be a benefit to the community. He commented on the Absolutely Auburn podcasts and encouraged the public to listen. Last, he reminded the public of the upcoming New Year's Eve event adding that more information can be found at [www.newyearsauburn.com](http://www.newyearsauburn.com).

Councilor Gerry inquired about warming centers in the City of Auburn.

Councilor Whiting echoed the Mayor's comments on the Donald Gay Performing Arts Center and he thanked the people that helped to make that possible: Malcolm Philbrick, Bob Gardner, Dick Gammon and others, members of the class of 1951 who donated a large sum previously used for scholarships to go toward the construction of that beautiful space. He also stated that he was happy to be back on the Library Board.

Councilor Cowan stated that he is excited to be part of the new City Council and looking forward to making some good changes.

Councilor Weisner echoed previous comments, adding that he is looking forward to listening to the needs of the people of Auburn and is looking forward to it.

Councilor Walker announced that there will be a New Year's event to be held at the Senior Center on New Year's Day at 10:00 am.

**IN COUNCIL REGULAR MEETING DECEMBER 18, 2023, VOL. 37 PAGE 121**

Councilor Platz thanked everyone on the Council and city staff for welcoming the new members of the board and congratulated the returning City Councilors. He noted that he was looking forward to it as well as serving on the School Committee, adding that his first meeting is on Wednesday.

Councilor Milks stated that the highlight of the Inauguration held on Thursday was the students that participated.

City Manager Crowell provided an update on the current storm situation, adding thanks to the first responders that are out there. He commented on the New Year's Eve event adding that the team is doing a great job planning that event and announced that there will be a drone show which is the first in New England and he encouraged people to come out to see the drone show.

Finance Report – November 2023

Motion was made by Councilor Walker and seconded by Councilor Cowan to accept and place on file the November 2023 Finance Report.

Passage 7-0.

**IX. Executive Sessions - None**

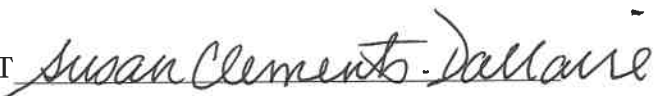
**IX. Adjournment**

Motion was made by Councilor Weisner and seconded by Councilor Walker to adjourn.

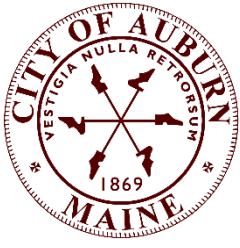
Unanimously approved and the meeting adjourned at 8:19 pm.

A TRUE COPY

ATTEST



Susan Clements-Dallaire, City Clerk



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** January 2, 2024

**Ordinance:** 01-01022024

**Author:** John Blais, Deputy Director of Planning & Permitting

**Subject:** First Reading -Applicability date of Ordinance #26-112022023 Rezoning approximately 60 acres AG/RP to GB

---

**Information:** The zoning map amendment to this chapter evidenced by Ordinance #26-11202023 relating to the rezoning of approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter. In order to allow time for residents and property owners to become familiar with this zoning map amendment and for the City Council to further study and determine whether any additional amendments to this chapter related thereto are necessary or desirable, Ordinance #26-11202023 shall not become applicable until July 1, 2024.

The Council has options to limit uses at the properties listed above that will be discussed in the workshop. Those could include a detailed development agreement that limits uses, delayed applicability date or a zoning change.

---

**City Budgetary Impacts:** None known.

---

**Staff Recommended Action:** If this option is preferred by the Council, then Staff recommends a process that includes a council order to staff and the planning board to provide a recommendation for the applicability to Ordinance #26-112022023, rezoning approximately 60 acres Agriculture and Resource Protection to General Business from the planning board in a public hearing format, as City Council continues to take this through their two readings to include a public hearing, for ordinance adoption.

