



**City Council Workshop & Meeting
November 18, 2019
Agenda**

5:30 P.M. City Council Workshop

- A. Proposed Public Arts Plan – Darby Ray (LA Arts) and Becky Conrad (15 minutes)
- B. Executive Session - Economic Development (Auburn Industrial Park), pursuant to 1 MRSA Sec. 405(6)(C)
- C. Report from Planning Board on Proposed Ag Committee – Eric Cousens (15 minutes)
- D. Final Review of the Ag Ordinance with Legal Advice – Peter Crichton and Mary Costigan (35 minutes)
- E. Solar Energy/Ag Zone – Michael Chamings (10 minutes)
- F. Executive Session – Legal rights and responsibilities, pursuant to 1 MRSA Sec. 405(6)(E)

If more time is needed during the workshop, the last executive session will be moved to the end of the meeting.

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

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 so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.
- 1. **Order 135-11182019***
Confirming Chief Moen’s appointment of Taylor M. Hopkins as a Constable with firearm for the Auburn Police Department.
- II. **Minutes** – November 4, 2019
- III. **Communications, Presentations and Recognitions**
 - **Recognition** – Extra Mile
 - **Recognition** – Sophie White, Winner of the Auburn Book Project
 - **Proclamation** - Pancreatic Cancer Awareness Month
 - **Presentation** - Passenger Rail Study (Bob Stone)
- IV. **Open Session** – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.

- V. **Unfinished Business – None**
- VI. **New Business**
 - 2. **Ordinance 15-11182019**
Amending Chapter 60, Article XII, Division 5. Shoreland Overlay District (SLO), Sec. 60-1003. - Timber harvesting. First reading.
 - 3. **Order 136-11182019**
Approving the Mass Gathering for the New Year’s Eve Auburn Event to be held on December 31, 2019. Public hearing.
 - 4. **Ordinance 16-11182019**
Amending Chapter 60, Sec. 60-2 Definitions in the Agriculture and Resource Protection District (AGRP). First reading.
 - 5. **Ordinance 17-11182019**
Amending Chapter 60, Sec.60-145 Use Regulations in the Agriculture and Resource Protection District (AGRP). First reading.
 - 6. **Ordinance 18-11182019**
Amending Sec. 60-146 Dimensional Regulations in the Agriculture and Resource Protection District (AGRP). First reading
- VII. **Reports**
 - a. **Mayor’s Report**
 - b. **City Councilors’ Reports**
 - c. **City Manager Report**
- VIII. **Open Session** - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*.
- IX. **Executive Session**
- X. **Adjournment**



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 18, 2019

Author: Sabrina Best

Subject: Public Art Plan

Information: The Public Art Working Group submits a Public Art Plan for Council consideration. The Plan is designed to provide definitions, guiding principles, and an administrative structure for encouraging and managing public art. The Plan will be used in the near term during the implementation of a three-year Maine Arts Commission grant, which will include the installation of a piece of public art in Auburn in 2020 or 2021.

City Budgetary Impacts: The Plan does not include a financial commitment from the City. (The MAC grant mentioned above includes in-kind City support for site preparation and artwork installation on City property.)

Staff Recommended Action: Discussion

Previous Meetings and History: N/A

City Manager Recommendations:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Coakley".

Attachments:

- 1) Public Art Plan
- 2) Maine Arts Commission grant overview and timeline

Proposed Public Art Plan for the City

I. Purpose

In recognition of the value that public art can bring to the cultural, aesthetic, and economic vitality of the community, the Cities of Auburn and Lewiston successfully sought a grant from the Maine Arts Commission to support the development of a Public Art Plan as one piece of "Cultural Plan LA". A Public Art Working Group comprised of citizens of Auburn and Lewiston, including mayoral appointments, artists, educators, and business people, was established to develop this master plan in consultation with City staff from Auburn and Lewiston. The resulting plan outlines recommendations for a basic administrative structure for public art initiatives in L/A.

II. Mission and Guiding Principles

The mission of the Public Art Plan is to foster and oversee the commissioning and acquisition of permanent and temporary public art, act as a steward of the City's public art collection, and engage the public in the collection. Public art projects will be accomplished through the direct commissioning of artwork, acquisitions, community partnerships, gifts, and by encouraging public art in private development.

Guiding Principles

1. When the City, on its own or through a partnership, builds or makes a significant renovation or addition to a community facility or park, public art should, whenever possible, be part of the project.
2. Public art should grow out of the richness of the community and, in most cases, be commissioned. Artists should be invited to work in the community and with the community to ensure that the work has meaning and resonance.
3. Public art projects should be commissioned through a transparent, competitive process that values both artistic expertise and community input. The policies and procedures adopted by the City will result in the selection of highly qualified artists and will support them in creating their best work. It will follow professional standards in the field.
4. Public art should be of high artistic quality and integrity. The City, developers, and cultural institutions must pay careful attention to the design of new buildings and public spaces downtown and throughout the community, bringing in fresh design thinking as well as complementing the historic fabric of the community. New public art should be of the same design quality as other aspects of the City's built environment and should support the cultural fabric of the community.
5. Public art should be for everyone: the people who live and work in the City; the people who visit for entertainment, culture, shopping, and dining; and even the people who are

just passing through. All should have an opportunity to experience art in public places. Art should invite interaction, contemplation, and discussion.

III. **Definitions**

Public Art

Public art includes a variety of accessible, original cultural experiences and/or physical works of art located within a public place that enrich the City by contributing to its uniqueness and stimulating learning, reflection, and conversation. Public art may include permanent or temporary works. Public art should engage the site, its context, and audience. Public art may possess functional as well as aesthetic qualities.

Artwork

Artwork shall mean works in any style, expression, genre, and media created by an artist as defined herein that may be permanent, temporary, and/or functional. Artwork may be stand-alone and integrated into architecture, landscaping, or other site development if designed by an artist as defined herein. Excluded are gifts of state by foreign governments or by other political jurisdictions of the United States.

Public Place

- a) A public place is a publicly accessible landscape, structure, or infrastructure-- typically owned or under the jurisdiction of the City. Public places include, but are not limited to, public parks, plazas, streets and boulevards (right-of-way), bridges, stairways, buildings, and water features.
- b) Art within public places contributes to the unique identity of a location and can stimulate discussion and imagination.
- c) Privately owned places can also include public art insofar as the artwork is public facing and designed to engage the public.

Artist

An artist is an individual who creates original works of art and is typically recognized by professional peers and critics as a professional practitioner of the visual, craft, literary, musical, conceptual, or performing arts, as judged by the quality of that practitioner's body of work and experience. This recognition is demonstrated in the artist resume through credentials such as professional training, an exhibition record, past public art commissions, published work, previous performances, reviews, and recommendations.

IV. **Administration**

Public Art Committee (PAC)

To support the Cities of Auburn and Lewiston in managing inquiries about public art and the vetting, creation, installation, and maintenance of public artworks, a Public Art Committee (PAC) shall be established. The PAC shall ordinarily be comprised of ten members: 2 mayoral appointments--one from each City--and the following to be appointed in accordance with procedures established by the body or organization making the appointments: 2 public school appointments--one from each school district; 2

appointments from Arts and Culture LA; 2 appointments from L/A Arts; and 2 appointments from the LA Metro Chamber of Commerce. The PAC shall convene semi-annually or as needed to consider updates to the Public Art Plan as well as inquiries or requests related to public art. During the Maine Arts Commission implementation grant period (2019-2021), the Public Art Working Group (PAWG) shall function as the PAC.

The PAC shall provide expert advice to the Cities in the following areas:

- a) Public Art Plan policies and procedures
- b) Artist selection review panels and processes for art associated with municipal development projects on City-owned property
- c) Artwork review and approval recommendations for municipal development projects on City-owned property
- d) Artwork review and recommendations for murals on City-owned property
- e) Maintenance and conservation of artwork on City-owned property
- f) Review and recommendations on proposed deaccession of artwork on City-owned property
- g) The incorporation of public-facing, public-engaging artwork in private development, should advice on such artwork be in order

Maine Arts Commission Creative Communities = Economic Development (CCED) Grant Overview and Timeline for Council Consideration

In January of 2019, the LA Metro Chamber of Commerce and L/A Arts, with formal support from the City of Auburn and the City of Lewiston, were awarded a Maine Arts Commission grant of \$75,000 to support the implementation of Cultural Plan LA (approved by both City Councils in 2016). Specifically, grant funding was awarded to “utilize arts and culture to enhance LA’s image to attract residents, tourism, and new investment” and to “further the position of arts and culture in local government.” The \$75,000, along with matching funds, is to be spent over a three-year period to achieve three goals:

- Create and cultivate broad-based support for a public art plan for our community;
- Select and install two pieces of public art (one in each city) to generate interest in and support for public art as a community-builder and driver of economic development;
- Cultivate municipal and business support and infrastructure for sustaining a commitment to public art in our community into the future.

Grant implementation is being overseen by a 10-person Public Art Working Group, co-chaired by Beckie Conrad, representing the Chamber, and Darby Ray, representing LA Arts, and including mayoral appointments, artists, educators, and business people from each city. The work of this group over the three-year period is planned as follows:

Year 1 (2019)

- Identification of and public education around public art best practices and model programs/approaches
- Development and City Council approval of a Public Art Plan that provides definitions, guiding principles, and an administrative structure for encouraging and managing public art
- Selection of a Maine-based artist and piece of artwork for installation in 2020

Year 2 (2020)

- Selection of a Maine-based artist and piece of artwork for installation in 2021
- Execution and community celebration of public art installation #1, demonstrating Maine-based art as a catalyst for civic pride, tourism, and economic development
- With municipal and business collaborators, cultivation of ideas for funding the ongoing creation, installation, and maintenance of public art in our community

Year 3 (2021)

- Execution and community celebration of public art installation #2, demonstrating Maine-based art as a catalyst for civic pride, tourism, and economic development
- With municipal and business collaborators, development of a public art ordinance to support the ongoing creation, installation, and maintenance of public art in our community

Public Art Working Group Members, 2019-2021

Beckie Conrad, LA Metro Chamber of Commerce, co-chair

Darby Ray, L/A Arts, co-chair

Sabrina Best, City of Auburn staff, mayoral appointment

Heidi McCarthy, City of Lewiston staff, mayoral appointment

Bill Low, arts curator, Auburn mayoral appointment

Tom Platz, businessman, Lewiston mayoral appointment

Shawn Rice, Edward Little High School art teacher

Jody Dube, Lewiston High School art teacher

Sheri Withers, small business owner, working artist, ACLA appointment

Shoni Currier, Bates Dance Festival Director, ACLA appointment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 18, 2019

Subject: Executive Session

Information: Economic development (Auburn Industrial Park), pursuant to 1 M.R.S.A. Section 405(6) (C).

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: November 18, 2019

Author: Megan Norwood, City Planner II

Subject: Agriculture Committee & Recommendation from the Planning Board on Ordinance Language

Information: The proposed creation of an Agriculture Committee is the result of discussions over the past 3 years to have an on-going body oversee, support, and advise City Council and the Planning Board on agriculture, forestry and resource protection issues and initiatives. The creation of a permanent committee was a primary recommendation of the Agriculture Ad Hoc Committee and Crossroads Resource Center consultant final report in July of 2018. Subsequently both the Planning Board and Conservation Commission recommend to the City Council that a permanent body be created to specifically address land use and agricultural support in the Agriculture and Resource Protection Zoning District, before any amendments to the Zoning District occur.

At a joint meeting between the City Council and the Planning Board in July of 2019, both parties agreed to the creation of a working group to draft a proposed ordinance. The Planning Board discussed the draft at their October 8, 2019 regular meeting when it was determined that more thought would be required in forming a recommendation to the City Council. A special meeting was held on October 17, 2019 to discuss the proposed Agriculture Advisory Committee and review City Council Workshops on the AGRP district. The discussion included discussion among members regarding the nature and purpose of the proposed Agricultural Advisory Committee. At the November 12, 2019 Planning Board meeting, the Planning Board made recommendations on each section of the Agriculture Committee draft which are provided in the City Council packets. The Planning Board agreed that the decision to focus on agriculture and forestry, and not conservation and natural resources was an effort to avoid creating unnecessary overlap between the Agriculture Committee and the Conservation Commission.

City Budgetary Impacts: None

Staff Recommended Action: Consider the Planning Boards recommendation on the proposed committee-forming ordinance language.