---

**Previous Meetings and History:** December 18, 2023 CC meeting

---

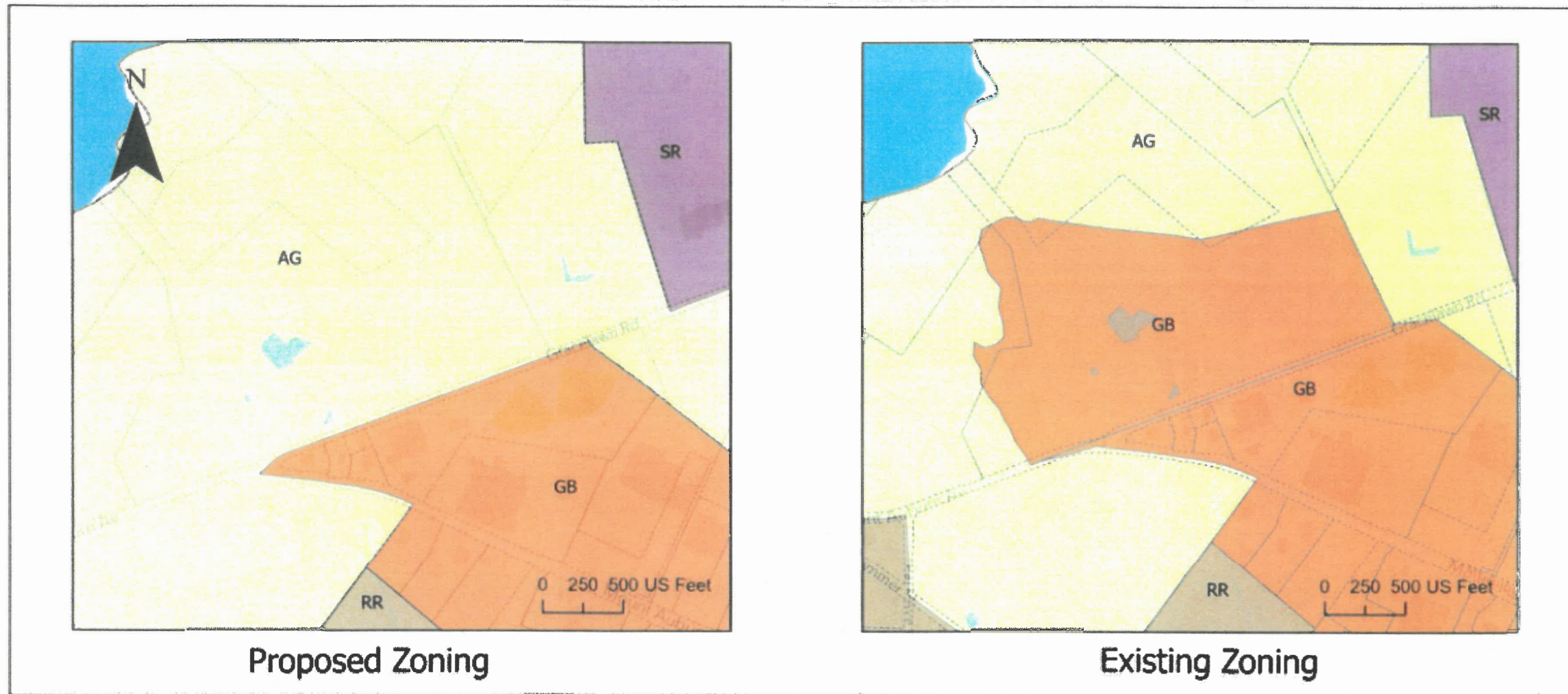
**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:** Proposed Applicability Map

## Proposed Applicability to Ordinance #26-112022023 to July 1, 2024



- |  |   |  |
|--|---|--|
| AG - Agriculture and Resource Protection | MFS - Multi-Family Suburban                 | T-4.2B - Traditional Neighborhood Development District |
| C/OS - Conservation / Open Space         | NB - Neighborhood Business                  | T-5.1 - Downtown Traditional Center                    |
| GB - General Business                    | RR - Rural Residential                      | T-5.2 - Downtown City Center                           |
| GB II - General Business II              | SR - Suburban Residential                   | T-6 - Great Falls Metropolitan                         |
| ID - Industrial                          | T-4.1 - Traditional Mainstreet Neighborhood | UR - Urban Residential                                 |
| LDCR - Low Density Country Residential   | T-4.2 - Traditional Downtown Neighborhood   | Parcels  |



\* City of Auburn, Zoning Map, dated May 16, 2016



# City Council Ordinance

## IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council, that Chapter 60, Zoning, of the Code of Ordinances be amended as follows:

### Chapter 60 ZONING

• • •

#### *ARTICLE XVI. ADMINISTRATION AND ENFORCEMENT*

• • •

#### *DIVISION 5. APPEALS AND APPLICABILITY*

• • •

#### **Sec. 60-1382. Applicability.**

The provisions of this article shall apply to any development subject to review under division 2 of article XVI of this chapter, the construction of which has not been commenced on the date on which they become effective.

(Ord. of 9-21-2009, § 7.4B)

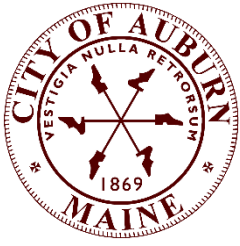
#### **Sec. 60-1383. Effective Date and Applicability Date of Ordinance #26-11202023.**

The zoning map amendment to this chapter evidenced by Ordinance #26-11202023 relating to the rezoning of approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter. In order to allow time for residents and property owners to become familiar with this zoning map amendment and for the City Council to further study and determine whether any additional amendments to this chapter related thereto are necessary or desirable, Ordinance #26-11202023 shall not become applicable until July 1, 2024.

#### **Secs. 60-138~~43~~—60-1400. Reserved.**

• • •





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** January 2, 2024

**Ordinance:** 02-01022024

**Author:** Eric J. Cousens, Director of Planning & Permitting

**Subject:** First reading, applicability to Ordinance #28-112022023 Text Amendments related to Chapter 60, Article XII, Division 4 – Lake Auburn Watershed Overlay District

---

**Information:** The zoning text amendment to this chapter evidenced by Ordinance #28-112022023 relating to Chapter 60, Article XII, Division 4-Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements that became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter. This first reading is scheduled as directed by the Council at the December 18, 2023 Council Meeting. In order to allow time for residents and property owners to become familiar with this zoning map amendment and for the City Council to further study and determine whether any additional amendments to this chapter related thereto are necessary or desirable, Ordinance #28-112022023 shall not become applicable until July 1, 2024.

Staff does **not** recommend this delayed applicability date due to impacts to existing property owners that are currently designing SSWW Disposal systems to the new standard. The new standards will treat wastewater better than the former standards and will require less soil disturbance in many cases with the system sited closer to the home. Details will be discussed in the workshop and questions or examples can be vetted on the same night of this hearing.

Ultimately, through the public process recommended in Order 04-01012024(Later tonight), potential language additions/deletions could better define implementation, clarify any ambiguities and improve public understanding of the Text Amendments related to Chapter 60, Article XII, Division 4 – Lake Auburn Watershed Overlay District. It would also allow time for any changes to be reviewed with the Drinking Water Program. This delayed applicability date is not necessary to achieve that outcome.

---

**City Budgetary Impacts:** None known.

---

**Staff Recommended Action:** Staff does not recommend passage of this Ordinance. If this option is preferred by the Council, then Staff recommends a process that includes the Planning Board to provide a recommendation after Public Hearing for the applicability date on Ordinance #28-112022023, then a Second reading and Public Hearing with the Council.

---

**Previous Meetings and History:** December 18, 2023 CC meeting

---

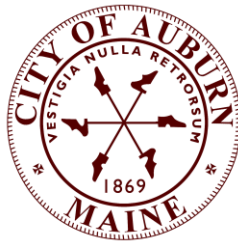
**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

---

**Attachments:**



# City Council Ordinance

## IN CITY COUNCIL

BE IT ORDAINED by the Auburn City Council, that Chapter 60, Zoning, of the Code of Ordinances be amended as follows:

### Chapter 60 ZONING

• • •

#### *ARTICLE XVI. ADMINISTRATION AND ENFORCEMENT*

• • •

#### *DIVISION 5. APPEALS AND APPLICABILITY*

• • •

#### **Sec. 60-1382. Applicability.**

The provisions of this article shall apply to any development subject to review under division 2 of article XVI of this chapter, the construction of which has not been commenced on the date on which they become effective.