Previous Meetings and History:

- Recommendation of the Agriculture Ad Hoc Committee and Crossroads Resource Center final report **in July of 2018** to create an Agriculture Committee.
 - Joint meeting between the Planning Board and City Council in **July of 2019** to draft committee forming language.
 - Meeting between the City Council, Planning Board, Bates College and City Staff in **August of 2019** to create a draft.
 - Planning Board meeting on **October 8, 2019** to review the draft.
 - Special meeting was held on **October 17, 2019** by the Planning Board to continue the review of the draft.
 - Planning Board meeting on **November 12, 2019** to make a to the City Council.
-



City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Cauthon".

Attachments:

DRAFT Planning Board Report to the City Council



PLANNING BOARD REPORT to the CITY COUNCIL

To: Mayor Levesque and Honorable Members of the Auburn City Council
From: Auburn Planning Board
Re: Planning Board Recommended Text Amendments on the Creation of Division 8 – Agriculture Committee
Date: November 12, 2019

- A. **PUBLIC HEARING AND DELIBERATION** – The proposed creation of an Agriculture Committee is the result of several efforts over the years to have an on-going body oversee, support, and advise City Council and the Planning Board on agriculture, forestry and resource protection issues and initiatives. The creation of a permanent committee was a primary recommendation of the Agriculture Ad Hoc Committee and Crossroads Resource Center consultant final report in July of 2018. Subsequently both the Planning Board and Conservation Commission recommend to the City Council that a permanent body be created to specifically address land use and agricultural support in the Agriculture and Resource Protection Zoning District, before any amendments to the Zoning District occur.

At a joint meeting between the City Council and the Planning Board in July of 2019, both parties moved to gather a few knowledgeable people to draft committee forming language. A meeting was held in August of 2019 with members from City Council, Planning Board, Bates College and City Staff to arrive at a draft. The Planning Board discussed the draft at their October 8, 2019 regular meeting when it was determined that more thought would be required in forming a recommendation to the City Council on the proposed committee and some preparation would be helpful for a possible joint meeting with the City Council on the AGRP Zoning District. The special meeting was held on October 17, 2019 to discuss the proposed Agriculture Advisory Committee and review City Council Workshops on the AGRP district. The discussion included discussion among members regarding the nature or purpose of the proposed Agricultural Advisory Committee. At the November 12, 2019 Planning Board meeting, the Planning Board made recommendations on each section of the Agriculture Committee draft. Those recommendations are listed below.

B. **PLANNING BOARD RECOMMENDATIONS**

Section 2-485.1 – Purpose Recommendation:

Current Language: The purpose of the Agriculture Committee shall be to proactively review City policies, practices, and ordinances to build a stronger food, agricultural, and resource economy in Auburn and to address the ongoing needs of protecting farms, farmland, natural resources, forestry businesses, and woodlots.

Proposed Language: The purpose of the Agriculture Committee shall be to proactively ~~review City policies, practices, and ordinances~~ to build a stronger food, agricultural, and resource economy in Auburn and to address the ongoing needs of protecting/promoting farms, farmland, ~~natural resources~~, forestry businesses, ~~and~~ woodlots, local agriculture economy and local forestry economy.

The Planning Board recommendation on the purpose statement is to not only protect but to also promote farms, farmland, forestry business, woodlots and include local agriculture economy and forestry economy. The recommendation removes natural resources from the purpose statement which is under the purview of the Conservation Commission.

Section 2-485.2 – Committee Established Recommendation:

Current Language: An Agriculture Committee is hereby established to consist of nine members appointed by the City Council, two thirds of whom shall be residents of the City with highest priority given to selecting 5 or more members who own land or are actively engaged in agriculture or forestry in the Agriculture and Resource Protection Zoning District.

The terms of office shall be three years except that initial appointments after the date of adoption of the ordinance from which this division derives shall be such that the terms of no more than three members shall expire in any single year. For that purpose, the City Council shall initially appoint three members for terms of one year, three members for terms of two years, and three members for terms of three years, such that the terms of approximately one-third of the members shall expire each year. Subsequent appointments shall be for a term of three years.

Proposed Language: An Agriculture Committee is hereby established to consist of nine members, ~~appointed by the City Council, two thirds of whom~~ seven members shall be appointed by the City Council and shall be residents of the City with highest priority given to selecting 5 or more members who own land or are actively engaged in agriculture or forestry. in the Agriculture and Resource Protection Zoning District. At least one member shall have professional experience in an area directly related to forestry and at least one shall have direct professional experience in an area related to agriculture. The other nonvoting members shall be residents or landowners. The seven regular members appointed by the City Council shall appoint up to two nonvoting members.

The terms of office shall be three years except that initial appointments after the date of adoption of the ordinance from which this division derives shall be such that the terms of no more than three members shall expire in any single year. For that purpose, the City Council shall initially appoint three members for terms of one year, three members for terms of two years, and three members for terms of three years, such that the terms of approximately one-third of the members shall expire each year. Subsequent appointments shall be for a term of three years.

The Planning Board recommendation on the Committee Established section includes amending the language to reflect that the committee works throughout the entire City not just the Agricultural/Resource Protection Zone. To accomplish this, the Planning Board recommends striking “Agriculture and Resource Protection Zoning District” from the “committee established” language.

In addition, the Planning Board also recommends the City Council appoint 7 regular voting members who are residents of the City. At least one of those voting members would have professional experience in an area directly related to forestry and at least one of those voting members would have direct professional experience in an area related to agriculture.

The Planning Board further recommends the other nonvoting members be residents *or* landowners and that the 7 regular committee members appointed by the City Council will then appoint up to 2 nonvoting members to join the committee.

The Planning Board did not suggest any changes to the terms of office, however, the recommendation would be that the City Council update that section accordingly to reflect 7 members appointed by City Council and 2 appointed by the Agricultural Committee.

Section 2-485.3 – Qualifications Recommendation:

Current Language: All members of the Committee shall be selected upon the basis of their active involvement, interests, skill or expertise in agriculture, forestry, wildlife protection or preservation,

conservation of natural resources, food system economics, public policy or related fields. Two thirds of the members of the Committee shall be residents of the City.

Proposed Language: All members of the Committee shall be selected upon the basis of their active involvement, interests, skill or expertise in agriculture, forestry, ~~wildlife protection or preservation, conservation of natural resources,~~ food system economics, public policy or related fields. ~~Two thirds of the members of the Committee shall be residents of the City.~~ All voting members shall be residents of the City.

The Planning Board recommendation on the qualifications section of the ordinance includes striking the two-thirds member composition and require that all voting members be residents of the City. The Planning Board also recommends adding “interests” after active involvement to incorporate members who are not necessarily actively involved in agriculture, forestry, food system economics, public policy/related fields but hold an interest in the fields.

The Planning Board also recommends striking wildlife protection and preservation/conservation of natural resources as these fall under the purview of the Conservation Commission.

Section 2-485.4 – Powers and Duties Recommendation:

Current Language:

The Committee shall:

1. Make recommendations to the Planning Board and City Council and consult with the Conservation Commission regarding the ongoing needs of protecting farms, forestry businesses, farmland, woodlots and building a stronger food, agricultural and resource economy in Auburn.
2. Promote opportunities for farm financing and farm, forestry or natural resource business development proposals, conservation and preservation of agricultural lands and encourage the marketing of Auburn’s agricultural and forestry products;
3. Seek to coordinate the activities of local, State and regional organizations of similar purposes and collaborate to assist with education of the community regarding food systems, agriculture and forestry;
4. Research methods, best practices and successful policies that other communities are using to strengthen and support agriculture and forestry and share information and ideas with community leaders.
5. Periodically review the Auburn Comprehensive Plan, ordinances and land use trends that relate to agriculture and forestry in order to identify potential barriers and opportunities to modify Auburn’s policies and ordinances to better support agriculture and forestry.
6. Support broad public participation in changes to municipal policies and ordinances that affect agriculture and forestry and provide opportunities for public input as changes are proposed.
7. Review applications for a Voluntary Municipal Farm Support Program and perform related duties as requested by the Auburn City Council.
8. Keep records of its meetings and activities and make an annual report to the City Council;
9. Undertake any other agricultural or forestry related activity referred to it by the City Council;
10. Adopt by-laws to govern the internal affairs of the Committee including meeting frequency;
11. May perform such other functions as are permitted by this Code.

Proposed Language:

The Committee shall:

1. Make recommendations to the Planning Board and City Council and consult with the Conservation Commission regarding the ongoing needs of protecting and promoting farms, forestry businesses, farmland, woodlots and building a stronger food, agricultural and resource economy in Auburn.
2. Promote opportunities for farm financing and farm, forestry or natural resource business development proposals, conservation and preservation of agricultural lands and encourage the marketing of Auburn's agricultural and forestry products;
3. Seek to coordinate the activities of local, State and regional organizations of similar purposes and collaborate to assist with education of the community regarding food systems, agriculture and forestry;
4. Research methods, best practices and successful policies that other communities are using to strengthen and support agriculture and forestry and share information and ideas with community leaders.
5. Periodically review the Auburn Comprehensive Plan, ordinances and land use trends that relate to agriculture and forestry in order to identify potential barriers and opportunities to modify Auburn's policies and ordinances to better support agriculture and forestry.
6. Support broad public participation in changes to municipal policies and ordinances that affect agriculture and forestry and provide opportunities for public input as changes are proposed.
7. Review applications for a Voluntary Municipal Farm Support Program and perform related duties as requested by the Auburn City Council.
8. Keep records of its meetings and activities and make an annual report to the City Council;
9. Undertake any other agricultural or forestry related activity referred to it by the City Council;
10. Adopt by-laws to govern the internal affairs of the Committee including meeting frequency;
11. May perform such other functions as are permitted by this Code.
12. Should any project in the City require the submission of a farm plan, the committee shall review the farm plan and provide a recommendation to the Planning Board.

While the Planning Board did not go through each power and duty and wordsmith, the expectation is that the City Council will take the above recommendations made by the Planning Board regarding purpose, committee established and qualifications and create a cohesive document that incorporates those recommendations throughout. In addition, the Planning Board recommends the City Council consider the scope of work proposed by this ordinance and whether or not it is reasonable for the committee.

The Planning Board also recommends adding #12 to the list of powers and duties regarding the submission of a farm plan. The Planning Board feels as if the expertise would not be on the Planning Board to review a farm plan if one were a requirement by ordinance. The Planning Board recommends this committee be responsible for reviewing farm plans and providing a recommendation to the Planning Board to incorporate into the decision making process.

Section 2-485.5 – Officers, meetings and records.

Section 2-485.6 – Committees

Section 2-485.7 – Quorum and necessary vote

The Planning Board did not have any specific recommendations on these remaining sections.

OVERALL RECOMMENDATIONS:

1. Amend the purpose language of the Agriculture Committee ordinance to state:
The purpose of the Agriculture Committee shall be to proactively review City policies, practices, and ordinances to build a stronger food, agricultural, and resource economy in Auburn and to address the ongoing needs of protecting/promoting farms, farmland, natural resources, forestry businesses, and woodlots, local agriculture economy and local forestry economy.

2. Amend the committee established language of the Agriculture Committee ordinance to state:



City of Auburn, Maine

Office of Economic & Community Development
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

An Agriculture Committee is hereby established to consist of nine members, appointed by the City Council, two thirds of whom seven members shall be appointed by the City Council and shall be residents of the City with highest priority given to selecting 5 or more members who own land or are actively engaged in agriculture or forestry. in the Agriculture and Resource Protection Zoning District. At least one member shall have professional experience in an area directly related to forestry and at least one shall have direct professional experience in an area related to agriculture. The other nonvoting members shall be residents or landowners. The seven regular members appointed by the City Council shall appoint up to two nonvoting members.

The terms of office shall be three years except that initial appointments after the date of adoption of the ordinance from which this division derives shall be such that the terms of no more than three members shall expire in any single year. For that purpose, the City Council shall initially appoint three members for terms of one year, three members for terms of two years, and three members for terms of three years, such that the terms of approximately one-third of the members shall expire each year. Subsequent appointments shall be for a term of three years.

3. Amend the qualifications language of the Agriculture Committee ordinance to state:
All members of the Committee shall be selected upon the basis of their active involvement, interests, skill or expertise in agriculture, forestry, wildlife protection or preservation, conservation of natural resources, food system economics, public policy or related fields. Two thirds of the members of the Committee shall be residents of the City. All voting members shall be residents of the City.

4. Amend the powers and duties language of the Agriculture Committee ordinance to:
- a. Include the following as number 12: Should any project in the City require the submission of a farm plan, the committee shall review the farm plan and provide a recommendation to the Planning Board.
 - b. Amend number 1 to include the term “promoting:” Make recommendations to the Planning Board and City Council and consult with the Conservation Commission regarding the ongoing needs of protecting and promoting farms, forestry businesses, farmland, woodlots and building a stronger food, agricultural and resource economy in Auburn.

Reflect the statements made by the Planning Board regarding purpose, committee established and qualifications to create a cohesive document reflecting the Planning Boards recommendations throughout the Powers & Duties section. In addition, the Planning Board recommends the City Council consider the scope of work proposed by this ordinance and whether or not it is reasonable for the committee.

Evan Cyr
Chair, Auburn Planning Board

Cc: Evan Cyr, Chair Auburn Planning Board
File



**City of Auburn
City Council Information Sheet**

Council Workshop Date: November 18, 2019 **Ordinance:** 16-11182019, 17-11182019, 18-11182019

Author: Peter Crichton, City Manager

Subject: Proposed Zoning Text Amendments to Chapter 60, Sec. 60-2 Definitions: Chapter 60, Sec.60-145 Use Regulations: and, Sec. 60-146 Dimensional Regulations, in the Agriculture and Resource Protection District (AGRP)

Information: These proposed changes collectively modify the existing 50% farm income requirement needed to obtain a residential building permit in the AGRP zoning district, to 30%. It further modifies the definition of income by allowing this to be measured flexibly, using either total gross household (HH) income, or the City of Auburn’s median HH income, to meet this standard.

Additionally, a Special Exception (18) is proposed to enable the same use and standards to apply to parcels as small as five(5) acres in size, after submittal and review of the applicants commitment to agricultural activities by both the Agricultural Advisory Committee and the Planning Board (As is standard for all Special Exceptions, this would be a noticed Public Hearing).

Advantages: This modification is intended to address modern agricultural contributions to our local, regional and state economy from the agriculture sector, by recognizing the multiple income streams today’s households need to be prosperous. It is also intended to open further opportunities to moderate income, and starter households who want to establish a new land-based enterprise. Further provisions are made for parcels of five (5) acres of land or more, which is not currently available.

Disadvantages: The administration, enforcement and implementation are still being explored.

City Budgetary Impacts: Long-term impacts unknown but could be favorable to all parties.

Staff Recommended Action: Consider 3 separate motions to amend the following:

- Chapter 60, Sec. 60-2 Definitions, and;
- Chapter 60, Sec.60-145 Use Regulations, and;
- Sec. 60-146 Dimensional Regulations, in the Agriculture and Resource Protection District (AGRP)

City Manager Recommendations:

I concur with the recommendation.

Signature:

Previous Meetings and History. This topic has been discussed by City Council at more than eight (8) workshops since September 16th.

Attachments: Draft proposed language.





Agriculture and Resource Protection (AG) Zone Workshop

NOVEMBER 18, 2019

Council Proposed Ordinance

- ▶ Change the income criteria from 50% to 30% of household income
- ▶ Add an option to use **median Auburn** household income instead of individual income
 - ▶ Median Auburn Household Income is \$46,976 per the Crossroads report- meaning lots that generate at least \$14,093 in farming revenue would qualify (lower earning households can qualify with less farming revenue).
- ▶ Removes livestock requirement and added 5 acres of contiguous land as well as land use.

Council Proposed Ordinance

Sec. 60-2. Definitions

Farm means any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying. The term "*farm*," for the purpose of constructing a residence in ~~under~~ the Agricultural and Resource Protection District, shall be further defined as meeting the following criteria:

- ▶ 1) At least 30 percent of the total annual household income or gross farm income equivalent to 30 percent of Auburn's Median Household Income, according to the most recent Decennial Census data, of the farm occupant living in the farm residence will be derived from such uses.

Use of Non-Conforming Lots in the AG Zone

- ▶ Proposal: Give the Planning Board the ability to make exceptions on a case by case basis for properties in the non-conforming lots (as of January 1, 2018) based on the following criteria:
 - ▶ Must meet the income standard adopted
 - ▶ Notification of abutters with a public comment
 - ▶ Must go before the AG Committee for review

Special Exception Proposed Ordinance

On lots less than 10 acres a dwelling may be constructed if approved as a special exception pursuant to section 60-145.b.18.

60-145. Use regulations. (a). (1)

a. At least 30 percent of the total annual household income or gross farm income equivalent to 30 percent of Auburn's Median Household Income, according to the most recent Decennial Census data, of the farm occupant living in the farm residence will be derived from such uses.

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications are 75% substantially completed.

Special Exception Proposed Ordinance

60-145.b.18

(18) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:

a. At least 30 percent of the total annual household income or gross farm income equivalent to 30 percent of Auburn's Median Household Income, according to the most recent Decennial Census data, of the farm occupant living in the farm residence will be derived from such uses.

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75% complete.

Special Exception Proposed Ordinance

c. After a recommendation by the Agricultural Committee finding the following:

1. The applicant has provided a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.

2. The parcel proposed can reasonably accommodate the proposed farm.

3. The applicant has demonstrated a commitment to the proposed farm use and compliance with the State Farmland Tax Program requirements for at least 2 years. This does not require participation in the program.

4. The proposed residence will be accessory to farming.

Special Exception Proposed Ordinance

d. The parcel contains more than 5 acres of land area and otherwise meets the requirements of Chapter 60 Zoning

e. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.

Special Exception Proposed Ordinance

Sec. 60-146. – Dimensional regulations

(1) *Minimum lot area, width, and depth.* No lot shall be created containing less than ten acres exclusive of any bodies of water having a surface area of one fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth, ~~and/or a~~ No building shall be erected on a lot containing less than ten acres except as allowed in the section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring ~~not~~ less than 250 feet in width at the street frontage, and 200 feet in depth.

c. On lots greater than five acres and less than 10 acres a dwelling may be constructed if approved as a special exception pursuant to section 60-145.b.18.

(2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres unless approved pursuant to Sec. 60-146(1).

Comparison: Current income vs Staff Concept or State Land Use

(solely from a farming income perspective)

Household Type	Household Income	Farming Income	Meets Current Standard?	Meets Council Concept?	Meets State Plan?
1- Traditional farm	\$30,000	\$20,000	👍	👍	👍
2- Farm w/dual income	\$60,000	\$30,000	👍	👍	👍
3- Subsistence farmer	\$10,000	\$10,000	👍	👍	👍
4- Dual income HH	\$80,000	\$30,000	👎	👍	👍
5- Dual income HH- low	\$30,000	\$13,000	👎	👍	👍
6- Large farm w/high <u>inc.</u>	\$200,000	\$70,000	👎	👍	👍
7- Farming supports 1	\$60,000	\$15,000	👎	👍	👍
8- Hobby Farmer 1	\$80,000	\$2,000	👎	👎	👍
9- Farming supports 2	\$60,000	\$10,000	👎	👎	👍
10- Hobby Farmer 2	\$80,000	\$1,000	👎	👎	👎

Implementation Process

- ▶ November 18th – City Council Meeting
 - ▶ Workshop – Report from the Planning Board on the AG Committee
 - ▶ Workshop – Final review of the AG Ordinance language w/ legal
 - ▶ Meeting – 1st Reading AG Ordinance
- ▶ December 2nd – City Council Meeting
 - ▶ Meeting / Public Hearing – 1st Reading AG Committee
- ▶ December 3rd Special Meeting Planning Board (posted on November 18th)
 - ▶ Review/ Recommendation to the changes to the AG Ordinance
 - ▶ Public Hearing on changes to the AG Zone
- ▶ December 9th
 - ▶ Special Meeting / Public Hearing – 2nd Reading AG Ordinance and 2nd Reading AG Committee



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 18, 2019

Author: Megan Norwood, City Planner II

Subject: "Commercial Solar" Update

Information: "Commercial Solar" installations are currently permissible in the Industrial District as a "Public Utility Use." If an Applicant came forward today with a proposal for a "commercial solar" project in the Industrial District, it could either be reviewed administratively by Staff or by the Planning Board as a Special Exception depending on the size and scope of the project. It is assumed that solar power generated and used by a residence/commercial building is permitted by right in all zoning districts currently with an electrical permit no matter the mechanism: Roof-mounted panels, building integrated system, ground mounted system, etc.

The Planning Board is currently reviewing an ordinance for "commercial" solar projects in the Industrial District. At this time, it is intended to be a standalone ordinance following the Wireless Telecommunications Ordinance model and defining solar projects as "Solar Energy Generating Systems." The way the ordinance is currently formatted, additional zoning districts could be added using the same or specifying different performance standards (yard requirements, buffering, visual impacts, lot coverage, etc.) for the use.

The purpose of this meeting is to make a recommendation to the Planning Board on how "commercial solar" projects in which the power is generated and not consumed on site should be handled in the Agricultural District. The options being:

- Add "public utility uses" as a permitted use in the Agriculture/Resource Protection District. Essentially allowing them in the same way they are currently allowed in the Industrial District, without performance standards and also understanding that by doing so the City is not only permitting commercial solar of any size but also other types of public utility uses. This will still require a zoning ordinance amendment and a recommendation from the Planning Board.
 - The reason we cannot simply add "commercial solar" as a use in the Ag-Zone is because the City needs to define what "commercial solar" means and establish Performance Standards. The Planning Board is working on this right now for the Industrial District. Public utility uses are defined as: electric substations, storage of material and trucks, repair facilities, offices and electric generating plants which is how we can bring "commercial solar" in under that umbrella.
- Wait for the Planning Board to complete review of the ordinance proposed for the Industrial District which at this point is intended to be a standalone ordinance, like the Wireless Telecommunications Ordinance. We anticipate having the final draft of the ordinance reviewed at the January meeting. After that draft is reviewed, the Planning Board can discuss adding the Ag-Zone to the ordinance and what performance standards would look like for the Ag-Zone in relation to the Industrial District with an ordinance template already in place. This should be at the recommendation of the City Council.
- Ask the Planning Board to develop a separate ordinance for "commercial solar" in the Agriculture/Resource Protection Zone.
- Do not consider "commercial solar" in the Ag-Zone at this time.

City Budgetary Impacts: None



Staff Recommended Action: Staff is recommending this be considered an allowed use in the Ag-Zone. Please provide feedback to Staff on how the City Council would like to see “commercial solar” move forward in the Ag-Zone so Staff can advise the Planning Board on how to move forward with “commercial solar” in that district.

Previous Meetings and History:

- **September 10th** Planning Board meeting – Discussed briefly the inquires Staff was receiving from potential Solar Developers. PB was in favor of developing standards for the Industrial District.
 - **September 16th** City Council meeting – Discussed briefly the inquires Staff was receiving from potential Solar Developers. CC was in favor of bringing an ordinance before the Planning Board for review for the Industrial District.
 - **October 8th** Planning Board meeting – A list of typical performance standards for Solar Developers was provided to the Planning Board for feedback pertaining to the Industrial District.
 - **November 12th** Planning Board meeting – A draft ordinance was provided to the Planning Board on Solar Energy Generating Systems in the Industrial District. PB to review and bring back their thoughts at the December 10th meeting.
-

City Manager Comments:

I concur with the recommendation.

Signature:

A handwritten signature in blue ink, appearing to read "Peter J. Coakley".

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 18, 2019

Subject: Executive Session

Information: Legal rights and responsibilities, pursuant to 1 M.R.S.A. Section 405(6) (E).

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: November 18, 2019

Order: 135-11182019

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointment of Taylor M. Hopkins as a Constable with firearm for the Auburn Police Department.

Information: The Auburn Police Department requests City Council appointment of Taylor M. Hopkins 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 Taylor M. Hopkins as a Constable with firearm for the Auburn Police Department.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Coakley".

Attachments:

- Memo from Chief Moen.



Auburn Police Department

Jason D. Moen | Chief of Police

Timothy A. Cogle | Deputy Chief of Police

www.AuburnPD.com | 207.333.6650

60 Court Street | Auburn, Maine 04210

MEMORANDUM

Date: November 13, 2019

To: Honorable Mayor Jason Levesque and Members of the City Council

From: Jason D. Moen, Chief of Police

RE: CONSTABLE

We request that the following named individual be named a Constable for the Auburn Police Department:

Taylor M. Hopkins

with Firearm

New Hire

Police Officer

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 135-11182019

ORDERED, that the City Council hereby appoints Taylor M. Hopkins as a Constable with firearm for the Auburn Police Department.

Mayor Levesque 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.

Pledge of Allegiance

I. Consent Items

1. **Order 129-11042019***
Appointing Wardens and Ward Clerks for the November 5, 2019 Election.
2. **Order 130-11042019***
Accepting the transfer of \$1,540.00 forfeiture assets in Rem in U.S. Currency to the Auburn Police Department (Unified Criminal Court Docket No. CR-17-1525 Kamau Thompson).

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

Passage 7-0.

II. Minutes – October 21, 2019 Regular Council Meeting

Motion was made by Councilor Fournier and seconded by Councilor Walker to approve the minutes of the October 21, 2019 Regular Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Zachary Lenhart provided a review of the Consolidated Annual Performance and Evaluation Report (CAPER) and took comments
- A Mass Gathering Application (for the New Year's Eve Auburn Event) was presented to the Council as a formal communication as outlined in our Mass Gathering ordinance. The public hearing and Council vote will take place at the November 18, 2019 meeting.

IV. Open Session – No one from the public spoke.

V. Unfinished Business

1. **Order 111-09162019**
Approving the renewal of the Auto Graveyard/Junkyard permit for Morris Auto Parts located at 940 Washington St. N.

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

Passage 6-0-1 (Councilor Hayes abstained).

2. **Ordinance 14-10212019**

Adopting the Proposed Zoning Map Amendment (965 Minot Avenue). Public hearing and second reading.

Motion was made by Councilor Gerry and seconded by Councilor Hayes for passage.

Public hearing – no one from the public spoke. Passage 7-0. A roll call vote was taken.

3. **Ordinance 13-10212019**

Amending Chapter 24, Article II, Division 1, Sec. 24-23 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits, Appendices A, B, C and H, effective 10/01/2019 to 9/30/2020. Second reading.

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

Public hearing – no one from the public spoke. Passage 7-0. A roll call vote was taken.

4. **Order 125-10212019**

Appointing Kelsey Earle to serve on the Lewiston Auburn Transit Committee (LATC) for a three-year term.

Motion was made by Councilor Gerry and seconded by Councilor Hayes to postpone this item indefinitely.

Passage 4-3 (Councilor Young, Titus, and Hayes opposed).

VI. **New Business**

1. **Order 131-11042019**

Approving the liquor license and special amusement permit for Firehouse Grill. Public hearing.

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

Public hearing – no one from the public spoke. Passage 7-0.

2. **Order 132-11042019**

Confirming the Mayor's appointment of James Pross as a regular voting member of the Ethics Committee for a three-year term.

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

Public comment - no one from the public spoke. Passage 7-0.

3. **Order 133-11042019**

Confirming the Mayor's appointment of Leonard Kimble as a regular voting member of the Ethics Committee for a one-year term.

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

Public comment – no one from the public spoke. Passage 7-0.

4. **Order 134-11042019**

Confirming the Mayor's appointment of Jared Doyle as an alternate member of the Ethics Committee for a three-year term.

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

Public comment - no one from the public spoke. Passage 7-0.

VII. Reports

Mayor Levesque – reported on the Alumni event, the ELHS vs. Lewiston High football game, the dedication of Museum in the Streets, the postponement of the raising of the Bells of St. Louis, the Alumni Reunion that was held on Saturday at Lost Valley, and last, he reminded everyone that tomorrow, November 5th was election day and he encouraged everyone to go out and vote.

Councilor Gerry commented on the LATC appointment being postponed indefinitely. She reported that the Age Friendly group was not going to be meeting tomorrow due to the Election. She reported on the open house and ribbon cutting that was held last Saturday at the new Senior Community Center, the First Auburn Seniors will be meeting on Wednesday, and the Age Friendly group is having their second Thanksgiving dinner on Thanksgiving Day at noon time. She added that this is a free event.

Councilor Lasagna reported on the Recycling Ad-hoc Committee meeting that was held on October 31st, adding that they will be meeting every other week at 7:30 AM. She commented on the Strategic Plan meeting, and last she noted that Holly Ewing from Bates College was part of a group that received a grant to study the algae in Lake Auburn.

Councilor Hayes – reported on the Airport's kick off after receiving Federal funding for improvements at the Airport.

Councilor Titus – had a few questions; one regarding the Thanksgiving dinner at the Senior Center and the other was regarding the grant to study Lake Auburn. He also reported on the Androscoggin County Budget Committee public hearing and meeting.

Councilor Fournier – thanked the County Budget Committee for their work. She also provided an update on what is transpiring with the School Committee and the status of the Superintendent's evaluation adding that the process will continue through Dec. 31, 2019.

Councilor Walker – thanked everyone that attended the new Senior Community Center’s open house. He reported that the Age Friendly Committee will meet there on November 12th at 5:30 PM. He also reported on the Thanksgiving dinner they have scheduled, and last he added that they will also be putting on a New Years party this year during the day on the 31st of December.

Councilor Young – reported that he attended the ELHS vs. Lewiston High football game and that he took a lot of photos while there. He also reported that he attended the pancake breakfast. Last, he congratulated the two ELHS girls that went to the State meet - Peyton Bell and Lil Vincent.

City Manager Crichton – reported on the homecoming event, the street-light project, which he said was almost complete, and the Strategic Plan landing that was held at the Hilton.

Assistant City Manager Crowell - provided an update on the Senior Center programming.

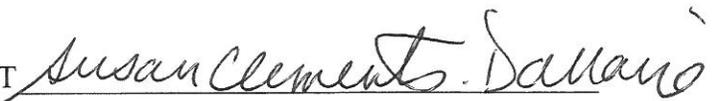
VIII. Open Session – Larry Pelletier, 129 Second Street commented on an article in the Sun Journal by Bonnie Waschuck on trick or treaters and how it has evolved over the years and he commented on the New Auburn Association’s Trunk or Treat event in New Auburn.

IX. Executive Session – None

X. Adjournment

Motion was made by Councilor Fournier and seconded by Councilor Titus to adjourn. All were in favor, the meeting adjourned at 7:55 PM.

A TRUE COPY

ATTEST 

Susan Clements-Dallaire, City Clerk

OFFICE OF THE MAYOR
CITY OF AUBURN



PROCLAMATION
EXTRA MILE DAY

WHEREAS, Auburn, Maine is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Auburn, Maine is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

WHEREAS, Auburn, Maine, is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift-up fellow members of their community; and

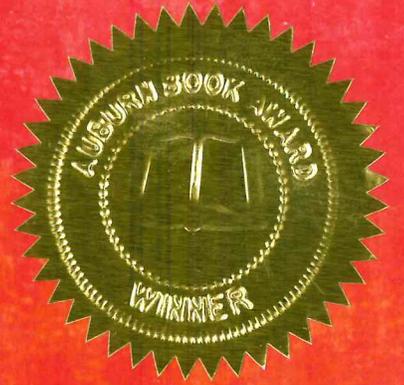
WHEREAS, Auburn, Maine acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2019.

NOW THEREFORE, I, Mayor of (city, state), do hereby proclaim November 1, 2019, to be Extra Mile Day. I urge each individual in the community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF, I have hereunto
set my hand and caused the Seal of the
City of Auburn, Maine
to be fixed this 21st day of October, 2019

Mayor Jason Levesque

The
Eclipse



OFFICE OF THE MAYOR
CITY OF AUBURN



PROCLAMATION

Pancreatic Cancer Awareness Month

WHEREAS, in 2019, it is estimated that there will be 56,770 new cases of pancreatic cancer and an estimated 45,750 people will die of this disease; and,

WHEREAS, pancreatic cancer is the 3rd leading cause of cancer-related death in the United States surpassing breast cancer. It is expected to become the 2nd leading cause of cancer-related deaths in the US by the year 2020, surpassing colorectal cancer; and,

WHEREAS, according to the Centers for Disease Control and Prevention, the State of Maine ranks 3rd with the highest prevalence of pancreatic cancer; and,

WHEREAS, The Purple Iris Foundation and The Bob Smilie Pancreatic Cancer Fund are the sole Pancreatic cancer entities in the State of Maine....providing Awareness, Hope, and support for those impacted by Pancreatic cancer.

WHEREAS, their "Light the Night PURPLE" campaign takes place during the month of November, asking participants to illuminate their trees, windows, outside lights, etc. with purple; and,

NOW THEREFORE, I Jason Levesque, Mayor of the City of Auburn, do hereby proclaim the month of November as Pancreatic Cancer Awareness Month, and urge our citizens to participate wholeheartedly in its observance.

IN WITNESS WHEREOF, I have
hereunto Set my hand and caused
the Seal of the City of Auburn, Maine
to be fixed this 18th day of November
2019

Mayor Jason Levesque

Significant Points Considered by Passenger Rail Study Committee

A committee was formed in response to Maine State Legislative support for a \$500,000 study concerning starting up passenger rail service between the cities of Lewiston, Auburn and Portland.

Mayor Jonathan LaBonte and Councilor Bob Stone represented Auburn on the Committee. State Representative Betty Sheats represented the Auburn legislative delegation.

The Committee was chaired by Patricia Quinn of the Northern New England Passenger Rail Authority (NNEPRA). Mary Ann Hayes, Multi Modal Director of MDOT provided critical liaison service to MDOT.

A consulting firm, VHB, was hired after an RFP was issued and wrote two reports. One reported estimated potential ridership and a second report dealt with estimated costs for start-up and on-going operations.

Summary of Major Committee Discussion and Analysis

Ridership

The consultant estimated 600 to 800 one-way ticket sales per day in a commuter rail structure and 210 to 240 one-way ticket sales in a less frequent, "inter-city" service, such as the Downeaster runs today. (Propensity report, page 2)

To maximize revenue and ridership potential, the committee recommended a commuter rail format with about 15 trips to Portland and 15 return trips to Lewiston and/or Auburn.

Since most commuters would return to their original point of departure, the service would transport about 300 unique riders per day.

With 30 trips per day, the average ridership would be 10 riders per train set.

A one-way or round-trip ticket price was not determined. Possibly between \$6 and \$10 one-way.

Cost

The committee and consultant looked at several different "alignments" (rail routes) to Portland and arrived at a consensus that use of the Pan Am route to the Portland Transportation Center made the most sense.

The cost to implement the railroad infrastructure is estimated to be between \$189 and \$230 million. (Phase 2 Report, Page 60) This cost would be the same whether commuter or inter-city (like existing Downeaster service) was implemented, due in large part to the state of the rail corridor and bridges as well as the need for positive train control (PTC).

The committee discussed propulsion, and since the 30 train sets would be running on a Pan Am freight track, recommends diesel locomotives, like the existing Downeaster uses. The cost of acquiring the train equipment, 5 train sets, is estimated at \$75 to 95 million. (Phase 2 Report, Page 65)

Annual Operations and Maintenance costs were estimated at \$15 to \$21 million. (Phase 2 Report, Page 66)

Funding

Railroads are typically funded by Federal, State and Municipal grants. The Federal grants are increasingly dependent on local share (state and municipal).

Grants would be required to build the system.

Due to the expense of construction, fit up and operations, an annual “subsidy” would be required. That subsidy, not yet defined, would be in the millions. There were no financial projections of profit/loss developed by the Rail Study Committee. State officials have stated that as a commuter system, it would be expected that the cities of Lewiston and Auburn would be expected to contribute to the operating subsidy. Note that the current cities and towns served by the Downeaster, as an inter-city system, are not contributing to the operating subsidy, though many contributed to the construction of rail stations/platforms.

Station Locations

Station locations were not defined in Lewiston or Auburn, and the choice of one or both cities could bring additional capital costs to the state of bridges carrying the rail line in both cities. No stops were defined along the route, such as New Gloucester, Yarmouth, etc. The Portland Transportation Center was defined as the Portland station. There is discussion about building a new station to replace the PTC due to operational constraints at the PTC. A new station in Portland was not included in the costs above.

Impact on Economic Development

The committee did not look at potential to effect economic development.

Environmental Impact

The committee did not look extensively at potential impacts to air quality, noise pollution levels, carbon emissions, etc. either as the locomotives passed through towns between cities or in train yard operations. Permitting factors were looked at. Significant further analysis would need to be done.

First Mile/Last Mile Considerations

The committee acknowledged that there would be issues in getting to the respective originating stations and getting from the train stations to ultimate destinations. None of the cities have well developed fixed route transit to get to schools, work, recreation and walking/hiking facilities. There are gaps in key areas of the downtowns.

Population Density

Auburn has a citywide dwelling unit density of four units per acre. Federal guidelines call for 50 or more dwelling units per acre to support enough rail passenger potential.

Next Steps

Up to elected officials.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 18, 2019

Ordinance: 15-11182019

Author: Audrey Knight, City Planner

Subject: Shoreland Zoning Timber Harvesting Planning Board Recommendation (Option 1)

Information: The Department of Agriculture, Conservation and Forestry (DACF), Bureau of Forestry and the Maine State Legislature enacted statewide standards for Timber Harvesting and Related Activities in Shoreland Areas in 2013. The City Manager received a letter from the Director of the Maine Forest Service on January 7, 2019 requesting the City to update the Shoreland Zoning Ordinance to address the standards, as required by the Mandatory Shoreland Zoning Act, administered by the Maine Department of Environmental Protection (MDEP).

Each municipality in the State has been given three different options to address adopted State standards:

- **Option 1:** To have the Maine Forest Service assume administration and enforcement of the science-based standards. This entails repealing existing locally adopted Timber Harvest language, so the State Standards prevail.
- **Option 2:** Repeal and Replacement (in its entirety) of the State language and an additional determination and agreement on roles and responsibilities to be shared by the City and the State. Any changes that occur at the State level in the future would require the City to mirror those amendments.
- **Option 3:** Requires local ordinances to be updated to be at least as stringent as the State standards without assistance from the State for enforcement and administration. The City would need an extensive update to the existing code.

On October 8, 2019, the Planning Board voted to make a recommendation to City Council in favor of **Option 1** that the City repeal Sec. 60-1003 and enable to the State Forest Service to administer and enforce timber harvests in the Shoreland Zone with the following findings:

- Option one aids in reducing the burden on Staff and allows the City to utilize free State help and services;
- Expertise is not currently available on City Staff to administer options two and three effectively;
- This recommendation is made with the understanding that commercial forestry is not a large enough sector of the City's local economy to justify the required investments to implement options two or three effectively.

Ordinance Language to be Repealed: Chapter 60, Article XII, Division 5. Shoreland Overlay District (SLO), **Sec. 60-1003. - Timber harvesting.** (attached) and replaced with: "[Chapter 21, Statewide Standards for Timber Harvesting in Shoreland Areas apply.](#)"

City Budgetary Impacts: Option 1 has no impact on the City budget whereas Option 2 would require shared responsibilities between the City and the State in enforcing a new timber harvesting ordinance which may require additional Staff. Option 3 would require hiring a Forester to administer the ordinance effectively.

Staff Recommended Action: Planning Staff recommends the City Council approve the Planning Boards recommendation to repeal Sec. 60-1003 and enable the State Forest Service to administer and enforce timber harvests in the Shoreland Zone in the City. As stated in the findings and Staff report, regardless of the potential land area or forest management activity that could occur in these areas of the City, the work requires a specialized skill set that is not available in-house. Option two, adoption of a new ordinance requiring the State to implement, review and enforce, would appear to gain little and cost both time and money to both arrive at a "joint agreement" as well as to implement. Option three would



be recommended for jurisdictions with either a large tree harvesting industry and local staff or contracted experts in the logging industry, or those with limited shoreland and/or forests, so there would be no need for Forest Service assistance and limited to no impacts to watersheds.

Previous Meetings and History: The Planning Board received information and an overview of both the Shoreland Zone, and this Section of the ordinance July 9, 2019. Planning Board members requested further information from the state. A joint workshop with the Conservation Commission, attended by Thomas Gilbert, Water Resources Specialist, Maine Forest Service, was held on September 10, 2019 in which substantive questions were asked and discussed. The Planning Board received the Conservation Commission's recommendation on this matter, held a public hearing which garnered support, and voted unanimously in favor of Option 1, on October 8, 2019. The City Council held a workshop on this item on November 4, 2019.

City Manager Comments:

A handwritten signature in blue ink that reads "Peter J. Cuddeback".

I concur with the recommendation. Signature:

Attachments:

- October 10, 2019 Planning Board Staff Report
- Ordinance Amendment (Sec. 60-1003)



City of Auburn, Maine

Office of Economic & Community Development
www.auburnmaine.gov : 60 Court Street
Auburn, Maine 04210
207.333.6601

PLANNING BOARD REPORT to the CITY COUNCIL

To: Mayor Levesque and Honorable Members of the Auburn City Council
From: Auburn Planning Board
Re: Shoreland Zoning Timber Harvesting Planning Board Recommendation (Option 1)
Date: October 08, 2019

A. **PUBLIC HEARING AND DELIBERATION** - The Auburn Planning Board received information and an overview of both the Shoreland Zone and this section of the ordinance on July 9, 2019. At that meeting, Planning Board members requested further information from the State. A joint workshop with the Conservation Commission, attended by Thomas Gilbert, Water Resources Specialist, Maine Forest Service, was held on September 10, 2019 in which substantive questions were asked and discussed. The Planning Board received the Conservation Commission's recommendation on this matter, held a public hearing which garnered support, and voted unanimously in favor of Option 1, on October 8, 2019.

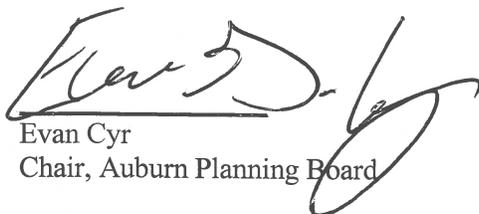
B. **PLANNING BOARD RECOMMENDATIONS**

Planning Board members voted unanimously to make a recommendation to City Council in favor of Option 1 that the City repeal Sec. 60-1003 and enable the State Forest Service to administer and enforce timber harvests in the Shoreland Zone with the following findings:

- Option one aids in reducing the burden on Staff and allows the City to utilize free State help and services;
- Expertise is not currently available on City Staff to administer options two and three effectively;
- This recommendation is made with the understanding that commercial forestry is not a large enough sector of the City's local economy to justify the required investments to implement options two or three effectively.

RECOMMENDATION:

Ordinance Language to be Repealed: Chapter 60, Article XII, Division 5. Shoreland Overlay District (SLO), **Sec. 60-1003. - Timber harvesting.** (attached) and replaced with: "[Chapter 21, Statewide Standards for Timber Harvesting in Shoreland Areas apply.](#)"



Evan Cyr
Chair, Auburn Planning Board

Cc: Evan Cyr, Chair Auburn Planning Board
File

Sec. 60-1002. - Agriculture.

- (a) All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. §§ 4201-4209).
- (b) Manure shall not be stored or stockpiled within 100 feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within 75 feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater.
- (c) Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area, within the shoreland zone shall require a conservation plan to be filed with the planning board. Nonconformance with the provisions of said plan shall be considered to be a violation of this division.
- (d) There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within 75 feet, horizontal distance, from other water bodies; nor within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this division and not in conformance with this provision may be maintained.
- (e) Newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within 75 feet, horizontal distance, of other water bodies; nor within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a conservation plan.

(Ord. No. 011-09072010-07, § 5.4U, 9-7-2010)

Sec. 60-1003. - Timber harvesting.

Chapter 21, Statewide Standards for Timber Harvesting in Shoreland Areas apply.

- ~~(a) In a resource protection district abutting a great pond, timber harvesting shall be limited to the following:
 - ~~(1) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:
 - ~~a. The ground is frozen;~~
 - ~~b. There is no resultant soil disturbance;~~
 - ~~c. The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;~~
 - ~~d. There is no cutting of trees less than six inches in diameter; no more than 30 percent of the trees six inches or more in diameter, measured at four and one half feet above ground level, are cut in any ten-year period; and a well-distributed stand of trees and other natural vegetation remains; and~~
 - ~~e. A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.~~~~
 - ~~(2) Beyond the 75-foot strip referred to in subsection (a)(1) above, timber harvesting is permitted in accordance with subsection (b) below except that in no case shall the average residual basal area of trees over four and one half inches in diameter at four and one half feet above ground level be reduced to less than 30 square feet per acre.~~~~

- ~~(b) Except in areas as described in subsection (a) above, timber harvesting shall conform with the following provisions:~~
- ~~(1) Selective cutting of no more than 40 percent of the total volume of trees four inches or more in diameter measured at four and one-half feet above ground level on any lot in any ten-year period is permitted. In addition:
 - ~~a. Within 100 feet, horizontal distance, of the normal high water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within 75 feet, horizontal distance, of the normal high water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.~~
 - ~~b. At distances greater than 100 feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than 75 feet, horizontal distance, of the normal high water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet they shall be at least 100 feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.~~~~
 - ~~(2) Timber harvesting operations exceeding the 40 percent limitation in subsection (b)(1) above, may be allowed by the planning board upon a clear showing, including a forest management plan signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of the SLO district. The planning board shall notify the commissioner of the department of environmental protection of each exception allowed, within 14 days of the planning board's decision.~~
 - ~~(3) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground. Any debris that falls below the normal high water line of a water body or tributary stream shall be removed.~~
 - ~~(4) Timber harvesting equipment shall not use stream channels as travel routes except when:
 - ~~a. Surface waters are frozen; and~~
 - ~~b. The activity will not result in any ground disturbance.~~~~
 - ~~(5) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.~~
 - ~~(6) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.~~
 - ~~(7) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least 75 feet, horizontal distance, in width for slopes up to ten percent shall be retained between the exposed mineral soil and the normal high water line of a water body or upland edge of a wetland. For each ten percent increase in slope, the unscarified strip shall be increased by 20 feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than 25 feet, horizontal distance, from the normal high water line of a water body or upland edge of a wetland.~~

~~(Ord. No. 011-09072010-07, § 5.4V, 9-7-2010)~~

Sec. 60-1004. - Clearing or removal of vegetation for activities other than timber harvesting.

- (a) In a resource protection district abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any resource protection district the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

- (b) Except in areas as described in section 60-1003(a), above, and except to allow for the development of permitted uses, within a strip of land extending 100 feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:

- (1) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
- (2) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of section 60-1003(b)(2) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1,250 square feet) area as determined by the following rating system.

Diameter of Tree at 4½ feet Above Ground Level (inches)	Points
2 - < 4 in.	1
4 - < 8 in.	2
8 - < 12 in.	4
12 inches or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

- a. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- b. Each successive plot must be adjacent to, but not overlap a previous plot;

- c. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this division;
- d. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this division;
- e. Where conditions permit, no more than 50 percent of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of section 60-1003(b)(2) "other natural vegetation" is defined as retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two inches in diameter at four and one-half feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two inches in diameter can be removed until five saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40 percent of the total volume of trees four inches or more in diameter, measured at four and one-half feet above ground level may be removed in any ten-year period.

- (3) In order to protect water quality and wildlife habitat, existing vegetation under three feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in section 60-1003 paragraphs (b) and (b)(1) above.
- (4) Pruning of tree branches, on the bottom one-third of the tree is allowed.
- (5) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 60-1003(b) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- (c) At distances greater than 100 feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten-year period, selective cutting of not more than 40 percent of the volume of trees four inches or more in diameter, measured four and one-half feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40 percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25 percent of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, including land previously cleared. This provision shall not apply to the general development areas.

- (d) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this section.
- (e) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of section 60-1003.

(Ord. No. 011-09072010-07, § 5.4W, 9-7-2010)



PLANNING BOARD STAFF
REPORT

To: Auburn Planning Board

From: Audrey Knight, City Planner Urban Development Coordinator

Re: Amendment to Shoreland Zoning Overlay District , Chapter 60, Article XII, Division 5, Sec.60-1003, Timber Harvesting.

Date: October 10, 2019

I. PROPOSAL

The State Department of Agriculture, Conservation and Forestry, Bureau of Forestry and the Maine state legislature enacted statewide standards for Timber Harvesting and Related Activities in Shoreland Areas in 2013. The City Manager received a letter from the Director of the Maine Forest Service, January 7, 2019, requesting the city to update its Shoreland Zoning ordinance to address these standards, as required by the Mandatory Shoreland Zoning Act, administered by DEP.

Each jurisdiction in the state has been given three different options to address adopted state standards. To date more than 176 municipalities have opted for **option 1**, to have the Maine Forest Service assume administration and enforcement of the science-based standards. This entails repealing existing locally adopted Timber Harvest language, so that the state standards prevail. **Option 2** requires the repeal and replacement (in its entirety) of the state language, and an additional determination and agreement on rolls and responsibilities to be shared by the city and the state. Any changes that occur at the state level in the future would require the city to mirror those amendments. Roughly 55 communities have entered a joint agreement with the Forest Service. **Option 3** does not provide for any assistance from the state for enforcement and administration but would require local ordinances to be updated to be at least as stringent as the state standards. The City of Auburn would need an extensive update to the existing code.

Chapter 21, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, is a 26 page ordinance with specialized standards and measurements particular to tree, habitat and forest management ;

II. DEPARTMENT REVIEW

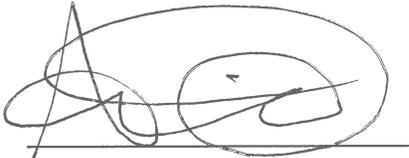
This item was discussed at the citywide development review committee meeting with little to no comment from other departments.

Economic and Community Development staff recommends that the City choose **Option 1**, repealing Sec.60-1003, and enabling the state Forest Service to administer and enforce Timber Harvests in the SLO. Regardless of the potential land area or forest management activity that could occur in these areas of the city, this work requires a specialized skill set that we do not have in-house. **Option 2**, adoption of the code in its entirety with a joint agreement with the state on implementation, review and enforcement, would appear to gain little, and cost both time and money to both arrive at a “joint agreement” as well as to implement. **Option 3** should probably only be undertaken by jurisdictions with either a large tree harvesting industry and local staff or contracted experts in the logging industry, or those with limited SLO and/or forests, so there would be no need for Forest Service assistance, and limited to no impact to watersheds.

III. PLANNING BOARD ACTION

The Planning Board is being asked to make a recommendation to City Council regarding the adoption or incorporation of the Statewide Standards for Timber Harvesting, thereby amending Article XII, Division 5 (Shoreland Overlay District- SLO), Sec.60-1003.

Example Motion: I make a motion to recommend to City Council that they choose Option 1, to repeal Sec.60-1003- Timber Harvest, and thereby defer the regulation of timber harvesting activities occurring in the Shoreland Overlay Zoning district to the State Bureau of Forestry.

A handwritten signature in black ink, appearing to read 'Audrey Knight', written over a horizontal line.

Audrey Knight, AICP

City Planner

**ADOPTING STATEWIDE TIMBER HARVESTING STANDARDS FOR YOUR SHORELAND ZONING ORDINANCE—
Guidance from Chapter 1000 Guidelines**

Title 38 M.R.S.A. section 438-B establishes three options from which each municipality may choose as the State implements a set of statewide timber harvesting standards in shoreland areas:

Option 1: The first option available to a municipality is the complete repeal of timber harvesting provisions from the shoreland zoning ordinance. Under this option the Bureau of Forestry will administer the regulation of all forestry activities within the municipality. Section 438-B(2) states:

A municipality may choose to have the statewide standards apply to timber harvesting and timber harvesting activities in that municipality by authorizing the repeal of all provisions within the municipal shoreland zoning ordinance that regulate timber harvesting and timber harvesting activities in shoreland areas and notifying the (Director of the Bureau of Forestry within the Department of Agriculture, Conservation and Forestry) of the repeal. The authorization must specify a repeal date. When a municipality accepts the statewide standards in accordance with this subsection, the (Director of the Bureau of Forestry) shall administer and enforce the statewide standards within that municipality beginning on (January 1, 2013) or the municipal repeal date specified in the notification received under this subsection.

Section 438-B(6) provides that, notwithstanding any provision in a local ordinance to the contrary, beginning January 1, 2013 rules adopted by the Bureau of Forestry under Title 12, section 8867-B will apply in all municipalities that have accepted the statewide standards in accordance with Option 1.

If a municipality chooses option 1, completely repealing the municipal regulation of timber harvesting activities in the shoreland zone and deferring the regulation of timber harvesting activities to the Bureau of Forestry, the repeal should include all references to timber harvesting regulations, including:

1. Section 14, Table 1, *Land Uses in the Shoreland Zone*, Item 3 (forest management activities except for timber harvesting & land management roads), Item 4 (timber harvesting), and Item 27 (land management roads) of the Table;
2. Section 15(O) in its entirety (Section 15(O-1) would not have been adopted by those municipalities that had elected to retain section 15(O), so there would be no need to repeal section 15(O-1)); and
3. All definitions in Section 17 pertaining to timber harvesting and forest management activities, including the terms: Cross-sectional area, DBH, Disruption of shoreline integrity, Forest management activities, Forest stand, Harvest area, Land management road, Licensed forester, Residual basal area, Residual stand, Skid road or skid trail, Slash, Timber harvesting and related activities, and Wind firm.

Option 2: The second option available to the municipality is the adoption of timber harvesting standards that are identical to the statewide standards. This option allows the municipality to retain some local control over the administration and enforcement of timber harvesting in the shoreland zone, while receiving assistance and expertise from staff of the Bureau of Forestry. Section 438-B(3) states:

A municipality may adopt an ordinance to regulate timber harvesting and timber harvesting activities that is identical to the statewide standards. A municipality that adopts an ordinance under this subsection may request the director (of the Bureau of Forestry) to administer and enforce the ordinance or to participate in

joint administration and enforcement of the ordinance with the municipality beginning on the effective date of the statewide standards (January 1, 2013) or within 60 days of the director's receiving a request. When a municipality requests joint responsibilities, the director and the municipality shall enter into an agreement that delineates the administrative and enforcement duties of each. To continue to receive administrative and enforcement assistance from the (Bureau of Forestry) under this subsection, a municipality must amend its ordinance as necessary to maintain identical provisions with the statewide standards.

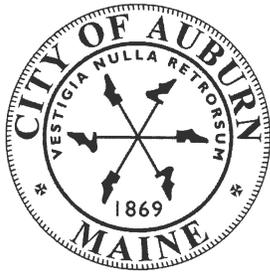
Section 438-B(6) provides that, notwithstanding any provision in a local ordinance to the contrary, beginning January 1, 2013 rules adopted by the Bureau of Forestry under Title 12, section 8867-B will apply in all municipalities that have adopted an ordinance identical to the statewide standards in accordance with Option 2.

For those municipalities that choose option 2, these Guidelines contain timber harvesting standards that are based on the June 15, 2005 Bureau of Forestry Chapter 21 statewide standards (Section 15.O-1). Provisions for culvert sizing in this section 15.O-1 have been updated to comply with current NRPA standards, and a reference to Bureau of Forestry definitions for terms used in this section has been added. However, before a municipality adopts or amends this section they should consult with the Bureau of Forestry to get the latest version of Chapter 21. A municipality amending their own forestry standards, whether under Option 2 or Option 3, is required to coordinate with the Bureau of Forestry through the Title 12, section 8869, subsection 8 process to ensure that any local amendments are consistent with the statewide standards in effect at the time of the local ordinance amendments.

Option 3: The third option available to the municipality is to retain its current timber harvesting standards. Section 438-B(4) states:

A municipal ordinance regulating timber harvesting and timber harvesting activities that is in effect and consistent with state laws and rules in effect on December 31, 2005 continues in effect unless action is taken in accordance with (Option 1 or Option 2 above). A municipality that retains an ordinance with provisions that differ from the statewide standards shall administer and enforce that ordinance unless the municipality requests that the director (of the Bureau of Forestry) administer and enforce the ordinance and the director agrees with the request after reviewing the ordinance. The director may not administer or enforce any ordinance that is more stringent than or significantly different from the requirements of section 438-B(3). A municipality may not amend a municipal ordinance regulating timber harvesting and timber harvesting activities unless the process established in Title 12, section 8869, subsection 8 is followed. Beginning on (January 1, 2013), a municipality may not amend an ordinance regulating timber harvesting and timber harvesting activities in a manner that results in standards that are less stringent than or otherwise conflict with the statewide standards (Section 438-B(4)).

Option 3 municipalities may also amend their timber harvesting ordinances in accordance with section 15.O-1, but before a municipality amends their ordinance they should consult with the Bureau of Forestry to get the latest version of Chapter 21. A municipality amending their forestry standards, whether under Option 2 or Option 3, is required to coordinate with the Bureau of Forestry through the Title 12, section 8869, subsection 8 process to ensure that any local amendments are consistent with the statewide standards in effect at the time of the local ordinance amendments.



City of Auburn, Maine

Conservation Commission

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

October 7, 2019

To the Planning Board, City Council, and others it may concern,

The Conservation Commission was invited to provide input on standards of Timber Harvesting in the Shoreland Zone. The City Manager received a letter from the Director of the Maine Forest Service, January 7, 2019, requesting the city to update its Shoreland Zoning ordinance to address these standards, as required by the Mandatory Shoreland Zoning Act, administered by DEP.

The Conservation Commission attended a joint session with the Planning Board on September 10, 2019 to discuss the three options available to the City of Auburn, and further discussed these options in the Conservation Commission meeting on September 17th.. In summary, the Conservation Commission's interpretation of the options include: option 1 entails adoption of state standards in their entirety and the state is responsible for enforcement, option 2 entails adoption of state standards and shared roles and responsibilities between the state and municipality (to be determined and agreed upon between the two entities), and option 3 entails revising the municipal ordinance to be at least as stringent as state standards, but with no administrative or enforcement assistance from the state.

The Conservation Commission recommends that the City of Auburn choose option 1 because it provides continuity for foresters and loggers that are familiar with the widely adopted state standards and reduces confusion of dealing with multiple ordinances, avoids potential issues of shared duties and roles under option 2, and under option 1 the state would provide the technical knowledge needed to enforce the standards that the city does not have. However, if possible, the Commission thinks the City should request the ability to review any future proposed changes to state standards with the choice to opt out if the City does not agree with the changes.

If the City decides to adopt the state standards, the Conservation Commission feels it would be beneficial for the City to provide a workshop open to landowners and businesses on the changes as a way to proactively educate and avoid potential violations to new standards.

Respectfully,

Mrs. Jordan Tate , Conservation Commission Chair

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 15-11182019

Be it Ordained, that the Auburn City Council hereby adopts the proposed amendment to Chapter 60, Article XII, Division 5. Shoreland Overlay District (SLO), Section 60-1003. – Timber Harvesting (as attached).

Chapter 60, Article XII, Division 5. Shoreland Overlay District (SLO),

Sec. 60-1003. - Timber harvesting. Repealed - “Chapter 21, Statewide Standards for Timber Harvesting in Shoreland Areas apply.”

- ~~(a) In a resource protection district abutting a great pond, timber harvesting shall be limited to the following:~~
- ~~(1) Within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, timber harvesting may be conducted when the following conditions are met:
 - ~~a. The ground is frozen;~~
 - ~~b. There is no resultant soil disturbance;~~
 - ~~c. The removal of trees is accomplished using a cable or boom and there is no entry of tracked or wheeled vehicles into the 75-foot strip of land;~~
 - ~~d. There is no cutting of trees less than six inches in diameter; no more than 30 percent of the trees six inches or more in diameter, measured at four and one-half feet above ground level, are cut in any ten-year period; and a well-distributed stand of trees and other natural vegetation remains; and~~
 - ~~e. A licensed professional forester has marked the trees to be harvested prior to a permit being issued by the municipality.~~~~
 - ~~(2) Beyond the 75-foot strip referred to in subsection (a)(1) above, timber harvesting is permitted in accordance with subsection (b) below except that in no case shall the average residual basal area of trees over four and one-half inches in diameter at four and one-half feet above ground level be reduced to less than 30 square feet per acre.~~
- ~~(b) Except in areas as described in subsection (a) above, timber harvesting shall conform with the following provisions:~~
- ~~(1) Selective cutting of no more than 40 percent of the total volume of trees four inches or more in diameter measured at four and one-half feet above ground level on any lot in any ten-year period is permitted. In addition:
 - ~~a. Within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and within 75 feet, horizontal distance, of the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, there shall be no clearcut openings and a well-distributed stand of trees and other vegetation, including existing ground cover, shall be maintained.~~
 - ~~b. At distances greater than 100 feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, and greater than 75 feet, horizontal distance, of the normal high-water line of other water bodies or the upland edge of a wetland, harvesting operations shall not create single clearcut openings greater than 10,000 square feet in the forest canopy. Where such openings exceed 5,000 square feet they shall be at least 100 feet, horizontal distance, apart. Such clearcut openings shall be included in the calculation of total volume removal. Volume may be considered to be equivalent to basal area.~~~~
 - ~~(2) Timber harvesting operations exceeding the 40 percent limitation in subsection (b)(1) above, may be allowed by the planning board upon a clear showing, including a forest management plan~~

~~signed by a Maine licensed professional forester, that such an exception is necessary for good forest management and will be carried out in accordance with the purposes of the SLO district. The planning board shall notify the commissioner of the department of environmental protection of each exception allowed, within 14 days of the planning board's decision.~~

- ~~(3) No accumulation of slash shall be left within 50 feet, horizontal distance, of the normal high-water line of a water body. In all other areas slash shall either be removed or disposed of in such a manner that it lies on the ground and no part thereof extends more than four feet above the ground. Any debris that falls below the normal high-water line of a water body or tributary stream shall be removed.~~
- ~~(4) Timber harvesting equipment shall not use stream channels as travel routes except when:
 - a. Surface waters are frozen; and
 - b. The activity will not result in any ground disturbance.~~
- ~~(5) All crossings of flowing water shall require a bridge or culvert, except in areas with low banks and channel beds which are composed of gravel, rock or similar hard surface which would not be eroded or otherwise damaged.~~
- ~~(6) Skid trail approaches to water crossings shall be located and designed so as to prevent water runoff from directly entering the water body or tributary stream. Upon completion of timber harvesting, temporary bridges and culverts shall be removed and areas of exposed soil revegetated.~~
- ~~(7) Except for water crossings, skid trails and other sites where the operation of machinery used in timber harvesting results in the exposure of mineral soil shall be located such that an unscarified strip of vegetation of at least 75 feet, horizontal distance, in width for slopes up to ten percent shall be retained between the exposed mineral soil and the normal high-water line of a water body or upland edge of a wetland. For each ten percent increase in slope, the unscarified strip shall be increased by 20 feet, horizontal distance. The provisions of this paragraph apply only to a face sloping toward the water body or wetland, provided, however, that no portion of such exposed mineral soil on a back face shall be closer than 25 feet, horizontal distance, from the normal high-water line of a water body or upland edge of a wetland.~~

~~{Ord. No. 011-09072010-07, § 5.4V, 9-7-2010}~~



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 18, 2019

Order: 136-11182019

Author: Brandon Chaloux, License Specialist

Subject: Approving the Mass Gathering for the New Year's Eve Event

Information:

A New Year's Eve event is scheduled for December 31, 2019 from 6:00 PM to 1:00 AM. There will be a free block party concert and fireworks. The event will be held on Main Street in Auburn in front of Festival Plaza.

Fireworks will be at 10 PM. The band will be playing until Midnight.

A Mass Outdoor Gathering is defined by ordinance as any gathering held outdoors with the intent to attract the continued attendance of 1,000 or more persons for two or more hours.

City Budgetary Impacts: This event is already budgeted, any additional from fundraising.

Staff Recommended Action: Hold the public hearing and motion to approve the mass gathering.

Previous Meetings and History: Council received notification under Communications at the November 4, 2019 City Council Meeting as outlined in ordinance Sec. 14-252.

City Manager Comments:

I concur with the recommendation. Signature:

A handwritten signature in blue ink that reads "Peter J. Caulton".

Attachments: Application, copy of public notice, and Order 136-11182019

Date received: 10/21/2019
Date approved: _____



CITY OF AUBURN SPECIAL EVENT/MASS GATHERING APPLICATION

For any Special Event on City property that will attract up to 1,000 people, or any outdoor event with continued attendance of 1,000 or more persons for 2 or more hours.

Applications must be submitted to the Clerk at least 45 days prior to the event if the gathering is expected to attract up to 5,000 people.

Application must be submitted at least 90 days prior to the event if the gathering is expected to attract more than 5,000 people.

Date of Application: 10/21/19

SPONSOR INFORMATION

Name of Sponsoring Organization: City of Auburn

Name of Contact Person for Event: Sabrina Best

Title of Contact Person: Recreation Director

Mailing Address: 60 Court St

Daytime Telephone: 333-4600 Cell Phone: 899-9270

Email Address: sbest@auburnmaine.gov

Contact Name and Cell Phone Number DURING the Event: 899-9270

Is your organization incorporated as a non-profit organization? Yes No

Non-Profit Number: _____

EVENT INFORMATION

Name of Event: New Year's Celebration

Type of Event (walk, festival, concert, etc.): Festival

Date of Event: 12/31/19 Rain Date: _____

Times of Event: Start Time including set-up: 8 PM Ending time including clean up: 12 AM

Actual Event Start Time: 6:00pm Actual Event End Time: 12:00AM

Estimated Attendance: 2,000

Location of Event: Festival Plaza / Main St.

Have you held an event at this location within the last 12 months? Yes No

If the location is a city park, have you applied for use of the property with the Parks & Recreation Department and has your request been approved?

Yes No Pending Date submitted to the Recreation Department: _____

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Separate fee & application, conditions & restrictions may apply	Banner across Court Street Non-profit groups only, \$250 fee per week, 2 week maximum. First come first serve basis, proof of insurance required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	FOOD – Will food or beverages be sold? If yes, list what types of food or beverages: <u>Food trucks - All will be licensed/permited</u> Note - A food service license may be required and must be submitted 14 days prior to the event. Other requirements and/or restrictions may apply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	NON-FOOD ITEMS – Will products be sold or given away (such as t-shirts, crafts, souvenirs, etc.)? If yes, list what items: <u>Handing out NYE party favors</u> Note - A peddler permit may be required and must be submitted 14 days prior to the event.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	ALCOHOL – Will alcoholic beverages be sold? <u>Liquor carts - will be permitted & cardoned off per state law</u> Note – Vendor must hold a valid State of Maine liquor license and submit an Off Premise Catering Event application 14 days prior to the event.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit required	CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the Fire Department is required. <u>Set off in Simard Payne Park (Lewiston)</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	PARADE – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc? If yes, describe route:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate permit	BURN PERMIT – Will there be any open flame such as a bon fire? If yes, describe activity: <u>Patio Heaters (propane)</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

required		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Note - A permit from the Fire Department is required.			
N/A	TENT/CANOPY – Will you be setting up a tent or canopy? If yes, list number and sizes:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit required	ELECTRICAL POWER/EQUIPMENT – Will electrically powered equipment be utilized, if so, provide a brief description of the equipment and the entity responsible for the installation of the electrical equipment?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	ROAD/INTERSECTION CLOSURE – Will any roads need to be closed to accommodate your event? If yes, please list:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, food service areas, etc.? This is a mandatory requirement for this application and must be included.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	TOILETS – Please list amount at event and/or nearest location:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	WASTE DISPOSAL – Please list process and location:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	POTABLE WATER – Please list amount at event and location:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	FIRST AID FACILITIES – Please list location at event:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$	TOTAL FEE AMOUNT INCLUDED – Checks payable to the City of Auburn			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc. the City requires insurance coverage – general liability. The City of Auburn is to be named as additionally insured in regards to the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received at least 30 days before the event and before permits can be issued. Please have the **City of Auburn** listed as additional insured on the Certificate of Insurance (minimum coverage \$1,000,000 Bodily Injury or Death, per occurrence, and \$300,000 Property Damage, per occurrence). It should contain a clause providing that the policy may not be cancelled by either party except upon not less than 30 days written notice to the City. Please have your insurance company fax a copy to: City Clerk 207-333-6623.

DESCRIPTION OF EVENT – Please describe what will occur during your event

New Years Eve celebration live bands food trucks, beer stations, fireworks fire community event

Signature of Applicant:

Jennifer Banker

Printed Name:

Jennifer Banker

Date Submitted:

10/21/19

Please note that you will be contacted by City Staff if you require additional permitting.

Please return this completed application with diagram and any applicable fee to:

MAIL: City Clerk's Office
 60 Court Street, Suite 150
 Auburn, ME 04210

FAX: 207-333-6623

EMAIL: sdallaire@auburnmaine.gov

PHONE: 207-333-6600

****FOR STAFF USE****

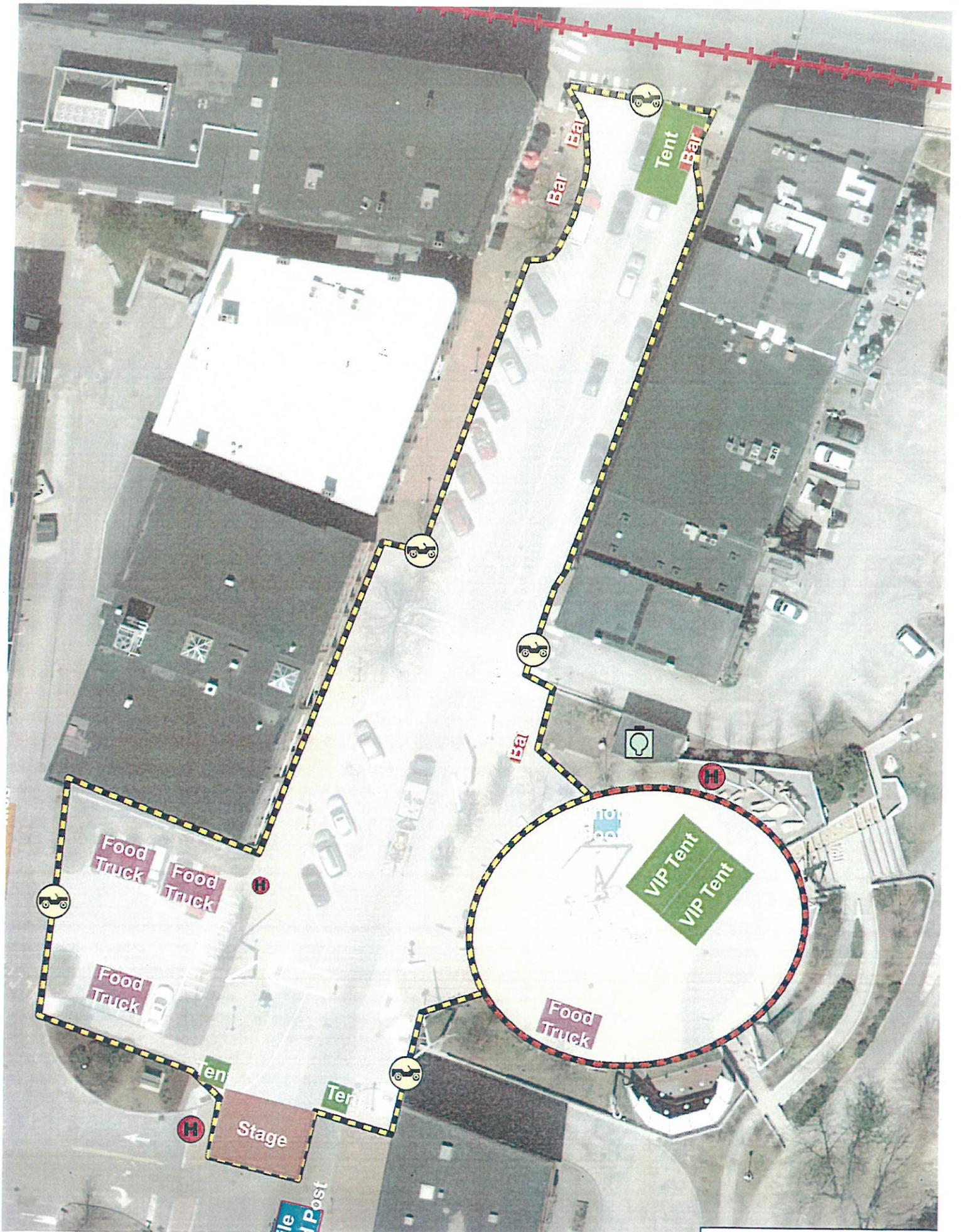
DEPARTMENT COMMENTS AND RECOMMENDATIONS:

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Sanitarian/Health Inspector				
Code Officer/Land Use & Zoning	<i>10/23</i>			
Fire Department	<i>10/23</i>			
Police Department	<i>10/23</i>			
Public Works Department	<i>10/23</i>			
Recreation Department	<i>10/23</i>			

COMMENTS/CONDITIONS from any of the above departments:

City Council Public Hearing date, if applicable: _____

License Approved/Denied: *10/30/19* Date applicant notified: _____



**CITY OF AUBURN
PUBLIC NOTICE**

A public hearing will be held by the Auburn City Council on Monday, November 18, 2019 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider a Mass Gathering application for:

**A New Year's Auburn Event
December 31, 2019
6:00 PM to 1:00 AM
Free Block Party Concert with Fireworks
Main Street, Auburn (in front of Festival Plaza)**

All interested persons may appear and will be given the opportunity to be heard before final action is taken.

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDER 136-11182019

ORDERED, that the City Council hereby approves Mass Gathering for the New Year's Eve Auburn Event to be held on December 31, 2019.



**City of Auburn
City Council Information Sheet**

Council Meeting Date: November 18, 2019 **Ordinance:** 16-11182019, 17-11182019, 18-11182019

Author: Peter Crichton, City Manager

Subject: Proposed Zoning Text Amendments to Chapter 60, Sec. 60-2 Definitions: Chapter 60, Sec.60-145 Use Regulations: and, Sec. 60-146 Dimensional Regulations, in the Agriculture and Resource Protection District (AGRP)

Information: These proposed changes collectively modify the existing 50% farm income requirement needed to obtain a residential building permit in the AGRP zoning district, to 30%. It further modifies the definition of income by allowing this to be measured flexibly, using either total gross household (HH) income, or the City of Auburn’s median HH income, to meet this standard.

Additionally, a Special Exception (18) is proposed to enable the same use and standards to apply to parcels as small as five(5) acres in size, after submittal and review of the applicants commitment to agricultural activities by both the Agricultural Advisory Committee and the Planning Board (As is standard for all Special Exceptions, this would be a noticed Public Hearing).

Advantages: This modification is intended to address modern agricultural contributions to our local, regional and state economy from the agriculture sector, by recognizing the multiple income streams today’s households need to be prosperous. It is also intended to open further opportunities to moderate income, and starter households who want to establish a new land-based enterprise. Further provisions are made for parcels of five (5) acres of land or more, which is not currently available.

Disadvantages: The administration, enforcement and implementation are still being explored.

City Budgetary Impacts: Long-term impacts unknown but could be favorable to all parties.

Staff Recommended Action: Consider 3 separate motions to amend the following:

- Chapter 60, Sec. 60-2 Definitions, and;
- Chapter 60, Sec.60-145 Use Regulations, and;
- Sec. 60-146 Dimensional Regulations, in the Agriculture and Resource Protection District (AGRP)

City Manager Recommendations:

I concur with the recommendation.

Signature:

Previous Meetings and History. This topic has been discussed by City Council at more than eight (8) workshops since September 16th.

Attachments: Draft proposed language.

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 16-11182019

Amending Chapter 60, Sec. 60-2 Definitions

Be it Ordained, that the City Council hereby amends Chapter 60, Sec. 60-2 Definitions in the Agriculture and Resource Protection District as attached.

Sec. 60-2. - Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Farm means any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying. The term "farm," for the purpose of constructing a residence under-in the Agricultural and Resource Protection District, shall be further defined as meeting the following criteria:

~~(1) — At least 3050 percent of the total annual household income of the farm occupants and his spouse living in the farm residence or gross farm income equivalent to 30% of Auburn's Median Household Income, according the most recent Census data, will be derived from such uses; and.~~

~~(2) — At least ten acres of the farm will be devoted to the production by the occupant of field crops or to the grazing of the occupant's livestock. For purposes of this definition, the term "poultry" means no fewer than 100 fowl and the term "livestock" means no fewer than 20 cattle or other animals being raised for commercial purposes.~~

ARTICLE IV. - DISTRICT REGULATIONS

DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. - Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. - Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:

- a. At least 30 percent of the total annual household income of the farm occupants living in the farm residence or gross farm income equivalent to 30% of Auburn's Median Household Income, according the most recent Census data, will be derived from farm uses; and.
- b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are ~~substantially~~ 75% completed.
- ~~cb.~~ In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
- ~~de.~~ Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
- (15) Marijuana manufacturing accessory to a licensed cultivation site.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
- a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
- b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.

- c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
- (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
 - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
 - (5) Recreational uses of land intended or designed for public use subject to the following conditions:
 - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
 - (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
 - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
 - (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
 - (8) Cemeteries, subject to the following conditions:
 - a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
 - (9) Municipal sanitary landfills, subject to the following conditions:
 - a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
 - (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

- b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (11) Wholesale nurseries, subject to the following conditions:
- a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the Watershed of Taylor Pond, the Shoreland Overlay District or the Floodplain Overlay District.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.
 - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
 - e. Hours of operation shall limited to between 6 a.m. and 8 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

- b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
- c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:

a. At least 30 percent of the total annual household income of the farm occupants living in the farm residence or gross farm income equivalent to 30% of Auburn's Median Household Income, according the most recent Census data, will be derived from farm uses; and

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75% completed.

c. After a recommendation by the Agricultural Committee finding the following:

1. The applicant has provided a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.

2. The parcel proposed can reasonably accommodate the proposed farm.

3. The applicant has demonstrated a commitment to the proposed farm use and compliance with the State Farmland Tax Program requirements for at least 2 years. This does not required participation in the program

4. The proposed residence will be accessory to farming.

d. The parcel contains more than 5 acres of land area and otherwise meets the requirements of Chapter 60 Zoning.

e. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019)

Sec. 60-146. - Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of animal farm contained in section 60-2.
 - c. On lots greater than 5 acres but less than 10 acres a dwelling may be constructed if approved as a special exception pursuant to section 60-145.b.18.
- (2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres unless approved pursuant to section Sec. 60-146(1).
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories of 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.31C)

Secs. 60-147—60-199. - Reserved.

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 17-11182019

Amending Chapter 60, Sec. 60-145 Use Regulations

Be it Ordained, that the City Council hereby amends Chapter 60, Sec. 60-145 Use Regulations in the Agriculture and Resource Protection District as attached.

Sec. 60-2. - Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Farm means any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying. The term "farm," for the purpose of constructing a residence under-in the Agricultural and Resource Protection District, shall be further defined as meeting the following criteria:

~~(1)~~—At least ~~30~~⁵⁰ percent of the total annual household income of the farm occupants ~~and his spouse~~ living in the farm residence or gross farm income equivalent to 30% of Auburn's Median Household Income, according the most recent Census data, will be derived from such uses; ~~and,~~

~~(2)~~—~~At least ten acres of the farm will be devoted to the production by the occupant of field crops or to the grazing of the occupant's livestock. For purposes of this definition, the term "poultry" means no fewer than 100 fowl and the term "livestock" means no fewer than 20 cattle or other animals being raised for commercial purposes.~~

ARTICLE IV. - DISTRICT REGULATIONS

DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. - Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. - Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:

- a. At least 30 percent of the total annual household income of the farm occupants living in the farm residence or gross farm income equivalent to 30% of Auburn's Median Household Income, according the most recent Census data, will be derived from farm uses; and.
- b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are ~~substantially~~ 75% completed.
- ~~cb.~~ In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
- ~~de.~~ Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
- (15) Marijuana manufacturing accessory to a licensed cultivation site.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
- a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
- b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.

- c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
- (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
 - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
 - (5) Recreational uses of land intended or designed for public use subject to the following conditions:
 - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
 - (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
 - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
 - (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
 - (8) Cemeteries, subject to the following conditions:
 - a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
 - (9) Municipal sanitary landfills, subject to the following conditions:
 - a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
 - (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

- b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (11) Wholesale nurseries, subject to the following conditions:
- a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the Watershed of Taylor Pond, the Shoreland Overlay District or the Floodplain Overlay District.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.
 - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
 - e. Hours of operation shall limited to between 6 a.m. and 8 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

- b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
- c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:

a. At least 30 percent of the total annual household income of the farm occupants living in the farm residence or gross farm income equivalent to 30% of Auburn's Median Household Income, according the most recent Census data, will be derived from farm uses; and

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75% completed.

c. After a recommendation by the Agricultural Committee finding the following:

1. The applicant has provided a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.

2. The parcel proposed can reasonably accommodate the proposed farm.

3. The applicant has demonstrated a commitment to the proposed farm use and compliance with the State Farmland Tax Program requirements for at least 2 years. This does not required participation in the program

4. The proposed residence will be accessory to farming.

d. The parcel contains more than 5 acres of land area and otherwise meets the requirements of Chapter 60 Zoning.

e. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019)

Sec. 60-146. - Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of animal farm contained in section 60-2.
 - c. On lots greater than 5 acres but less than 10 acres a dwelling may be constructed if approved as a special exception pursuant to section 60-145.b.18.
- (2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres unless approved pursuant to section Sec. 60-146(1).
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories of 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.31C)

Secs. 60-147—60-199. - Reserved.

Holly C. Lasagna, Ward One
Robert P. Hayes, Ward Two
Andrew D. Titus, Ward Three
Alfreda M. Fournier, Ward Four



Leroy G. Walker, Ward Five
Belinda A. Gerry, At Large
David C. Young, At Large

Jason J. Levesque, Mayor

IN CITY COUNCIL

ORDINANCE 18-11182019

Amending Chapter 60, Sec. 60-146 Dimensional Regulations

Be it Ordained, that the City Council hereby amends Chapter 60, Sec. 60-146 Dimensional Regulations in the Agriculture and Resource Protection District as attached.

Sec. 60-2. - Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

Farm means any parcel of land containing more than ten acres which is used in the raising of agricultural products, livestock or poultry, or for dairying. The term "farm," for the purpose of constructing a residence under-in the Agricultural and Resource Protection District, shall be further defined as meeting the following criteria:

~~(1) — At least 3050 percent of the total annual household income of the farm occupants and his spouse living in the farm residence or gross farm income equivalent to 30% of Auburn's Median Household Income, according the most recent Census data, will be derived from such uses; and.~~

~~(2) — At least ten acres of the farm will be devoted to the production by the occupant of field crops or to the grazing of the occupant's livestock. For purposes of this definition, the term "poultry" means no fewer than 100 fowl and the term "livestock" means no fewer than 20 cattle or other animals being raised for commercial purposes.~~

ARTICLE IV. - DISTRICT REGULATIONS

DIVISION 2. - AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. - Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

(Ord. of 9-21-2009, § 3.31A)

Sec. 60-145. - Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:

- a. At least 30 percent of the total annual household income of the farm occupants living in the farm residence or gross farm income equivalent to 30% of Auburn's Median Household Income, according the most recent Census data, will be derived from farm uses; and.
- b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are ~~substantially~~ 75% completed.
- ~~cb.~~ In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
- ~~de.~~ Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
- (15) Marijuana manufacturing accessory to a licensed cultivation site.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
- a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
- b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.

- c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
- (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
 - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
 - (5) Recreational uses of land intended or designed for public use subject to the following conditions:
 - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
 - (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
 - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
 - (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
 - (8) Cemeteries, subject to the following conditions:
 - a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
 - (9) Municipal sanitary landfills, subject to the following conditions:
 - a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
 - (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.

- b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (11) Wholesale nurseries, subject to the following conditions:
- a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the Watershed of Taylor Pond, the Shoreland Overlay District or the Floodplain Overlay District.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.
 - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
 - e. Hours of operation shall limited to between 6 a.m. and 8 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;

- b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
- c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, accessory to farming operations subject to the following restrictions:

a. At least 30 percent of the total annual household income of the farm occupants living in the farm residence or gross farm income equivalent to 30% of Auburn's Median Household Income, according the most recent Census data, will be derived from farm uses; and

b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75% completed.

c. After a recommendation by the Agricultural Committee finding the following:

1. The applicant has provided a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.

2. The parcel proposed can reasonably accommodate the proposed farm.

3. The applicant has demonstrated a commitment to the proposed farm use and compliance with the State Farmland Tax Program requirements for at least 2 years. This does not required participation in the program

4. The proposed residence will be accessory to farming.

d. The parcel contains more than 5 acres of land area and otherwise meets the requirements of Chapter 60 Zoning.

e. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.

f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019)

Sec. 60-146. - Dimensional regulations.

All structures in this district, except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of animal farm contained in section 60-2.
 - c. On lots greater than 5 acres but less than 10 acres a dwelling may be constructed if approved as a special exception pursuant to section 60-145.b.18.
- (2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres unless approved pursuant to section Sec. 60-146(1).
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories of 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.31C)

Secs. 60-147—60-199. - Reserved.