(Ord. of 9-21-2009, § 7.4B)

#### **Sec. 60-1384. Effective Date and Applicability Date of Ordinance #28-11202023.**

The zoning text amendment to this chapter evidenced by Ordinance #28-11202023 relating to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter. In order to allow time for residents and property owners to become familiar with this zoning text amendment and for the City Council to further study and determine whether any additional amendments to this chapter related thereto are necessary or desirable, Ordinance #28-11202023 shall not become applicable until July 1, 2024.

#### **Secs. 60-138~~53~~—60-1400. Reserved.**

• • •





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** January 2, 2024

**Order:** 04-01022024

**Author:** Eric J. Cousens, Director of Planning and Permitting

**Subject:** Order Initiating Ordinance Change 04-01022024 to revisit Agricultural Use allowances and watershed protections in the Lake Auburn Watershed through a public discussion process.

---

**Information:** It has come to the attention of Staff, the Mayor and Council that the ordinance updates adopted in December of 2023 may have prohibited certain agricultural uses that can be undertaken without detriment to water quality. There is also a desire to consider further limitations on the number of Subsurface Wastewater Disposal Systems in the watershed, who is responsible for inspecting SSWW Systems and to further define the inspection process. The proposed order would set that discussion in motion with further input from the AG working group, stakeholders and the public. This process would provide the Council with feedback and input from the Public, AG working Group and Planning Board to consider any further changes.

This process can be initiated in conjunction with a delayed applicability date(Ordinance 02-010220241) or on it's own, while avoiding the potential negative impacts to individual property owners and the watershed that would come from the delayed applicability date that is also being considered tonight.

---

**City Budgetary Impacts:** None. Staff and committee/Board Time.

---

**Staff Recommended Action:** Staff recommends that the Council vote to start the discussion with the attached Order.

---

**Previous Meetings and History:** December 18, 2023 CC Meeting

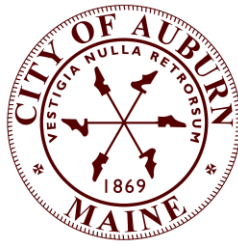
---

**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:** Order



# City Council Order

## IN CITY COUNCIL

Whereas the zoning text amendment evidenced by Ordinance #28-11202023 relating to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements became effective on December 9, 2023 pursuant to Section 2.6(C) of the City Charter;

Whereas members of the Auburn City Council and the Mayor have heard concerns from constituents related to limitations on agriculture and water quality protections in the Lake Auburn Watershed;

**The Auburn City Council hereby orders** the City Manager to direct staff to work with the AG Working Group, Sustainability and Natural Resource Board, LAWPC, the Auburn Planning Board and public stakeholders to review the adopted amendments and recommend any changes back to the City Council. The process should include an initial advertised public meeting with the AG working Group to solicit public feedback, a working meeting with the AG work Group and then a Planning Board Workshop, Council Workshop and then a Planning Board Public hearing and recommendation. At a minimum, consideration should include the following:

- Agricultural uses
  - In Sec 60-951(b) amend the definition of non-hobby agricultural uses
  - In Sec 60-952(a) amend the description of permitted/prohibited agricultural uses
  - Define which agricultural uses are permitted (and by default the non-permitted activities are prohibited) and the scale of the permitted activity with a focus on water quality impacts. As an example, three horses kept for a resident's enjoyment or to provide riding lessons for a fee have the same water quality impact.
- Subsurface waste-water disposal system inspection
  - In Sec 60-952(f)(6) consider amending the described inspection method to shift responsibility for the inspection to the land-owner and provide a phased implementation.
  - The current construct in Sec 60-952(f)(6) supposes that LAWPC will perform an inspection once every five years or upon sale. LAWPC may not have the capability to do this and will require additional funding / hiring to do so. Another approach

---

**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

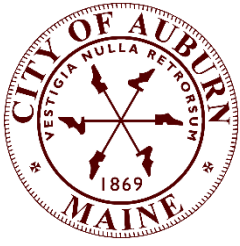
**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



## City Council Order

should be considered to require the landowner to have an inspection performed on this cycle by an inspector meeting defined qualifications, with the inspection meeting defined standards and with the report being sent to LAWPC and the City Plumbing Inspector.

- Consider further limits on the number of new subsurface wastewater disposal systems. The current ordinance will limit the construction of new systems (new here having the same meaning as the state plumbing code) to an estimated 38 new systems.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** January 2, 2024

**Order:** 05-01022024

**Author:** Kris Beaudoin, Lead Code Compliance Officer

**Subject:** 90 Day Building permit fee waiver for properties impacted by storm damage

---

**Information:** Many structures were damaged by the storm on December 18, 2023. Much of the damage sustained in the storm will require permits prior to complete needed repairs. The costs associated with the storm damage may be significant to some property owners, the proposed waiver in building permit fees will provide some relief to the property owners impacted by the storm and encourage proper permitting.

---

**City Budgetary Impacts:** The damage created by this storm was unexpected and any associated permitting fees were not projected, therefore, any budgetary impacts will be minimal.

---

**Staff Recommended Action:** Issue a 90 Day Permit Fee Waiver for Residential, Multi-Family, Agricultural and Commercial building permit applications for property damage repairs caused by the December 18, 2023 storm.

---

**Previous Meetings and History:** None

---

**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:** Order.



**ORDER 05-01022024**

# City Council Order

**IN CITY COUNCIL**

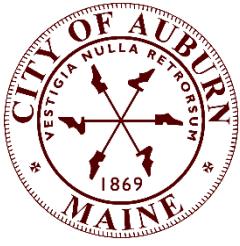
**BE IT ORDERED** that the City Council approves a ninety (90) day waiver of the Residential, Multi-Family, Agricultural and Commercial building permit fees found in **Appendix A- Fees and Charges**, to repair damage to structures caused by the December 18, 2023 storm.

---

**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** January 2, 2024

**Order:** 06-01022024

**Author:** Jill M. Eastman, Finance Director

**Subject:** FY ending June 2022 – Undesignated Fund Balance

---

**Information:**

On December 4, 2023, the City Council approved allocating \$2,023,255 to various projects or funds from the Undesignated Fund Balance. At the December 18, 2023 city council meeting, a presentation was given relating to the timing of the project for Rink 2 at the Norway Savings Bank Arena. For the best optimal timing for the arena programming, staff is recommending an additional \$500,000 be allocated to complete the project.

The City Council also requested what the UDF would be if an additional \$500,000 was added to the Worker's Compensation Fund. The additional \$500,000 for the arena floor and \$500,000 for worker's compensation would place the UDF at 13.73%.

It is the City's policy to maintain an unrestricted fund balance in the general fund of no less than 10% and no more than 14% of general fund budgeted expenditures.

The FY ending June 2023 estimated unrestricted fund balance will be in excess of \$2,500,000.

---

**City Budgetary Impacts:** Allocate \$1,000,000 Undesignated Fund Balance as follows:

- \$500,000.00 Transfer to Worker's Compensation Fund
  - \$500,000.00 Norway Savings Bank Arena Floor
- 

**Staff Recommended Action:** Vote to increase allocation of two projects from the Undesignated Fund Balance.

---

**Previous Meetings and History:** December 4, 2023, and December 18, 2023

---

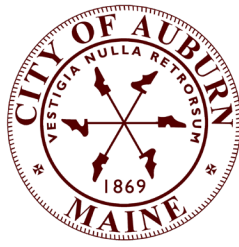
**City Manager Comments:**



I concur with the recommendation. Signature:

---

**Attachments:**



**ORDER 06-01022024**

# City Council Order

## IN CITY COUNCIL

**ORDERED**, that the City Council allocate an additional \$1,000,000.00 from the FY2022 Undesigned Fund Balance which is within the policy of 10% - 14% as follows:

- \$500,000.00 Transfer to Worker's Compensation Fund
- \$500,000.00 Norway Savings Bank Arena Floor

---

**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager