City Council Workshop & Meeting
July 17, 2017
Agenda

5:30 P.M. Workshop

A. Voting Locations – Sue Clements-Dallaire (15 minutes)
B. Food Sovereignty – Eric Cousens (15 minutes)
C. Recreational Plan Unit Development – Eric Cousens & Michael Chammings (20 minutes)
D. Draft Work Plan – Peter Crichton (15 minutes)
E. Consolidation Public Hearing Timeline Discussion – Peter Crichton (10 minutes)

7:00 P.M. City Council Meeting

Roll call votes will begin with Councilor Titus

Pledge of Allegiance

I. Consent Items – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.

1. Order 62-07172017*
Acknowledging the receipt of the Joint Charter Commission report.

2. Order 63-07172017*
Setting the date for the Special Municipal Referendum Election for the proposed consolidation of the cities of Auburn and Lewiston for November 7, 2017**.**

II. Minutes
- June 19, 2017 Regular Council Meeting

III. Communications, Presentations and Recognitions - None

IV. Open Session - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda.*

V. Unfinished Business - None

VI. New Business - None

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

- Discussion regarding labor negotiations, pursuant to 1 M.R.S.A. §405(6)(D).
- Discussion regarding economic development, pursuant to 1 M.R.S.A. §405(6)(C).

X. Adjournment

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: July 17, 2017

Author: Sue Clements-Dallaire, City Clerk

Subject: Voting Locations

Information: As the Supervisor of Elections for the municipality, one of my responsibilities is the proper location and utilization of polling places. Concerns regarding using our schools as polling places have increased over the last few years, in particular during the 2016 General Election. I have received calls from parents who have expressed their concerns for the safety of the students on Election days relative to strangers in the schools and vehicular traffic. Some parents opt to keep their children home from school on Election Day because of those concerns. The School Department has also asked that we look for alternative locations. At the March 15, 2017 School Committee meeting they voted unanimously to request that Councilor Pross ask the City Council to put an item on the agenda to look at alternative sites for voting.

Finding a suitable location in each of the voting districts (wards) may be challenging and at some point, we may want to consider consolidating to fewer polling places.

In order to change the location of a voting place, the Clerk must submit an application to change at least 60 days before a statewide election and must certify accessibility. Each voting place must meet the requirements for arrangement of a voting place, including space for poll watchers and petitioners. It must provide adequate parking for all voters, including voters with disabilities.

In order to consolidate polling places, a public notice and a public hearing must be held at least 90 days before an election. It also requires approval from the Secretary of State's office and the Municipal Officials.

Advantages: It eliminates disruption for students and school staff on election days, and safety/security at the schools on Election Day would no longer be a concern. Consolidation of polling places would make administration of elections more efficient prior to and on Election Day.

Disadvantages: There is always the risk of voter confusion when you change voting locations, but notices will go to every voter, newspaper ads will be used as well as posting on the website and facebook page. Notices will also be posted at the old voting locations on Election Day.

City Budgetary Impacts: By finding alternative polling places it may reduce some of the overtime costs incurred by Public Services staff when setting up and breaking down the polling places. By consolidating to fewer polling places, there would also be a potential savings by reducing the number of election staff and voting machines needed.

Staff Recommended Action: Begin the discussion to find alternative voting locations and provide direction. Consider moving the Ward 2 polling location from the Auburn Middle School to the Hasty Community Center and moving the Ward 1 polling location from Washburn Elementary School to the Norway Savings Bank Arena (the mezzanine area) and provide input on the timeline to do so. In addition, sometime between now and February 19, 2018, hold a public hearing to consolidate to fewer polling places - consolidating Wards 2 and Ward 3 (Hasty Community Center) and consolidating Wards 4 and Wards 5 (Auburn Hall – Council Chambers and the Community Room).

Previous Meetings and History: N/A

Attachments: Accessibility self certifications for Norway Savings Bank Arena (mezzanine) and Hasty Community Center, map of potential locations in Auburn as well as current voting locations, list of some municipalities that have consolidated to fewer or just 1 polling place.

Municipal Self-Certification for Voting Place Accessibility

Municipality: Auburn Ward/Precinct: 1

Building surveyed: Norway Savings Bank Arena (Mezzanine)
985 Turner St.

Location (physical address) of building surveyed:

985 Turner St. Auburn

Purpose of building: ☒ Used as voting place on Election Day

☐ Used for absentee voting

Municipal property: ☐ Yes ☐ No

If not municipal property, list owner, address and contact phone number:

Owner Address Phone

Instructions:

Perform a self-assessment on each accessibility category listed. Answer the questions with a "Yes" or "No". For "No" answers, please provide the actual measurement(s). Additional comments may be included for clarification. Refer to the booklet "Ensuring Accessibility" and the FAQ list provided by the Secretary of State. A responsible municipal official (town manager, code enforcement officer, selectman, etc.) must sign and date the certification form in the spaces provided at the bottom of the report.

A. Parking Spaces

1. Is parking available (on-street, off-street, or both)?
   yes - off street
2. Is the surface of the parking area stable, firm and slip resistant? Please describe.
   yes - newer asphalt in great condition
3. Is any accessible parking identified?
   yes
4. Is the minimum number of accessible parking spaces with proper access aisles provided? Min. of 1 van space and additional spaces as required.
   yes
5. Do van-accessible space(s) provide proper vertical clearance (8'2")?
   yes
6. Does each accessible parking space have proper signage?
   yes
7. Are all accessible parking spaces and access aisles relatively level (1:50 or 2%) in all directions?
   yes
8. If there is a curb between the access aisle and the accessible route is there a curb ramp (as described below)? No curb
   a. Is the ramp surface at least 36" wide, excluding flared sides?
   b. Is the slope no more than 1:12?
9. Are the accessible parking spaces on the shortest accessible route to the accessible entrance? yes

Other comments:

B. Sidewalks & Walkways

1. Is there an accessible route and accessible entrance at a primary entrance used by other voters?
   yes
2. Is there signage to indicate the route to the accessible entrance?
   yes
3. Is the accessible route at least 36" wide? List measurement.
   yes
4. Is the accessible route free of steps and abrupt level changes over 1/2 inch?
   yes
5. If the accessible route crosses a curb is a curb ramp provided (as described below)?
   no curb
   a. Is the ramp surface at least 36" wide, excluding flared sides?
   b. Is the slope (up or down the curb ramp) no more than 1:12?
6. If the slope of part of the accessible route is greater than 1:20, does this part meet the following requirements for an access ramp? N/A
   a. Is the ramp slope no greater than 1:12?
   b. If the vertical rise is more than 6", are handrails provided?
   c. Are the tops of the handrails mounted between 34 and 38 inches above the ramp surface?
   d. Are the handrails grippable (less than 2" diameter) and stable within fittings?
   e. Is the ramp width at least 36"? (Measure between handrails when provided.)
   f. Are proper top and bottom landings (60" long) provided for each ramp section?
   g. If a ramp is more than 30 feet long, is a proper level landing (60" long) provided every 30 feet?
   h. Is a proper level landing (60" x 60") provided where a ramp changes direction?
   i. If the ramp or landing has a vertical drop off on either side, is 2" edge protection provided?
   j. Is the cross-slope less than 2%?

7. Are all sidewalks and walkways to the voting area free of any undetectable objects? yes
8. Are all objects that hang over the pedestrian routes 80" or more above the route? yes - open
9. Are the undersides of exterior stairs enclosed or protected with a cane detectable barrier? N/A
10. Is an accessible route provided from public sidewalks and public transportation stops on the polling site to the accessible entrance of the building? The closest transp. stop is at the nearby Auburn Mall .3 miles from the arena. There is a sidewalk that runs from the mall to the access road across Kings Rd. to the main drive for the building.

Other comments:

C. Passenger Drop Off Areas

1. Is a passenger drop-off area provided? If not, is there an area available that could meet the following requirements?
   yes
2. Is the vehicle space relatively level (1:50 or 2% max slope in any direction)?
   yes level/flat
3. Is a relatively level (1:50 or 2% max slope in any direction) access aisle provided?
   yes level/flat
4. Is the area for the access aisle at least 60" wide and 20-feet long?
   yes
5. Is there proper vertical clearance (9' 6") for the vehicle route to the loading zone, the drop off area, and the exit?
   yes
6. If a curb ramp is provided between vehicle pull up area and the access aisle, and/or access route to the accessible entrance does it meet the requirements described below? no ramp - flat surface
   a. Is the slope of the curb ramp surface no more than 1:12?
   b. Is the width of the curb ramp surface at least 36 inches?
7. Does an accessible route connect the drop off area to the accessible entrance?
   yes

Other comments:

D. Building Entrance
1. Is there signage to indicate the accessible entrance? yes
2. Does the door at the accessible entrance provide proper passage (32" width)? yes
3. Does the door have an accessible handle (inside and outside)? yes
4. Is the door handle located no more than 48" from the floor (measured from center of handle)? yes
5. Is proper clearance provided on the pull side of the door (18")? yes
6. If there is a raised threshold, is it no higher than 3/4 inch at the door and beveled on both sides? (Max threshold without beveled edge is 1/2".) yes
7. Is the force of the door for pushing or pulling easy to operate? Specify force. yes - auto. ~~door~~ door opener/paddle
8. Is there proper floor space provided if the entry has a vestibule (30" x 48" beyond swing of door)? yes
9. If vestibule, is second door accessible? Repeat questions 2-7 (9a – 9f). yes - auto. door opener/paddle

Other comments:

E. Hallways & Corridors

1. Is there an accessible route (36" width) that connects the accessible entrance to the voting area? yes

2. Is the accessible route free of steps and abrupt, unbeveled level changes over 1/2"? yes

3. Does the route from the accessible entrance to the voting area change levels using a ramp, lift or elevator? If yes, complete appropriate section. yes - elevator

4. At each location on the way to the voting area where the accessible route passes through a door or doors, does the door meet the following requirements (at least one door for double doors)? yes

   a. Is clear width at least 32" when door is open 90 degrees? yes

   b. Does the door have an accessible handle? (Shape and height) yes

   c. Is proper clearance provided on the pull side of the door (18")? yes

   d. Is no more than 5 pounds force needed to push or pull open the accessible door? yes - push paddle (auto. door opener)

   e. If the answers to any of questions (b) thru (d) are "No", can the door be propped open to provide an accessible route on Election Day? N/A

   f. If there is a raised threshold, is it no higher than 3/4 inch at the door and beveled on both sides? (Max threshold without beveled edge is 1/2".) yes

5. Are pedestrian routes leading to or serving the voting area free of any undetectable objects? (Bottom edge no higher than 27" or protruding from wall more than 4") no but adjustments would be made to block/adjust those areas in order to meet the requirement.

6. Are all objects that hang over the pedestrian routes 80" or more above the route? yes

7. Are the undersides of interior stairs enclosed or protected with a cane detectable barrier? yes

Other comments:

F. Ramps No ramp
1. Where the slope of the accessible route is greater than 1:20, does this part of the route meet the following requirements for an access ramp? N/A
2. Is the slope no greater than 1:12? N/A
3. If the vertical rise is more than 6", are handrails provided? N/A
4. Are the handrails grippable (less than 2" diameter) and stable within fittings? N/A
5. Are the tops of the handrails mounted between 34 and 38 inches above the ramp surface? N/A
6. Is the ramp width at least 36"? (Measure between handrails when provided)? N/A
7. If a ramp is more than 30 feet long, is a proper level landing (60" long) provided every 30 feet? N/A
8. Are proper top and bottom landings (60" long) provided for each ramp section? N/A
9. Is a proper level landing (60" x 60") provided where a ramp changes direction? N/A
10. If the ramp or landing has a vertical drop-off on either side of the ramp, is 2" edge protection provided? N/A

Other comments:

G. Elevators

1. If an elevator is provided, does it meet the following requirements?
   yes
2. Are the elevator call buttons mounted in an accessible location (centered 42" above floor)?
   yes
3. Are raised letters and Braille characters used to identify each floor button and each control?
   yes
4. 4. Are signs mounted on both sides of the elevator hoistway door opening that designate the floor with 2" minimum-height raised letters and Braille characters centered at 60" above the floor?
   yes
5. Does the floor area of the elevator car provide space for wheelchair users to enter, reach the controls, and exit the car? yes 6'6" x 4'3"
   a. Provide side door interior floor measurements: no side door
   b. Provide center door interior floor measurements: 6'6" x 4'3"
   Door width 41.5"
6. Are the highest floor control buttons in the elevator cab mounted no more than 54" above the floor for a side reach or 48" for forward reach?
   yes
7. Is the elevator equipped with audible tones or bells or verbal annunciators that announce each floor as it is passed?
   yes
8. Do the elevator doors stay open long enough to enter safely? yes
   a. Indicate time: 8 seconds

Other comments:

H. Lifts NO lifts
1. If a wheelchair lift is provided, does it meet the following requirements? N/A
2. Is the lift operational at the time of the survey? N/A
3. Is the change in level from the floor to the lift surface ramped or beveled or less than 1/2 inch? N/A
4. Is there at least a 30" by 48" clear floor space on the wheelchair lift? N/A
5. Does the lift allow a wheelchair user unassisted entry, operation, and exit? N/A
6. Are the controls and operating mechanisms mounted no more than 54" above the floor for a side reach or 48" for a forward reach? N/A
7. Are the controls and operating mechanisms usable with one hand without tight grasping, pinching, or twisting? N/A

Other comments:

I. Voting Area

1. Is there an accessible entrance to the voting area as described below? yes
   a. Is clear width at least 32" when door is open 90 degrees? yes
   b. Does the door have an accessible handle? (Shape and height) yes
   c. Is proper clearance provided on the pull side of the door (18")? yes
   d. Is no more than 5 pounds force needed to push or pull open the accessible door? yes - auto. door openers & elevator access
   e. If the answers to any of questions (b) thru (d) are no, can the door be propped open to provide an accessible route on Election Day? N/A
   f. If there is a raised threshold, is it no higher than 3/4 inch at the door and beveled on both sides? (Max threshold without beveled edge is 1/2".) N/A

2. Within the voting area, is adequate space available on the accessible level for check-in tables, a voting demonstration area (if provided), and at least one accessible voting station? Describe briefly. yes

3. Is the voting area free of any undetectable objects? no but they can easily be blocked off/adjusted so requirements are met.

4. Are all objects that hang over the voting area 80" or more above the ground? yes

5. Are interior floor surfaces relatively level and free from abrupt level changes? Please describe the floor surface of hallways and voting area. yes - level concrete floor

Other comments:

J. Second Voting Area/Other Area (if applicable) not applicable at this time
1. Is there an accessible entrance to the voting area as described below? a. Is clear width at least 32" when door is open 90 degrees? b. Does the door have an accessible handle? (Shape and height) c. Is proper clearance provided on the pull side of the door (18")? d. Is no more than 5 pounds force needed to push or pull open the accessible door? e. If the answers to any of questions (b) thru (d) are no, can the door be propped open to provide an accessible route on Election Day? f. If there is a raised threshold, is it no higher than 3/4 inch at the door and beveled on both sides? (Max threshold without beveled edge is 1/2".)
2. Within the voting area, is adequate space available on the accessible level for check-in tables, a voting demonstration area (if provided), and at least one accessible voting station? Describe briefly.
3. Is the voting area free of any undetectable objects?
4. Are all objects that hang over the voting area 80" or more above the ground?
5. Are interior floor surfaces relatively level and free from abrupt level changes? Please describe the floor surface of hallways and voting area.

Other comments:

By signing this Self-Certification form, the municipality is verifying that each accessibility category has been reviewed for compliance with the guidelines under the American's with Disabilities Act (ADA) and either meets the requirements defined therein or will be addressed within a reasonable timeframe to provide accommodation to individuals with disabilities.

Prepared by: Mark Stambach Sue Clements-Dallaire (print name) Title: Code Officer City Clerk

Contact information:

60 Court St. Auburn, ME 04210 (Address) 333-6600 (Phone) 333-6623 (Fax)

Email address: sdallaire@auburnmaine.gov

Signature: Susan Clements-Dallaire Date: 7/7/17

Mail the completed and signed certification to:

Bureau of Corporations, Elections, and Commissions
Division of Elections
101 State House Station
Augusta, ME 04333-0101

Municipal Self-Certification for Voting Place Accessibility

Municipality: **Auburn** Ward/Precinct: 2 or 2 and 3

Building surveyed: **Hasty Community Center**

Location (physical address) of building surveyed: **48 Pettengill Park Road**

Purpose of building: XX Used as voting place on Election Day

❑ Used for absentee voting

Municipal property: XX Yes ❑ No

If not municipal property, list owner, address and contact phone number:

Owner Address Phone

Instructions:

Perform a self-assessment on each accessibility category listed. Answer the questions with a "Yes" or "No". For "No" answers, please provide the actual measurement(s). Additional comments may be included for clarification. Refer to the booklet "Ensuring Accessibility" and the FAQ list provided by the Secretary of State. A responsible municipal official (town manager, code enforcement officer, selectman, etc.) must sign and date the certification form in the spaces provided at the bottom of the report.

A. Parking Spaces
1. Is parking available (on-street, off-street, or both)? **Both**
2. Is the surface of the parking area stable, firm and slip resistant? Please describe. **Yes, newer asphalt**
3. Is any accessible parking identified? **Yes**
4. Is the minimum number of accessible parking spaces with proper access aisles provided? Min. of 1 van space and additional spaces as required. **Yes**
5. Do van-accessible space(s) provide proper vertical clearance (8'2")? **Yes**
6. Does each accessible parking space have proper signage? **Yes, on asphalt. Signs needed**
7. Are all accessible parking spaces and access aisles relatively level (1:50 or 2%) in all directions? **Yes**
8. If there is a curb between the access aisle and the accessible route is there a curb ramp (as described below)? **No Curb – flat surface** **a.** Is the ramp surface at least 36" wide, excluding flared sides? **N/A** **b.** Is the slope no more than 1:12? **N/A**
9. Are the accessible parking spaces on the shortest accessible route to the accessible entrance? **Yes**

Other comments:

B. Sidewalks & Walkways

1. Is there an accessible route and accessible entrance at a primary entrance used by other voters? **Separate entrance**

2. Is there signage to indicate the route to the accessible entrance? **No**

3. Is the accessible route at least 36" wide? List measurement. **Yes**

4. Is the accessible route free of steps and abrupt level changes over 1/2 inch? **Yes**

5. If the accessible route crosses a curb is a curb ramp provided (as described below)?

   N/A – no curb

   a. Is the ramp surface at least 36" wide, excluding flared sides?

   b. Is the slope (up or down the curb ramp) no more than 1:12?

6. If the slope of part of the accessible route is greater than 1:20, does this part meet the following requirements for an access ramp? **Yes**

   a. Is the ramp slope no greater than 1:12? **Yes**

   b. If the vertical rise is more than 6", are handrails provided? **Yes**

   c. Are the tops of the handrails mounted between 34 and 38 inches above the ramp surface? **Yes**

   d. Are the handrails grippable (less than 2" diameter) and stable within fittings? **Yes**

   e. Is the ramp width at least 36"? (Measure between handrails when provided.) **Yes**

   f. Are proper top and bottom landings (60" long) provided for each ramp section? **Yes**

   g. If a ramp is more than 30 feet long, is a proper level landing (60" long) provided every 30 feet? **N/A – less than 30 feet**

   h. Is a proper level landing (60" x 60") provided where a ramp changes direction? **Yes**

   i. If the ramp or landing has a vertical drop off on either side, is 2" edge protection provided? **Yes**

   j. Is the cross-slope less than 2%? **Yes**

7. Are all sidewalks and walkways to the voting area free of any undetectable objects? **Yes**
8. Are all objects that hang over the pedestrian routes 80" or more above the route? **Yes**
9. Are the undersides of exterior stairs enclosed or protected with a cane detectable barrier? **Yes**
10. Is an accessible route provided from public sidewalks and public transportation stops on the polling site to the accessible entrance of the building? **Yes**

Other comments:

C. Passenger Drop Off Areas
1. Is a passenger drop-off area provided? If not, is there an area available that could meet the following requirements? **Yes**
2. Is the vehicle space relatively level (1:50 or 2% max slope in any direction)? **Yes**
3. Is a relatively level (1:50 or 2% max slope in any direction) access aisle provided? **Yes**
4. Is the area for the access aisle at least 60" wide and 20-feet long? **Yes**
5. Is there proper vertical clearance (9' 6") for the vehicle route to the loading zone, the drop off area, and the exit? **Yes**
6. If a curb ramp is provided between vehicle pull up area and the access aisle, and/or access route to the accessible entrance does it meet the requirements described below? **N/A** a. Is the slope of the curb ramp surface no more than 1:12? b. Is the width of the curb ramp surface at least 36 inches?
7. Does an accessible route connect the drop off area to the accessible entrance? **Yes**

Other comments:

D. Building Entrance
1. Is there signage to indicate the accessible entrance? **No**
2. Does the door at the accessible entrance provide proper passage (32" width)? **Yes**
3. Does the door have an accessible handle (inside and outside)? **Yes – automatic opener (large square automatic paddle door opener)**
4. Is the door handle located no more than 48" from the floor (measured from center of handle)? **Yes**
5. Is proper clearance provided on the pull side of the door (18")? **Yes**
6. If there is a raised threshold, is it no higher than 3/4 inch at the door and beveled on both sides? (Max threshold without beveled edge is 1/2".) **Yes**
7. Is the force of the door for pushing or pulling easy to operate? Specify force. **Automatic opener (large square automatic paddle door opener)**
8. Is there proper floor space provided if the entry has a vestibule (30" x 48" beyond swing of door)? **Yes**
9. If vestibule, is second door accessible? Repeat questions 2-7 (9a – 9f). **The doors will remain open.**

Other comments:

E. Hallways & Corridors

1. Is there an accessible route (36" width) that connects the accessible entrance to the voting area? **Yes**

2. Is the accessible route free of steps and abrupt, unbeveled level changes over 1/2"? **Yes**

3. Does the route from the accessible entrance to the voting area change levels using a ramp, lift or elevator? If yes, complete appropriate section. **Yes - ramp**

4. At each location on the way to the voting area where the accessible route passes through a door or doors, does the door meet the following requirements (at least one door for double doors)? **Yes**

   a. Is clear width at least 32" when door is open 90 degrees? **Yes**

5. Does the door have an accessible handle? (Shape and height) **Yes – automatic opener (large square automatic paddle door opener).**

   a. Is proper clearance provided on the pull side of the door (18")?

6. Is no more than 5 pounds force needed to push or pull open the accessible door? **Yes – automatic opener (large square automatic paddle door opener).**

   a. If the answers to any of questions (b) thru (d) are "No", can the door be propped open to provide an accessible route on Election Day? **N/A**

   b. If there is a raised threshold, is it no higher than 3/4 inch at the door and beveled on both sides? (Max threshold without beveled edge is 1/2".) **No**

7. Are pedestrian routes leading to or serving the voting area free of any undetectable objects? (Bottom edge no higher than 27" or protruding from wall more than 4") **Yes**

   1. Are all objects that hang over the pedestrian routes 80" or more above the route? **Yes**

   2. Are the undersides of interior stairs enclosed or protected with a cane detectable barrier? **N/A**

Other comments:

F. Ramps
1. Where the slope of the accessible route is greater than 1:20, does this part of the route meet the following requirements for an access ramp? **Yes**
2. Is the slope no greater than 1:12? **Yes**
3. If the vertical rise is more than 6", are handrails provided? **N/A**
4. Are the handrails grippable (less than 2" diameter) and stable within fittings? **N/A**
5. Are the tops of the handrails mounted between 34 and 38 inches above the ramp surface? **N/A**
6. Is the ramp width at least 36"? (Measure between handrails when provided)? **N/A**
7. If a ramp is more than 30 feet long, is a proper level landing (60" long) provided every 30 feet? **N/A**
8. Are proper top and bottom landings (60" long) provided for each ramp section? **Yes with doors left open.**
9. Is a proper level landing (60" x 60") provided where a ramp changes direction? **N/A**
10. If the ramp or landing has a vertical drop-off on either side of the ramp, is 2" edge protection provided? **N/A**

Other comments:

G. Elevators – NO ELEVATOR
1. If an elevator is provided, does it meet the following requirements? **N/A**
2. Are the elevator call buttons mounted in an accessible location (centered 42" above floor)? **N/A**
3. Are raised letters and Braille characters used to identify each floor button and each control? **N/A**
4. 4. Are signs mounted on both sides of the elevator hoistway door opening that designate the floor with 2" minimum-height raised letters and Braille characters centered at 60" above the floor? **N/A**
5. Does the floor area of the elevator car provide space for wheelchair users to enter, reach the controls, and exit the car? **N/A** a. Provide side door interior floor measurements: _____ b. Provide center door interior floor measurements: _____
6. Are the highest floor control buttons in the elevator cab mounted no more than 54" above the floor for a side reach or 48" for forward reach? **N/A**
7. Is the elevator equipped with audible tones or bells or verbal annunciators that announce each floor as it is passed? **N/A**
8. Do the elevator doors stay open long enough to enter safely? **N/A** a. Indicate time:

Other comments:

H. Lifts – NO LIFTS
1. If a wheelchair lift is provided, does it meet the following requirements? **N/A**
2. Is the lift operational at the time of the survey? **N/A**
3. Is the change in level from the floor to the lift surface ramped or beveled or less than 1/2 inch? **N/A**
4. Is there at least a 30" by 48" clear floor space on the wheelchair lift? **N/A**
5. Does the lift allow a wheelchair user unassisted entry, operation, and exit? **N/A**
6. Are the controls and operating mechanisms mounted no more than 54" above the floor for a side reach or 48" for a forward reach? **N/A**
7. Are the controls and operating mechanisms usable with one hand without tight grasping, pinching, or twisting? **N/A**

Other comments:

I. Voting Area

1. Is there an accessible entrance to the voting area as described below? **Yes**

   a. Is clear width at least 32" when door is open 90 degrees? **Yes**

   b. Does the door have an accessible handle? (Shape and height) **Yes-Automatic opener on first set of doors, second set of doors to remain open.**

   c. Is proper clearance provided on the pull side of the door (18")? **Yes**

   d. Is no more than 5 pounds force needed to push or pull open the accessible door? **Yes-Automatic opener on first set of doors, second set of doors to remain open.**

   e. If the answers to any of questions (b) thru (d) are no, can the door be propped open to provide an accessible route on Election Day? **Yes-Automatic opener on first set of doors, second set of doors to remain open.**

   f. If there is a raised threshold, is it no higher than 3/4 inch at the door and beveled on both sides? (Max threshold without beveled edge is 1/2".) **Yes**

2. Within the voting area, is adequate space available on the accessible level for check-in tables, a voting demonstration area (if provided), and at least one accessible voting station? Describe briefly. **Yes**

3. Is the voting area free of any undetectable objects? **Yes**

4. Are all objects that hang over the voting area 80" or more above the ground? **Yes**

5. Are interior floor surfaces relatively level and free from abrupt level changes? Please describe the floor surface of hallways and voting area. **Yes**

Other comments:

J. Second Voting Area/Other Area (if applicable) – NOT APPLICABLE

1. Is there an accessible entrance to the voting area as described below? **N/A-no second voting area**

   a. Is clear width at least 32" when door is open 90 degrees? **N/A**

   b. Does the door have an accessible handle? (Shape and height) **N/A**

   c. Is proper clearance provided on the pull side of the door (18")? **N/A**

   d. Is no more than 5 pounds force needed to push or pull open the accessible door? **N/A**

   e. If the answers to any of questions (b) thru (d) are no, can the door be propped open to provide an accessible route on Election Day? **N/A**

   f. If there is a raised threshold, is it no higher than 3/4 inch at the door and beveled on both sides? (Max threshold without beveled edge is 1/2".) **N/A**

2. Within the voting area, is adequate space available on the accessible level for check-in tables, a voting demonstration area (if provided), and at least one accessible voting station? Describe briefly. **N/A-no second voting area**

3. Is the voting area free of any undetectable objects? **N/A-no second voting area**

4. Are all objects that hang over the voting area 80" or more above the ground?

   N/A-no second voting area

5. Are interior floor surfaces relatively level and free from abrupt level changes? Please describe the floor surface of hallways and voting area.

   N/A-no second voting area

Other comments:

By signing this Self-Certification form, the municipality is verifying that each accessibility category has been reviewed for compliance with the guidelines under the American's with Disabilities Act (ADA) and either meets the requirements defined therein or will be addressed within a reasonable timeframe to provide accommodation to individuals with disabilities.

Prepared by: _____ Title: _____
(print name)

Contact information:

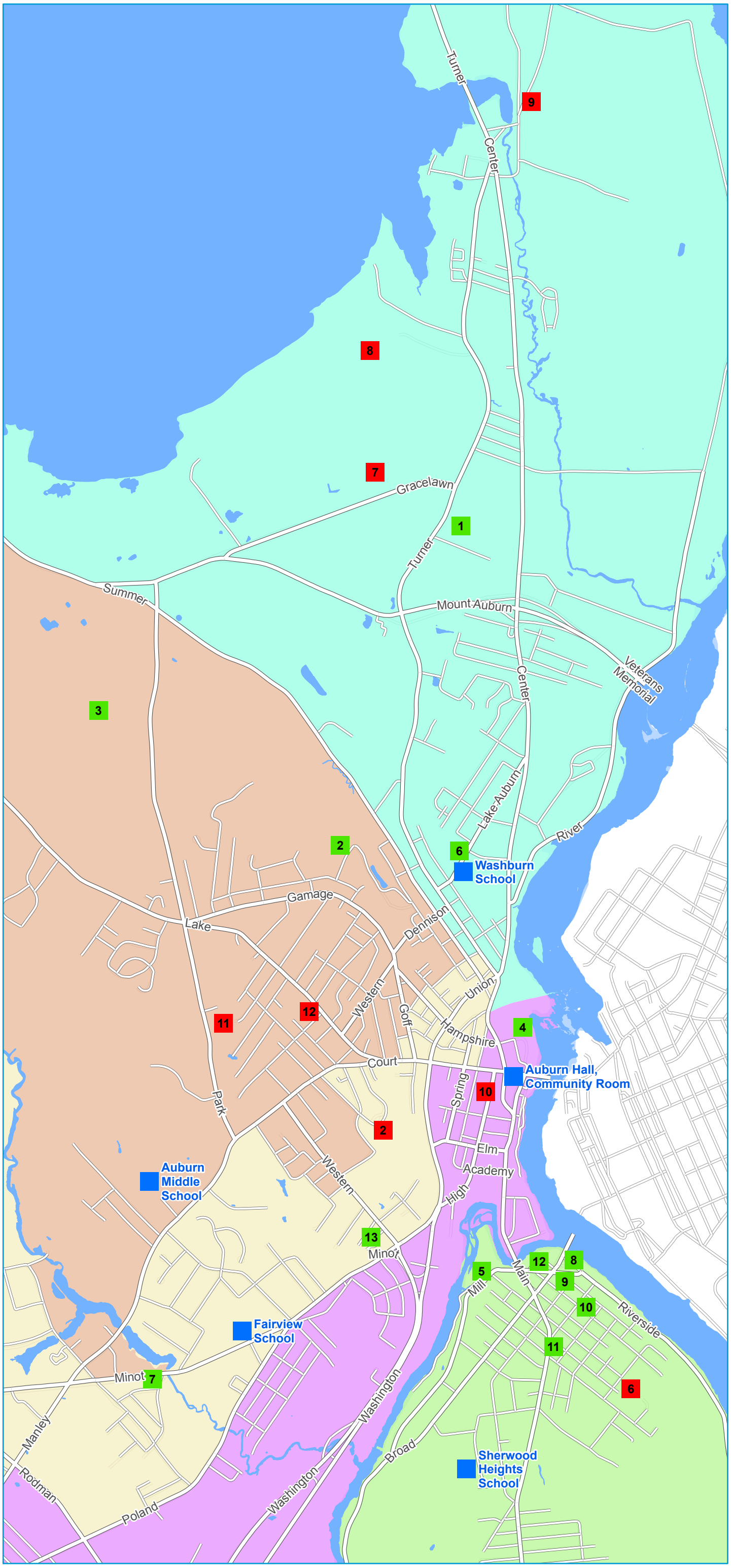
_____
Address Phone Fax

Email address: _____

Signature: _____ Date: _____

Mail the completed and signed certification to:

Bureau of Corporations, Elections, and Commissions
Division of Elections
101 State House Station
Augusta, ME 04333-0101



auburnmaine.gov

Voting Districts

City of Auburn Maine
60 Court Street
Auburn, Maine 04210

Ward / Polling Place

- Ward 1 - Washburn School
- Ward 2 - Auburn Middle School
- Ward 3 - Auburn Hall
- Ward 4 - Fairview School
- Ward 5 - Sherwood Heights

Polling Place

Schools

2	Edward Little High School
6	Walton Elementary School
7	St Dominic's High School
8	Central Maine Community College
9	East Auburn Community School
10	Franklin School / Merrill High School
11	Park Avenue School
12	RETC / SOS

Other Buildings

1	Norway Savings Bank Arena
2	Pettengill Park/Hasty Gym
3	East Auburn Baptist Church
4	Great Falls Plaza
5	Barker Mill
6	The Townhouse
7	VFW
8	Auburn Rollerdrome
9	Boys and Girls Club
10	St Louis Church
11	Sixth Street Congregational Church
12	New Auburn Social Club
13	Sacred Heart Church

7/5/2017 G:\Projects\ZZ_UserProjects\CityClerk\VotingLocations\VotingLocations2\VotingLocations2.aprx

Some Municipalities That Have Consolidated Polling Places

Municipality	Number of Districts & Polling Places	Date of Consolidation
Bangor	1 Ward divided by 4 Legislative Districts - 1 Polling Place	2006 went from 8 to 4 and in 2009 from 4 to 1
Biddeford	7 Wards/Districts – 1 Polling Place	2014 went from 3 to 1
Brunswick	7 Wards/Districts – 1 Polling Place	2012
Lewiston	7 Wards/Districts – 7 Polling Places	2003 went from 14 to 7
Portland	5 wards/11 Precincts – 11 polling places	Prior to 2001 went from 26 to 19 to 11 in 2009
Saco	7 Wards/Districts – 1 Polling Place	2009
Waterville	7 Wards/Districts – 1 Polling Place	2002

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: 7-17-17

Author: Eric J. Cousens, Deputy Director of Economic and Community Development

Subject: Act To Recognize Local Control Regarding Food Systems

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Information: Over the past 5-10 years a number of Maine towns have pass food sovereignty ordinances that didn't accomplish much until a recent bill titled "An Act To Recognize Local Control Regarding Food Systems" passed; The bill passed with unanimous Senate approval on May 24, 2017 and was signed into Law by Governor LePage on June 16, 2017. In a little less than 90 days the law will take effect and allow producer to consumer transactions for locally grown food without being subject to government oversight or inspections if a municipality chooses to allow that. Accessing USDA inspected slaughter or processing facilities has been a major hurdle for smaller local producers bringing their products to the local market. Wholesale transactions or transactions outside of the municipality where the food is produced would continue to require the all inspections that are currently required, even if a local ordinance is passed. There is a common model ordinance that has been used by a number of Maine towns, including Livermore, which is included in your packet. The model ordinance contains a lot of language that is unnecessary to implement the flexibility afforded by the law. Councilor Lee has provided a draft ordinance that is cleaner, shorter and more concise than the model ordinance that has been used by other communities. Staff recommends that the Council listen to the local farmers and consumers to determine if there is support for the local ordinance. If there is support then the Council should direct staff to advertise and prepare for a public hearing to consider adopting the draft provided by Councilor Lee. Making this option available to farmers and consumers that are comfortable with purchasing from an uninspected facility could be a major boost to small local farms. Farms must also take their responsibility to slaughter, process and store foods appropriately to prevent risking to their consumers safety.

Advantages: Opens a new local option for sales between producers and consumers within our municipal boundaries and may help build relationships with producers. Allows people to make their own decisions about buying uninspected products from their neighbors or local farms as an option while continuing to allow for traditional markets to sell inspected products.

Disadvantages: If producers do not process products safely there could be a higher risk of food related illness.

City Budgetary Impacts: None

Staff Recommended Action: Consider this as an option for promoting agriculture on small farms in Auburn and determine if the community supports it. If it is desirable then schedule for a public hearing to have an ordinance in place before the law takes effect.

Previous Meetings and History: None

Attachments: Council Agenda Request, Copy of An Act To Recognize Local Control Regarding Food Systems , Livermore ordinance example, Draft concise ordinance prepared by Councilor Lee, Portland Press Herald Article.

City Council
Workshop Agenda Item Request Form

City of Auburn

Requesting Councilor's Name: Adam R. Lee

Second Councilor Name: Grady Burns

Policy: Enactment of Food Sovereignty Ordinance

Summary of Issue: LD 725, An Act to Recognize Local Control Regarding Food Systems, was recently enacted by the legislature and signed by the Governor. It recognizes that municipalities, through their home rule authority, have regulatory control over local food systems. This Ordinance establishes that those foods grown, produced, or processed in Auburn sold or provided directly to consumers are exempt from local licensing and inspection obligations, and ensures that access to local food for residents is as unimpeded as the limits of home rule authority and the statute allow.

Recommended Action for Consideration: Passage of Ordinance

Existing Policy References (Comp. Plan, etc):

Committees of Jurisdiction (if applicable):

In order for a workshop item to be considered for an upcoming Auburn City Council Workshop agenda, please complete the above and present it at any time to the Mayor and City Manager. Our goal is to have items requested on a workshop agenda within 90 days of the date received.

DO NOT WRITE BELOW THIS LINE

Date Received: Received By:

(City Manager)

Date Received: Received By:

(Mayor)

90 Day Date:

Staff Assigned:

APPROVED | CHAPTER
JUNE 16, 2017 | 215
BY GOVERNOR | PUBLIC LAW

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND AND SEVENTEEN

S.P. 242 - L.D. 725

An Act To Recognize Local Control Regarding Food Systems

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 7-A MRSA §101, sub-§2-B is enacted to read:

2-B. Local food system. "Local food system" means a community food system within a municipality that integrates food production, processing, consumption, direct producer-to-consumer exchanges and other traditional foodways to enhance the environmental, economic, social and nutritional health and well-being of the municipality and its residents.

Sec. 2. 7-A MRSA §201-B is enacted to read:

§201-B. Local authority to regulate food systems

Pursuant to the home rule authority granted to municipalities by Title 30-A, section 3001 and by the Constitution of Maine, Article VIII, Part Second, and pursuant to section 201-A, and notwithstanding any other provision of law to the contrary, a municipal government may regulate by ordinance local food systems, and the State shall recognize such ordinances.

An ordinance adopted by a municipality pursuant to this section must apply only to food or food products that are grown, produced or processed by individuals within that municipality who sell directly to consumers.

Any food or food products grown, produced or processed in the municipality intended for wholesale or retail distribution outside of the municipality must be grown, produced or processed in compliance with all applicable state and federal laws, rules and regulations.

Local Food and Community Self-Governance Ordinance of 2012

An Ordinance to Protect the Health and Integrity of the Local Food System In the Town of Livermore, Androscoggin County, Maine.

Section 1. Name. This ordinance shall be known and may be cited as the "Local Food and Community Self-Governance Ordinance."

Section 2. Definitions.

As used in this ordinance:

(a) "Patron" means an individual who is the last person to purchase any product or preparation directly from a processor or producer and 2who does not resell the product or preparation.

(b) "Home consumption" means consumed within a private home.

(c) "Local Foods" means any food or food product that is grown, produced, or processed by individuals who sell directly to their patrons through farm-based sales or buying clubs, at farmers markets, roadside stands, fundraisers or at community social events.

(d) "Processor" means any individual who processes or prepares products of the soil or animals for food or drink.

(e) "Producer" means any farmer or gardener who grows any plant or animal for food or drink.

(f) "Community social event" means an event where people gather as part of a community for the benefit of those gathering, or for the community, including but not limited to a church or religious social, school event, potluck, neighborhood gathering, library meeting, traveling food sale, fundraiser, craft fair, farmers market and other public events.

Section 3. Preamble and Purpose. We the people of the Town of Livermore, Androscoggin County, Maine have the right to produce, process, sell, purchase and consume local foods thus promoting self-reliance, the preservation of family farms, and local food traditions. We recognize that family farms, sustainable agricultural practices, and food processing by individuals, families and non-corporate entities offers stability to our rural way of life by enhancing the economic, environmental and social wealth of our community. As such, our right to a local food system requires us to assert our inherent right to self-government. We recognize the authority to protect that right as belonging to the Town of Livermore.

We have faith in our citizens' ability to educate themselves and make informed decisions. We hold that federal and state regulations impede local food production and constitute a usurpation of our citizens' right to foods of their choice. We support food that fundamentally respects human dignity and health, nourishes individuals and the community, and sustains producers, processors and the environment. We are therefore duty bound under the Constitution of the State of Maine to protect and promote unimpeded access to the local foods.

Local Food and Community Self-Governance Ordinance of 2012

The purpose of the Local Food and Community Self-Governance Ordinance is to:

(i) Provide citizens with unimpeded access to local food;
(ii) Enhance the local economy by promoting the production and purchase of local agricultural products;
(iii) Protect access to farmers' markets, roadside stands, farm based sales and direct producer to patron sales;
(iv) Support the economic viability of local food producers and processors:
(v) Preserve community social events where local foods are served or sold:
(vi) Preserve local knowledge and traditional food ways.

Section 4. Authority. This Ordinance is adopted and enacted pursuant to the inherent inalienable, and fundamental right of the citizens of the Town of Livermore to self-government, and under the authority recognized as belonging to the people of the Town by all relevant state ad federal laws including, but not limited to the following:

The Declaration of Independence of the Untied States of America, which declares that governments are instituted to secure peoples' rights, and that government derives its just powers from the consent of the governed.

Article I § 2 of the Maine Constitution, which declares: "all power is inherent in the people; all free governments are founded in their authority and instituted for their benefit, [and that] they have therefore an unalienable and indefensible right to institute government and to alter, reform, or totally change the same when their safety and happiness require it"

§3001 of Title 30-A of the Maine Revised Statutes, which grants municipalities all powers necessary to protect the health, safety, and welfare of the residents of t he Town of Livermore.

§211 of Title 7 of the Maine Revised Statutes which states: "it is the policy of the State to encourage food self-sufficiency for the State"

Section 5. Statements of Law.

Section 5.1 Licensure/Inspection Exemption. Producers or processors of local foods in the Town of Livermore are exempt from licensure and inspection provided that the transaction is only between the producer or processor and a patron when the food is sold for home consumption. This includes and producer or processor who sells his or her products at farmers' markets or roadside stands; sells his or her products through farm-based sales directly to a patron; or delivers his or her products directly to patrons.

Section 5.1a Licensure/Inspection Exemption. Producers or processors of local foods in the Town of Livermore are exempt from licensure and inspection provided that their products are prepared for, consumed, or sold at a community social event.

Section 5.2 Right to Access and Produce Food. Livermore citizens possess the right to produce, process, sell purchase, and consume local foods of their choosing.

Section 5.3 Right to Self-Governance. All citizens of Livermore possess the right to a form of governance which recognizes that all power is inherent in the people, that all free governments are founded on the people's authority and consent.

Section 5.4 Right to Enforce. Livermore citizens possess the right to adopt measures which prevent the violation of the rights enumerated in the Ordinance.

Section 6. Statement of Law. Implementation. The following restrictions and provisions serve to implement the preceding statements of the law.

Section 6.1 State and Federal Law It shall be unlawful for any law or regulation adopted by the state or federal government to interfere with the rights recognized by this Ordinance. It shall be unlawful for any corporation to interfere with the rights recognized by this Ordinance. The term "corporation" shall mean any business entity organized under the laws of any state or country.

Section 6.2 Patron Liability Protection. Patrons purchasing food for home consumption may enter into private agreements with those producers or processors of local foods to waive any liability for the consumption of that food. Producers or processors of local foods shall be exempt from the licensure and inspection requirements for that food as long as those agreements are in effect.

Section 7.Civil Enforcement. The Town of Livermore may enforce the provisions o f this Ordinance through seeking equitable relief from a court of competent jurisdiction. Any individual citizen of the Town of Livermore shall have standing to vindicate any rights secured by this ordinance which have been violated or which are threatened with violations, and may seek relief both in the form of injunctive and compensatory relief from a court of competent jurisdiction.

Section 8. Town Action against Pre-emption. The foundation for making and adoption of this law is the peoples' fundamental and inalienable right to govern themselves, and thereby secure their rights to life, liberty, and the pursuit of happiness. Any attempt to use other units and levels of government to preempt, amend, alter or overturn this Ordinance or parts of this Ordinance shall require the Town to hold public meetings that explore the adoption of other measures that expand local control and the ability of citizens to protect their fundamental and inalienable right to self-government. It is declared that those other measures may legitimately include the partial or complete separation of the Town from the other units and levels of government that attempt to preempt, amend, alter, or overturn this Ordinance.

Section 9. Effect. This Ordinance shall be effective immediately upon its enactment.

Section 10. Severability Clause. To the extent any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision will be removed from the Ordinance, and the balance of the Ordinance shall remain valid.

Section 11. Repealer. All inconsistent provisions of prior Ordinance adopted by the Town of Livermore are hereby repealed, but only to the extent necessary to remedy the inconsistency.

Auburn Recommended Ordinance

Division ____ -- FOOD SOVEREIGNTY ORDINANCE

Sec. _____- Intent and Purpose

The intent and purpose of Auburn's Food Sovereignty Ordinance is to ensure that residents are provided unimpeded access to local food and to reduce governmental regulation of the local food system to the fullest extent permitted by home rule authority under Title 30-A M.R.S. § 3001, the Constitution of Maine, Article VIII, Part Second, and pursuant to 7-A M.R.S. §201, et. Seq.

Sec. ____- Definitions

As used in this Ordinance, the following words and phrases shall have the meanings indicated:

"Consumer" means any individual who purchases or otherwise receives local food or food products from a producer, grower or processor.

"Grower" means any individual who grows local food or food products.

"Local food system" means a community food system within a municipality that integrates food production, processing, consumption, direct producer-to-consumer exchanges and other traditional foodways to enhance the environmental, economic, social and nutritional health and well-being of Auburn and its residents.

"Local food or food products" means food, food products or drink grown, produced and processed by individuals within Auburn who sell or provide directly to consumers.

"Processor" means any individual who processes or prepares local food or food products.

"Producer" means any individual who produces local food or food products.

Sec. ____- Exemption

Producers, growers, and processors of local food or food products in the City of Auburn are exempt from licensure and inspection with respect to their provision or sale of local food and food products to consumers within the local food system of the City of Auburn. To the extent this Section conflicts with any portion of the Code of Ordinances of the City of Auburn, this Section shall prevail and, as it pertains to this Section, that portion of Code shall be inapplicable.

Fresh from the farm: Maine takes lead in ‘food sovereignty’ movement

A new law allows cities and towns to regulate local food production regardless of state and federal regulations that would otherwise apply.

BY MARY POLSSTAFF WRITER

Ken Robbins finishes up work Tuesday evening at River Valley Farm in Canton, which he owns with Carole Robbins, his wife. Carole Robbins said she has heard about the new food sovereignty law, but they plan to keep selling their beef the way they have been, after inspection. *Staff photo by Brianna Soukup*

Gov. Paul LePage has signed a bill into law that affirms the rights of cities and towns to regulate local food production, making Maine the second state in the nation to allow consumers to buy directly from farmers and food producers regardless of the state and federal licensing and inspections that would otherwise apply.

With the passage of the law last week, Maine becomes a leader in the so-called food sovereignty movement that promotes freedom of food choice for consumers who are willing to forgo some food safety regulations.

The River Valley Farm in Canton is a 300-acre operation that co-owner Carole Robbins' parents bought in 1944. Canton is one of the Maine communities that have food sovereignty ordinances allowing the sale of farm products unencumbered by state and federal licensing and inspection regulations. *Staff photo by Brianna Soukup*

Food sovereignty revolves around a sort of “handshake integrity,” said Heather Retberg, a Blue Hill farmer who has been a leader in the movement. It means that a neighbor can pop by Quills End, the farm that Retberg runs with her husband, Phil, and pick up raw milk even if the Retbergs do not have that milk inspected and licensed by the state. If that neighbor trusts the Retbergs, the neighbor can buy directly from them.

If the Retbergs have veal calves and want to sell the meat directly to a consumer, they can do that too as long as the neighbor knows the story behind that milk or veal, and understands the risks involved in buying products that have not been vetted by state inspectors.

Blue Hill in Hancock County, where the movement first gained steam, is among the 20 towns across Maine that already have approved local food sovereignty ordinances. The bill that passed last week, L.D. 725, will essentially recognize the right of those towns to enforce their own food regulations, and the decisions of any other municipalities to do the same.

In 2015, Wyoming passed the Wyoming Food Freedom Act, which allows transactions among producers of what the state calls “homemade food” – produced in a kitchen that is not licensed, inspected or regulated – and “the informed end consumer.” The Maine and Wyoming laws are far from identical, but they speak to a desire for a more old-fashioned – some would say libertarian – approach to buying food.

LePage’s signature on the law proposed by Senate Minority Leader Troy Jackson, D-Allagash, came as a welcome surprise to advocates for food sovereignty.

“I ran for office because of food sovereignty,” said Rep. Craig Hickman, D-Winthrop. “Food sovereignty means that the state of Maine will recognize, at last, the right of municipalities to regulate local food systems as they see fit.”

Hickman, who also is a farmer and owner of a small bed-and-breakfast, had proposed similar legislation four times before handing the baton over to Jackson.

“Timing is everything,” Hickman said. “It seems that everything was aligned for this to happen.”

The Department of Conservation, Agriculture and Forestry, which oversees many of the inspection programs, including those for meat and dairy, said it is reviewing the legislation to determine the implementation issues that need to be addressed.

Things are unlikely to change, or change much, at farmers markets throughout the state because farmers markets are heavily insured and licensed independently from the municipalities where they are held.

“Most markets will be unaffected,” said Leigh Hallett, executive director of the Maine Federation of Farmers’ Markets.

But the Maine communities that have approved local food sovereignty ordinances can function almost as islands where a farmer can drop off a gallon of raw milk and a consumer can ask for a chunk of that delicious cheese made in an unlicensed facility.

Since 2011, when Sedgewick, population 1,200, declared itself food sovereign, the number of Maine towns passing local ordinances to take back regulatory control over locally produced food has steadily increased. And with it, so has the interest in getting affirmation from the state that there would be no interference with newly established local laws. The bill signed by the governor had the support of the Maine Municipal Association.

“Let the local people decide,” said Garrett Corbin, legislative advocate for the Maine Municipal Association. “That is kind of our mantra.”

That perturbs some in the Maine food community, who see this as a dangerous path that could put consumers at risk. The Maine Cheese Guild opposed the bill, and former president Eric Rector was one of the people who testified against it. He called the signing of the law a “big win for the deregulation crowd.”

It’s too early to say what the actual impact will be, Rector said. But he sees increased risk to both consumers and to the Maine cheese industry as a result of dairy products being “produced and sold to the public without any testing whatsoever.” That increases the risk that someone will get sick from “Maine cheese” and that this thriving food industry will be tainted by something that happens outside the regulated sector, he said.

Rector believes it will be hard for consumers to grasp the concept that there is state-regulated cheese and also municipally approved cheese.

The movement is not about dodging food safety issues, advocates say. It’s more about keeping small farms alive. Retberg was disheartened by a visit from a state inspector in 2009. He told her that although the Retbergs were using a licensed facility to butcher meat birds, since it was licensed to a friend and not them, their birds weren’t legal for sale. The Retbers were deflated; they’d recently made the transition to full-time farming and no longer had a supplemental income that might have helped them pay for their own licensed facility.

“The department just moved the goalposts,” Retberg said. “And when that happens, you either stop or the rules have to change.”

Rather than stop, she began working on changing the rules. And she found that quickly, she had support in the community, starting with a neighbor who very much wanted to be able to buy those meat birds, regardless of where they were slaughtered.

Retberg also had a powerful advocate in Hickman, whom she called “a champion for our cause.”

He says he ran on this cause, prompted by his own experience with state regulators, who told him, starting in 2009, that the business practices he’d been engaged in at his B&B, including making cheese and yogurt for his bed-and-breakfast customers, and letting customers at the farmstand know they could buy it from the house, were no longer acceptable unless he added a specific facility for those products, separate from the area where he prepared, say, breakfast.

“The department came around and said, ‘You can no longer serve your own yogurt,’ ” Hickman said. “If all of this sounds surreal, it is all true.”

The other towns that have declared themselves in control of their local food systems include Alexander, Appleton, Bingham, Brooklin, Brooksville, Canton, Freedom, Greenwood, Hope, Isle Au Haut, Liberty, Livermore, Madison, Moscow, Penobscot, Plymouth, Solon and Trenton. The city council in Rockland considered a food sovereignty ordinance this winter and opted instead for a resolution endorsing growth, sale and consumption of local foods.

One place that hasn't declared food sovereignty? Winthrop. Which means Hickman still has to keep that yogurt to himself.

Kennebec Journal Staff Writer Charles Eichacker contributed to this report.

Mary Pols can be contacted at 791-6456 or at:

mpols@pressherald.com

Twitter: MaryPols

Correction: This story was revised at 7:20 a.m., June 21, 2017, to correct the spelling of Heather Retberg's name.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: 7-17-17

Author: Eric J. Cousens, Deputy Director of Economic and Community Development

Subject: Recreational Planned Unit Development Ordinance Reconsideration

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Information: The concept of allowing commercial or residential development around major recreational uses as a way to generate additional income, attract new visitors and residents and to help maintain the recreational assets by making them financially stable has been discussed for years. The 2010 Comprehensive recommended that we consider options to allow this nationally common flexibility within the City of Auburn. In 2011-2012 a lengthy public review of a proposal to allow this was conducted and the proposal was recommended for adoption by the Planning Board. At the time, the motivation for the discussion was for the success of existing recreational facilities and the users of those assets, advancement of the existing Comp Plan recommendations and for the advancement of a specific project opportunity at Martindale Country Club. A resident of the Martindale neighborhood promoted and organized opposition to the proposal and the Council eventually postponed the item indefinitely. We now have a new opportunity for investment at another major recreational asset, Prospect Hill Golf Course, that the City should consider. The proposal provides a framework for the Planning Board to consider all benefits and impacts of individual proposals for customary commercial or residential uses that are not otherwise permitted in the zone to be considered adjacent to major recreational uses. Existing "Major Recreational Uses" as defined in the draft ordinance include and are limited to Lost Valley, Prospect Hill, Fox Ridge and Martindale. Staff recommends that the Council reopen the discussion and schedule a public hearing on the ordinance. Historic information and the latest draft ordinance are attached.

Advantages: May help save existing recreational assets and encourage new recreational investment consistent with the Council priority to increase sports and recreational tourism and increase valuation.

Disadvantages: Any known disadvantages (traffic was the main concern in the last review) can be addressed and mitigated through the Planning Board review process in the proposed ordinance.

City Budgetary Impacts: Increased investment and valuation.

Staff Recommended Action: Schedule for public hearing, complete first reading and schedule for second and final reading.

Previous Meetings and History: Planning Board Workshop on October 25, 2011, Planning Board Public Hearings on September 13, October 11, and November 15, 2011, a meeting organized by the Beech Hill Road Neighborhood on October 4, 2011, City Council Workshop on April 30, 2012, Council Public Hearing on May 21, 2012.

Attachments: Planning Board Staff reports 1-4, 5.21.12 CC Minutes, Council Q&A Memo, RR PUD Ordinance Draft recommended by Planning Board.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD).

Date: November 15, 2011 Planning Board Meeting

This proposal has been modified based input from the Planning Board, the public, the applicant and staff. Input has been collected at two public hearings, a workshop and a neighborhood organized meeting that staff was invited to in the Beech Hill Road neighborhood.

Staff has attempted to include direction from the Board on all issues in the current draft (attached) with the exception of one significant issue: public vs. private wastewater disposal. Board member Bilodeau has provided a list of substantial recreational facilities in Maine and whether they are connected to public or private water and sewer systems for the Boards consideration. A copy of that list is included in the Board's information.

Staff recommends that the Board consider two issues when deciding on the wastewater requirement. One is wastewater disposal and the other is sprawl and controlling the location of PUD-RR proposals. The latter, sprawl, and continuing Auburns effort to grow in concentric circles rather than randomly is the more important of the two. There is no question that wastewater treatment systems can built privately to dispose of large volumes of wastewater safely and effectively. Limiting PUDs to areas with public sewerage will help guide growth to areas where utilities are available or can be made available and will continue a policy that has helped guide PUDs to growth areas since PUDs have been an available option.

Staff recommends that the Board support the PUD-RR proposal and require public sewerage as part of a recommendation to the City Council. Below are the previous staff reports.

Planning Board Report

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new

type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD).

Date: October 11, 2011 Planning Board Meeting

This proposal has changed substantially, based on input from the September Planning Board meeting. Staff has worked with the petition organizer to address the concerns raised by the Board and to incorporate the ordinance change into our existing PUD ordinance. The concerns raised were not unique to the proposed PUD-RR but are common to other types of PUDs and site plan/special exception proposals. Mitigation of impacts can be addressed as part of the existing process if it is applied to the proposed PUD-RR and the new draft incorporates the standards of subdivision, site plan and special exception reviews to give the Board a legal framework for considering any future proposals.

Staff was invited to a neighborhood meeting to explain the proposed ordinance to residents of the Beech Hill Road area that are concerned with the proposal. The meeting was on October 5th and was well attended. It seems that there has been some misinformation about the proposal claiming that the zoning in that area is being changed in some way to be commercial. The proposal does create a review method and specific controls and review criteria for considering a future proposal around a major recreational use, but does not change the zoning designation in any specific area of the City.

The latest proposal recognizes that major recreational uses are an asset to the City and that maintaining those uses requires that they are economically viable. The current proposal is a continuation of years of discussion about this concept. Lost Valley, Prospect golf course and reuse as a horse racing track and now Martindale and the economic challenges faced by these facilities. The comprehensive plan identifies this issue and suggests that we should consider something like this proposal as a solution.

At the September Planning Board Meeting, in phone calls from the public and at the October 5th neighborhood meeting, the main concern expressed is regarding traffic. If this ordinance or some other solution is to pass, it will be essential that the Board has the tools to address traffic concerns as part of the review. Traffic impacts may be the controlling factor on the size of any hotel or motel adjacent to a major recreational use. The following tables can be used to look at the impacts of this type of use, both by occupying large land areas with a recreational asset and by creating new trips with a hotel or motel or by conversion to housing if the recreational use fails economically.

Permitted Residential Density				
Recreation Area	Acreage	Allowed Residential Density	ITE Manual Per Unit Traffic	Total Estimated traffic (Vehicle trips per Day)
Lost Valley	194	19.4*	10	194
Martindale	215	215	10	2150
Prospect	110	110	10	1100
* Density permitted only if PUD-RR is passed-residential uses currently prohibited				

Daily Trips per Occupied room (As a general rule peak hour is about 10% of Daily Trips)					
Use Type	Trips per Occupied Room	20 room Traffic	50 Room Traffic	80 Room Traffic	150 Room Traffic
Business Hotel	2	40	100	160	300
Resort Hotel	6	120	300	480	900
General Hotel	8	160	400	640	1200
All Suites Hotel	5	100	250	400	750
Motel	6	120	300	480	900
Average	5.4	108	270	432	810

With the standards as proposed, the Board could evaluate any future proposal to determine if it is appropriate for a particular area. If a proposal was determined not to be appropriate then the Board could deny the application or limit or reduce the scale of a proposal to make it appropriate for a particular area.

It is staff's opinion that the proposed ordinance could provide an opportunity for an alternative income for major recreational assets in Auburn. That income could mean the difference between maintaining a recreational asset or losing it to other development pressures such as housing. The current review and ordinance must give the Board the legal tools to review any future proposal and justify denial or limitations to ensure the rural character and surrounding neighborhoods are protected from unreasonable impacts of any proposed use. It is staff's opinion that the current proposal provides for the necessary tools for a responsible review of any future proposals.

Staff recommends that the Board discuss this proposal, hold a public hearing on the proposed draft and make any changes necessary to forward a favorable recommendation to the City Council.

Planning Board Report

To: Auburn Planning Board

From: Eric J. Cousens, City Planner

Re: Citizen initiated petition to amend The Ordinances of the City of Auburn, Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD).

Date: September 13, 2011 Planning Board Meeting

I. PROPOSAL

The City of Auburn received a petition from at least twenty-five (25) registered voters to amend Chapter 60 - Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD).

The proposed purpose of this PUD Type is as follows: The purpose of the Recreation/Residential Planned Unit Development (RRPUD) is to recognize that there are customary and complementary residential and commercial uses that are appropriate to be developed on land adjacent to major recreation uses located in Auburn. These major recreation uses of land are designed for outdoor use of large acres of land, have indoor facilities to accommodate groups of people and while they may open year round, they primarily operate seasonally. Homes, condominiums, and hotels will help support the economics of a seasonal business and bring more people to Auburn by becoming a recreation destination point.

There are a number of sections of the Comprehensive Plan that support consideration of the economic development opportunities that a RRPUD could create. The first question is does the City of Auburn want this flexibility as part of the ordinance? It is staff's opinion that the answer is yes, but that any allowance must be balanced by designing standards that allow the Planning Board to address any impacts of individual proposals and locations. Some of the sections of the comprehensive plan are copied below. Please refer to the full plan at http://auburnmaine.org/ for more information.

Strategy H.2.5.a:

Revise zoning and other land use requirements to allow for the development of a wide range on housing outside of the built up area of the City to meet the housing needs of various segments of the population. (See Chapter 2. Future Land Use Plan)

i. Create both rental and homeownership opportunities for singles and young families by allowing relatively high density multifamily housing, including apartments and townhouse style developments, at densities up to 12-18 units per acre in areas served by public sewerage and water.

ii. Create senior and empty nester housing opportunities by allowing medium density

housing such as townhouses (condominiums and rental), "housominiums", and small homes to be constructed at densities up to 10-12 units per acre, with house lots as small as 5,000 square feet, in areas that can be served by public sewerage and water.

Goal I.2: Maintain Auburn's role as a regional economic center with a diverse economic base, and support continued opportunities for appropriate business growth and development.

Objective I.2.3:
Ensure availability of land for appropriate business/industrial development in designated areas.

Agricultural/Rural District (AG) Comprehensive Plan Page 109-110

Residential development that is proposed as part of a master planned commercial recreational development should be limited to the same density standard (one unit per 10 acres) as other accessory residential uses. A recreational master plan should be required outlining the scope, scale, and location of residential units and ensuring a cluster development pattern in which the majority of the land is retained as recreation/open space. A conservation easement, or other legally binding preservation measure, should be required to permanently conserve the recreation/open space areas.

Where a parcel that is located in the Agriculture/Rural District land also includes residentially zoned land, a residential unit should be allowed to be transferred from the residentially zoned portion of the parcel to the Agriculture/Rural portion as long as the relocation does not negatively impact natural resources or the agricultural potential of the land. As with other residential development in the Agriculture/Rural District, the development standards should encourage flexibility in the location and size of the lot, allow for a waiver of road frontage requirements, and allow access from a private driveway. When a transfer occurs, the land in the residential zone from which a residential unit is transferred must be permanently protected from development through a legally binding preservation measure, such as a conservation easement.

A copy of the Future Land Use section of the Comprehensive Plan is attached. The plan identifies growth, limited growth and restricted growth areas. The Board may want to use those categories to measure whether or not commercial development is appropriate within any proposed RRPUD. Residential development as part of a RRPUD could rely on the densities outlined on the Future Land Use Designations Map, Figure 2.3.

Staff recommends that the Board discuss this proposal and identify any concerns or questions and help staff finalize a version for consideration by the City Council or future consideration by the Board with any required additional information.

Mayor LaBonte 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.

I. Consent Items

None

II. Minutes of May 7, 2012 City Council Meeting.

Motion was made by Councilor Crowley and seconded by Councilor Hayes to approve the May 7, 2012 Council Meeting Minutes. Passage 7-0.

III. Reports

Mayor's Report - reported

Committee Reports

- Transportation
  - Androscoggin Transportation Resource Center – Mayor LaBonte, no report
  - Lewiston Auburn Transit – Councilor Gerry reported
  - Airport, Railroad – Councilor Hayes, no report
- Housing
  - Community Development Block Grant, Neighborhood Stabilization Program, Auburn Housing Authority – Councilor Gerry reported
- Economic Development
  - L-A Economic Growth Council, Auburn Business Development Corp. – Councilor Shea reported
- Education
  - Auburn School Committee – Councilor Young reported
  - Auburn Public Library – Councilor LaFontaine reported
  - Great Falls TV – Councilor Young and Councilor Shea, no report.
- Environmental Services
  - Auburn Water District, Auburn Sewerage District – Councilor Crowley reported
  - Mid-Maine Waste Action Corp. – Councilor Walker, no report
- Recreation
  - Recreation Advisory Board – Councilor Walker, no report.
- Public Safety
  - LA 911 – Councilor Walker, no report. Chief Crowell gave an update on the 911 dispatch

Councilor Reports

- Belinda Gerry reported
- Tizz Crowley reported
- Mary LaFontaine reported

Interim City Manager, Don Gerrish - reported

Finance Director, Jill Eastman

Motion was made by Councilor LaFontaine and seconded by Councilor Crowley to accept the April 2012 Finance Report. Passage 7-0.

IV. Communications, Presentations and Recognitions

Proclamation - The National Highway Traffic Safety Administration (NHTSA)'s 2012 "Buckle Up – No Excuses" Seatbelt Enforcement Campaign.

V. Open Session

Larry Pelletier, 129 Second Street
Tim Doughty, 75 Cherry Vale Circle

VI. Unfinished Business

VII. New Business

1. Order 29-05212012 – Appointing Clinton Deschene as City Manager, effective June 18, 2012.

Motion was made by Councilor Shea and seconded by Councilor Crowley for passage. Passage 6-1 (Councilor Gerry).

2. Ordinance 03-05212012 – Amending the Code of Ordinances of the City of Auburn, Chapter 60 – Zoning, Division 10. Planned Unit Developments, Subdivision II-Types to add a new type of Planned Unit Development: Recreation/Residential Planned Unit Development (RRPUD). First Reading.

Public Comment

Jim Day, President of Martindale Country Club
Jim McPhee, Auburn, Maine
Robert Baskett, 564 Beech Hill Road
Calvin Coney, 24 Fairway Drive
Russ Radcliff, 307 Beech Hill Road
Marj Patrick, 65 Beech Hill Road
Tracy Newman, 15 Brandywine Circle
Whitney, Perkins Hill Road
Don Colban, 730 Beech Hill Road
Nilda, 455 Beech Hill Road
Michelle Vazquez, Beech Hill Road

Motion was made by Councilor Crowley and seconded by Councilor LaFontaine to postpone this item indefinitely. Passage 5-2 (Councilors Hayes and Walker).

3. Order 30-05212012 – Setting the time for opening the polls for the June 21, 2012 Primary Election.

   Motion was made by Councilor LaFontaine and seconded by Councilor Young for passage. Passage 7-0.

4. Order 31-05212012 – Accepting the transfer of $5,000 forfeiture assets in U.S. Currency (Dixon).

   Motion was made by Councilor LaFontaine and seconded by Councilor Shea for passage. Passage 7-0.

5. Order 32-05212012 – Accepting the transfer of $1,250 forfeiture assets in U.S. Currency (Weekes).

   Motion was made by Councilor Shea and seconded by Councilor Crowley for passage. Passage 7-0.

6. Order 33-05212012 – Accepting the transfer of .45mm Springfield automatic pistol forfeiture assets (Tardif).

   Motion was made by Councilor Shea and seconded by Councilor Walker for passage. Passage 7-0.

7. Order 34-05212012 – Accepting the transfer of $1,425 forfeiture assets in U.S. Currency (Tidswell).

   Motion was made by Councilor LaFontaine and seconded by Councilor Crowley for passage. Passage 7-0.

8. Order 35-05212012 – Accepting the transfer of $86,764 forfeiture assets in U.S. Currency (Morrissette).

   Motion was made by Councilor Shea and seconded by Councilor Walker for passage. Passage 7-0.

9. Order 36-05212012 – Accepting the offer of $17,101 from Westfield, Inc., for the sale of a tax acquired parcel on Minot Avenue. This item was added to the agenda.

   Motion was made by Councilor Shea and seconded by Councilor Crowley for passage. Passage 7-0.

10. Order 38-05212012 – Accepting the settlement agreement and consent order between Michael Farrell (145 Eastman Lane) and the City of Auburn. This item was added to the agenda.

    Motion was made by Councilor LaFontaine and seconded by Councilor Walker for passage. Passage 7-0.

11. Order 37-05212012 – Authorizing the City Manager to execute a Second Addendum to the City of Auburn's Option Agreement with Building Solutions, dated February 21, 2012 (Order 10-02212012). This item was added to the agenda.

    Motion was made by Councilor LaFontaine and seconded by Councilor Walker for passage. Passage 6-0, (Councilor Hayes abstained).

VIII. Open Session – The Mayor invited the public to speak during Open Session prior to entering into Executive Session. No public comment.

Joe Gray, Sopers Mill Road

IX. Executive Session

Motion was made by Councilor Lafontaine and seconded by Councilor Crowley to go into Executive Session, pursuant to 1 M.R.S.A. §405(6)(C), for discussion of a real estate matter. Passage 7-0, 9:44 P.M.

The Mayor declared Executive Session over at 9:50 P.M.

Motion was made by Councilor Gerry and seconded by Councilor LaFontaine to go into Executive Session, pursuant to 1 M.R.S.A. §405(6)(C), for discussion of a real estate matter. Passage 7-0, 9:54 P.M.

The Mayor declared Executive Session over at 10:40 P.M.

X Adjournment

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to adjourn. Passage 6-0 (Councilor Young was absent for the vote), 10:40 P.M.

A TRUE COPY.

ATTEST Susan Clements-Dallaire
Susan Clements-Dallaire, Acting City Clerk

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

To: Auburn City Council

From: Eric J. Cousens, City Planner / Director of Planning and Permitting

Re: Additional information for the Planned Unit Development Discussion on May 21, 2012

Date: May 16, 2012

The City Council asked for additional information at the last workshop on this item. This memo and the attachments are intended to provide that information and continue the discussion.

Maine PUD Ordinance Examples:

Gardiner Maine :
http://www.gardinermaine.com/Public_Documents/GardinerME_Code/t31c7s3203P
This ordinance allows for increased residential density in exchange for recreational or open space, but does not allow for commercial uses in residential areas.

Bangor Maine :
http://ecode360.com/6891784?highlight=planned#6891784
See 165-69. Allows for Planned Group Development but not the commercial and residential mix currently proposed in Auburn.

Portland Maine :
http://www.portlandmaine.gov/citycode/chapter014.pdf
See Section 14-145.13. Purpose. Allows for mixed residential, commercial and recreation /open space development. Inns are limited to not more than 50 rooms in Residential Island Zone.

Tax Value of recreational asset: Would closing of a golf course or ski area result in lost valuation for assessment purposes? Yes. The portions of the parcels used for a commercial recreational purpose are valued differently than vacant residential or agriculturally zoned land and the result is a higher valuation for the commercially used land.

Recreational Use Definitions: The Recreational use definition exists in the ordinance. Major Recreational use is intended to distinguish a major recreational use from the existing recreational uses and limit the RR PUD from being used in relation to recreational uses that do not require a substantial investments to prevent misuse of the proposed RR PUD option. Below are the two definitions:

Major Recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least 2 lifts and public and private golf courses with a minimum of 18 holes.

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, motorhome or recreational vehicle parks or commercial campgrounds and facilities for mass gatherings when used for two or more events during a calendar year.

Density around Martindale Vs. Lost Valley: The density of residences around Lost Valley is noticeably lower that that around Martindale. We will discuss this as we review the maps at the May 21 workshop and meeting. If it is still necessary, I will be trying to get some actual numbers in time for a future hearing.

Road Classification:

HIGHWAYS AND ROADS

Classification

The largest and most important component of Auburn's transportation system is its road network. Based on data obtained from the Maine Department of Transportation (MDOT), the City has 228.69 miles of roads which fall into the following categories:

1. **Controlled Access Highways** - These are high speed highways which serve through traffic and have very few access points. Access to abutting land is generally prohibited. The Maine Turnpike is the only controlled access highway in Auburn. Total mileage: 5.35 miles.

2. **Arterials** - These are high speed highways which serve long distance, through traffic and attract a significant amount of Federal funding. Examples include Route 202, Route 4/Center Street, Route 136, Route 121/Minot Avenue, Turner Street, Hotel Road and Riverside Drive. Total mileage: 39.43 miles.

3. **Collectors** - These are roads which connect local streets with arterials. Examples include Lake Shore Drive, Lewiston Junction Road, Mount Auburn Avenue, North Auburn Road, North River Road, Park Avenue, Rodman Road, and South Main Street. Total mileage: 27.12 miles.

4. **Local Streets** - These are roads which directly serve local properties, but generally do not serve through traffic. Total mileage: 156.69 miles.

Examples of where the RR PUD Ordinance could be used. Please note that many of the 100 acre parcels would require sewer extensions and there are certainly other parcels that are smaller than 100 acres that could be combined to create additional opportunities for development. We will have a map for discussion at the meeting.

Existing Building/Public Sewer	ParcelID	Loc	TotalAcres	LUC
No Building; No Sewer Service	019-008	1640 JORDAN SCHOOL RD	246.10001	58

No Building; No Sewer Service	021-015	449 FICKETT RD	149	58
No Building; No Sewer Service	037-005	BROWNS CROSSING RD	106	58
No Building; No Sewer Service	059-001-001	STEELE RD	107	58
No Building; No Sewer Service	041-005	SOPERS MILL RD	104	58
No Building; No Sewer Service	059-002	JORDAN SCHOOL RD	208	58
No Building; No Sewer Service	039-012	SOPERS MILL RD	125	58
No Building; No Sewer Service	011-002	POWNAL RD	222.47	58
No Building; No Sewer Service	391-001	2872 TURNER RD	196.02	59
No Building; No Sewer Service	413-005	JOHNSON RD	119.15	61
No Building; No Sewer Service	387-001	125 BRIGHTON HILL RD	147.89999	58
No Building; No Sewer Service	411-019	SKILLINGS CORNER RD	133.16	61
No Building; No Sewer Service	167-002	WEST HARDSCRABBLE RD	117.64	58
No Building; No Sewer Service	085-001	SOPERS MILL RD	178.55	53
No Building; No Sewer Service	087-014	358 JORDAN SCHOOL RD	162.7	58
No Building; No Sewer Service	087-002	JORDAN SCHOOL RD	106.65	53
No Building; Sewer Service	247-050	HOTEL RD	121.11	52
Non Residental; No Sewer Service	113-027	550 PENLEY CORNER RD	183.5	27
Non Residental; No Sewer Service	055-005	130 MORIN BRICK RD	120.91	55
Non Residental; No Sewer Service	019-002	JORDAN SCHOOL RD	272.60001	45
Non Residental; No Sewer Service	213-014	106 SMALL RD	344.32999	61
Non Residental; No Sewer Service	365-016	LAKE SHORE DR	144.63	61
Non Residental; No Sewer Service	389-032	393 MAPLE HILL RD	139.84	61
Non Residental; No Sewer Service	347-010	ANDREW DR	173.89999	53
Non Residental; No Sewer Service	295-008	150 LOST VALLEY RD	194.04001	27
Non Residental; No Sewer Service	268-003	560 PARK AV	101.67999	67
Non Residental; Sewer Service	169-003	527 BEECH HILL RD	116.37	27
Non Residental; Sewer Service	188-013	1 PIONITE RD	139.17999	55
Non Residental; Sewer Service	299-003	1250 TURNER ST	124.77	64
Non Residental; Sewer Service	255-010	PERKINS RIDGE RD	109	50
Non Residental; Sewer Service	143-007	80 AIRPORT DR	347.20001	61
Non Residental; Sewer Service	229-006	COURT ST	112.4	51
Residential; No Sewer Service	089-004	2209 RIVERSIDE DR	101.9	1
Residential; No Sewer Service	139-002	1553 RIVERSIDE DR	106.24001	1
Residential; No Sewer Service	039-019	145 HOBART RD	174.33	1
Residential; No Sewer Service	011-001	2207 POWNAL RD	105	1
Residential; No Sewer Service	137-031	276 PENLEY CORNER RD	105.31	1
Residential; No Sewer Service	089-005	2175 RIVERSIDE DR	299.89999	1
Residential; No Sewer Service	085-003	857 SOUTH WITHAM RD	105.35	1
Residential; No Sewer Service	174-001	963 RIVERSIDE DR	163.85001	3
Residential; No Sewer Service	137-026	371 PENLEY CORNER RD	111.63	1
Residential; No Sewer Service	295-010	205 YOUNGS CORNER	123.19	1

		RD		
Residential; No Sewer Service	393-010	224 EAST WATERMAN RD	177.39999	1
Residential; No Sewer Service	213-002	384 BUTLER HILL RD	126.95	1
Residential; Sewer Service	202-004	453 RIVERSIDE DR	164	1

Additional Attachments:

1. Attachment Parcels Greater than 100 acres Map
2. Attachment Prospect Hill Fox Ridge Map
3. Attachment LostValley Martindale Map
4. REC SURVEY from Dan Bilodeau
5. Neighbors of Martindale proposed additions and edits 11 2 11

DRAFT PLANNING BOARD RECOMMENDATION ACCEPTED AS PART OF MINUTES AT 1/10/12 PLANNING BOARD MEETING

DIVISION 10. - PLANNED UNIT DEVELOPMENTS

Subdivision I. - In General

Sec. 60-359. - Purpose.

The purpose of this section is to provide for a greater variety and choice of design for urban and suburban living, to gain efficiencies, to coordinate design development efforts, to conserve and make available open space, to utilize new technologies for ~~urban~~ land development and to ~~gain flexibilities over~~ offer a flexible alternative to conventional land control regulations. This section should not be used as a device for circumventing the city's development regulations and may be employed in instances where there is truly some benefit to be derived from its use for the community and for the developer. The type and amount of development permitted shall be based on the Planning Board's evaluation of the development proposal and the purposes standards and provisions set forth in this Division.

(Ord. of 3-16-2009, § 3.51(A); Ord. of 9-21-2009, § 3.51A)

Sec. 60-360. - Scope.

(a) Application for a planned unit development may be made for land located where public sewer is presently available or will be made available by the developer prior to certificates of occupancy being issued. ~~in all zoning districts except agriculture and resource protection districts.~~

(b) ~~The requirements for setback, lot width, lot depth, lot area, street frontage and percentage of lot coverage stated in individual zoning classifications shall be subject to negotiation as they apply to planned unit developments, except the front yard setback from all dedicated rights-of-way shall not be reduced. In specific cases, the requirements for off-street parking stated in article V of this chapter and minimum area as stated in individual zoning classifications may be reduced. These requirements shall be controlled by the criteria and standards of this division and as shown on the approved planned unit development plan.~~

The dimensional requirements stated in individual zoning districts and signs as stated in Article V of this Chapter may be increased or decreased by the Planning Board as they apply to planned unit developments,

except the front yard setback from all public streets shall not be reduced. The dimensional requirements and provision of signs shall be controlled by the standards sets forth in Sec. 60-359 Purpose and Sec 60-361 General Standards.

(c) Coordination with subdivision regulations.

(1) ~~It is the intent of this division that i~~If a plan review is required under division 4 of article XVI Subdivision of this chapter, ~~that~~ it shall be accomplished simultaneously with the review of the planned unit development plan under this division of this zoning chapter.

(2) The final development plan shall be submitted in a form that is in accordance with the requirements of division 4 of article XVI Subdivision of this chapter relative to final plans where applicable.

(3) Requirements of this division of this zoning chapter and those of division 4 of article XVI of this chapter shall apply to all planned unit developments.

(Ord. of 3-16-2009, § 3.51(B); Ord. of 9-21-2009, § 3.51B)

Sec. 60-361. - General standards.

The following provisions apply to all planned unit development districts:

(1) The ~~setback, lot width and lot coverage~~dimensional requirements as stated in individual zoning ~~classification~~ districts shall apply within the PUD but may be ~~reduced~~ increased or decreased due to individual site ~~limitations~~ characteristics as determined by the ~~planning board~~Planning Board to promote the purposes set forth in section 60-359 of this chapter.

(2) ~~The number of off-street parking spaces in each planned unit development may not be less than the requirements as stated in article V of this chapter except that the~~The ~~planning board~~Planning Board may increase or decrease the required number of off-street parking spaces as stated in Article V of this chapter in consideration of the following factors:

a. ~~Probably~~ The probable number of cars owned by occupants of dwellings in the planned unit development;

b. The ~~P~~parking needs of any ~~nondwelling~~ nonresidential uses;

c. Varying time periods of use, and whatever joint use of common parking areas is proposed.

(3) Whenever the number of off-street parking spaces ~~are~~ is reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change.

(4) ~~In any~~A PUD involving residential uses ~~that receives a density bonus and has lot sizes that are reduced below the minimum required within the residential district,~~ shall reserve an amount of land equal to that ~~created through the reduction in required lot sizes,~~required by section 60-1367 to be held as open space for the mutual use of the residents of the PUD. ~~This shall be accomplished by either~~Land reserved to satisfy the open space requirement shall be:

a. ~~The land shall be a~~Administered through a homeowner's association; or

b. ~~The land shall be d~~Dedicated to and accepted by the city for public ~~use.~~use; or

c. Land occupied by a major recreational use adjacent to a PUD-RR; or

d. Managed by a non-profit organization or land trust deemed capable of management by the Planning Board; or

e. A combination of a, b, c and/or d above.

(5) All of the requirements of the city code of ordinances applicable to the zoning district not addressed in this division, shall apply.

(6) Before granting approval of the final development plans, the ~~city~~ Planning Board must ~~be satisfied~~find that said ~~plan~~ plan~~incorporates~~ addresses each of the following criteria or that one or more of the criteria are not applicable to the proposed development and/or that a practical substitute to one or more of the criteria has been achieved: ~~or can demonstrate that~~:

~~a. One or more of the criteria are not applicable; or~~

~~b. A practical substitute has been achieved for each of these elements consistent with the public interest:~~

1. ~~There~~ The proposed development has ~~is~~ an appropriate relationship to the surrounding area;

2. Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and control of noise and exhaust ~~control~~. Proper circulation in parking areas is designed for safety, convenience, separation and screening;~~.~~

3. ~~Functional~~ Adequate open space has been provided~~in terms of~~with consideration given ~~optimum preservation~~to preservation of natural features including trees and drainage areas, topographic features, recreation~~,~~ and views.~~, density relief and convenience of functions;~~

4. Privacy in terms of needs of individuals, families and neighbors;

5. Pedestrian and bicycle traffic in terms of safety, separation, convenience and~~,~~ access points ~~of destination and attractiveness~~;

6. Building types in terms of appropriateness to density, site relationship and bulk;

7. Building design in terms of orientation, spacing, ~~materials, color and texture~~character, storage, signs and lighting;

8. Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any;

9. ~~Maintenance, suitability and effect on the neighborhood;~~ Preservation of historically or architecturally significant buildings or places, if any;

10. There is public sewer available to the lot or will be made available by the developer prior to certificates of occupancy being issued.

11. That the proposal meets the requirements of Sec.60-1335, Special Exception of this Ordinance.

(Ord. of 3-16-2009, § 3.51(D); Ord. of 9-21-2009, § 3.51D)

Secs. 60-362—60-380. - Reserved.

Subdivision II. - Types

Sec. 60-381. - Definitions.

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

Planned includes plans, plats or any combination thereof.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-382. - PUDs established.

The following types of planned unit development may be established by special use approval in any existing zoning district as noted in this section. The options for use are as follows:

(1) PUD-R Planned Unit Development: Residential in LDCR, RR, SR, UR, MFS, MFU, GB and CB.

~~(2) PUD-C Planned Unit Development: Commercial in GB and CB.~~

~~(3) PUD-I Planned Unit Development: Industrial in ID.~~

(2) PUD-RR Planned Unit Development: Recreation/Residential in AG/RP, LDCR, RR, SR, UR, and GB.

(3) PUD-C Planned Unit Development: Commercial in GB and CB.

(4) PUD-I Planned Unit Development: Industrial in ID.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-383. - Zoning map indication.

The area included in each approved planned unit development shall be indicated on the zoning map as PUD-R or ~~-C~~, PUD-RR or PUD-C or PUD -I.

(Ord. of 3-16-2009, § (3.51)(C); Ord. of 9-21-2009, § 3.51C)

Sec. 60-384. - Permitting.

Phased planned unit developments shall be permitted where any type of PUD is otherwise allowed by this chapter with an additional review by the director of planning and permitting prior to recording at the Androscoggin County Registry of Deeds. It is the intent of this phasing to allow coordinated long term planning of a large scale development without the disincentives of taxation and financing for phases that will not be constructed in the short term. The final development plan shall be kept on file in the planning and permitting office and the developer shall meet the requirements of section 60-420(c) prior to declaration and recording of a phase. The developer shall declare and record the approved phase plan within 30 days after a written approval is issued by the director. The recorded plan shall contain a note referencing this chapter. This division may be applied to existing PUDs if said plan was approved by the ~~planning board~~Planning Board as a phased development.

(Ord. of 3-16-2009, § 3.51(C)(1); Ord. of 9-21-2009, § 3.51C)

Sec. 60-385. - Planned Unit Development-Residential (PUD-R).

It is the intent of this section that any residential property which is under single ownership and contains three acres or more area may be developed as PUD-R planned unit development: residential. Within the PUD-R the following uses and densities may be permitted subject to the approval of the ~~planning board~~Planning Board.

(1) Uses permitted by right or permitted by special exception in the residential districts noted in ~~this section~~this section and the underlying zoning district.

(2) Commercial uses may be permitted in the PUD-R district if the planned unit development contains 20 or more dwelling units. Such commercial ~~centers~~ uses shall be subject to the following requirements:

a. Such ~~centers~~ uses including parking shall be included as an integral part of the PUD and shall not occupy more than five percent of the total area of the PUD. Commercial uses in any development shall not be open to use prior to issuance of the certificates of occupancy for 50 percent of the dwelling units.

b. Except as stated in division 10 of article IV of this chapter all restrictions applicable to the NB district are applicable to the commercial center in the PUD-R district.

c. Such establishments shall be located, designed and operated primarily to serve the needs of the persons within the planned development. These buildings shall be architecturally compatible with the dwellings they serve using similar materials, geometry, topographic relationships, color and lighting to minimize its effect on the environment of existing or future residential uses adjacent to

them~~it~~.

d. Sign.

1. Any part of the sign for a commercial use shall not project above the eaves or protrude from the face of the building more than 12 inches. A ~~premise~~ commercial use shall have not more than one sign for every street frontage. ~~All~~ Any free standing signs may not exceed 20 feet in height and must have a minimum setback of 25 feet. Portable flashing and moving signs are not permitted. All emblems, shields or logos are considered part of the total allowable sign area.

2. A ~~R~~residential subdivision may have one sign for each newly created entry to the subdivision, not to exceed 40 square feet in size.

(3) The total number of dwelling~~s~~ units permitted in the PUD-R district shall be determined by dividing the total project acreage (not including public rights-of-way) by the area required per unit in ~~that~~ the underlying zoning district or as approved by the ~~city~~ Planning Board pursuant to ~~section 60-361(3).~~the standards in the underlying zoning district.

(4) If common open space remaining is offered to the city and is acceptable to the city, such dedication ~~shall~~ may~~not~~ be considered as partial or total fulfillment of park and open space dedication.

(5) Upon review of a PUD-R proposal, ~~if special circumstances exist in regard to land usability, topographical characteristics, or natural assets of the site to be preserved,~~ the ~~city~~ Planning Board may authorize up to a 20 percent increase in density over ~~the~~ that otherwise allowed in the underlying district ~~requirement~~ if the following criteria are met:

a. *Architecture.* Utilization of existing topography, recognition of the character of the area reflected in materials and layout.

b. *Siting.* Preservation of unique natural features, separation of pedestrian and vehicular circulation and integration of open space.

c. *Design.* A unified cohesive development, focal points ~~(cluster of seating, art forms, water feature)~~ for orientation and interaction, variety of scale.

d. *Landscaping.* The compatibility with natural landscape, the separation of individual units for privacy.

e. *Convenient.* A convenient well-defined access.

f. *Compatibility.* ~~The~~ Ceompatibility with ~~ultimate~~ the adopted comprehensive plan and/or plans approved by City boards and departments for school service area and size of buildings, park system, police and fire protection standards and other facilities public or private.

(6) All planned unit developments containing residential units shall comply with all city zoning and subdivision regulations.

(Ord. of 3-16-2009, § 3.51(C)(2); Ord. of 9-21-2009, § 3.51C)

Sec. 60-386- Planned Unit Development: Recreation/Residential (PUD-RR)

The PUD-RR district is created to provide for the development of residential and commercial uses that are customary, complementary, and appropriate to major recreational uses on land located adjacent to them. Major recreation uses of land are designed for outdoor use of large land areas and have indoor facilities to accommodate groups of people. Major Recreation uses may be open year round or may operate seasonally and their economic viability and continued operation are recognized as assets to Auburn. Flexibility for the siting of homes, condominiums, hotels or motels and accessory uses that are of a scale that is compatible with the surrounding area will help support the economics of a major recreation use.

Any major recreation use containing one hundred (100) acres or more area may be developed as a Planned Unit Development: Recreation/Residential- PUD-RR. Within a PUD-RR the following uses and densities may be permitted subject to the approval of the Planning Board.

(1) Uses permitted by right or permitted by special exception in the underlying zoning district.

(2) Attached single-family dwellings with direct access to the outside at ground level may be permitted, provided that they are approved as part of a Planned Unit Development and as a Subdivision under Sec.60-359 and Sec. 60-1359 of this chapter.

(3) Hotels or motels adjacent to an existing major recreation use or a major recreation use if construction of the major recreational use is complete and open for use, provided that they are approved by the Planning Board as a Site Plan and as a Special Exception under Sec.60-1276 and Sec.60-1335 of this chapter. The size and scale of a hotel, motel, or accessory commercial uses shall be determined by the Planning Board at the time of PUD and/or Special Exception review. In making their determination, the Planning Board shall consider the appropriate relationship of the hotel, motel or accessory buildings and structures to the major recreation use and the surrounding neighborhood in terms of bulk, location or operation of proposed buildings and structures, traffic impact, access management, parking requirements, internal circulation, vehicular and pedestrian connections to adjacent property, external lighting, landscaping, signage using the standards of Sec.60-385(2)d as a guide, provisions for water and public sewer, and the preservation of scenic and natural beauty to the extent possible.

(4) Accessory commercial uses provided that they are approved as a Site Plan and as a Special Exception under Sec. 60-1276 and Sec. 60-1335. Building and structures shall be architecturally compatible using similar materials, topographic relationships, color and lighting, landscaping, and signage to minimize its effect on the environment of existing or future recreation and residential uses adjacent to it.

(5) The total number of dwelling units permitted in the PUD-RR district shall be determined by dividing the total project acreage including the major recreational use (not including public rights-of-way) by the area required per unit in that zoning district or as approved by the Planning Board pursuant to section 60-361(4).

(6) The requirements of a Planned Unit Development, Sec. 60-361(4) and as a Subdivision, Sec.60-1367 to provide recreation and/or open space may be satisfied by the principal recreation, entertainment, and social uses of the adjacent major recreation use.

(7) Access to the property shall be located on an arterial or collector street to minimize congestion or unsafe conditions and unreasonable deterioration of the local road system. Access to individual house lots shall be from an internal street system to retain the character of the area.

(8) The requirements of this chapter applicable to the underlying distrct or districts, not addressed in this section, shall apply.

Sec. 60-387~~6~~. - Planned Unit Development-Commercial (PUD-C).

The PUD-C district is created to provide for the development of planned business and shopping centers and mixtures thereof. It is intended to promote the grouping of professional offices and retail commercial uses and to provide areas of sufficient size to establish harmonious relationships between structures, people and vehicles through the use of well planned parking access, pedestrian walkways, courtyards, walls and other open spaces. This district should offer a wide variety of goods and services. Any commercially zoned area three acres or more in size may be developed as a PUD-C district. Uses permitted in the ~~commercial zoning~~underlying zoning districts are permitted in the PUD-C district.

(Ord. of 3-16-2009, § 3.51(C)(3); Ord. of 9-21-2009, § 3.51C)

Sec. 60-387~~7~~8. - Planned Unit Development-Industrial (PUD-I).

The PUD-I district is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well planned parking and access, landscaped open areas and harmonious relationships between structures. Any industrial area over five acres may be developed as a PUD-I district. Uses permitted in the ~~industrial~~ underlying zoning district are permitted in the PUD-I district.

Secs. 60-387~~8~~9—60-417. - Reserved.

Subdivision III. - Application Procedure

Sec. 60-418. - Compliance.

All applicants for planned unit development shall comply with procedures set forth in this subdivision and in accordance with division 2 of article XVI of this chapter site plan review.

(Ord. of 3-16-2009, § 3.51(E)(intro. ¶); Ord. of 9-21-2009, § 3.51E)

Sec. 60-419. - Submission and review.

(a) An applicant shall make application for the approval of the planned unit development to the planning department. The applicant shall present his completed application and fee, in the amount provided in the city fee schedule, along with the development plan outline as specified in this division.

(b) The development plan outline shall include both the site plan map and a written statement of procedures. The plan shall indicate sufficient areas surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining existing and proposed uses.

(c) The site plan must contain the following information:

(1) All site plans shall conform to the provisions as contained in division 2 of article XVI of this chapter;

(2) The type and character of proposed development to include general architectural design, types of building materials to be used and, when appropriate, the proposed number of dwelling units per acre;

(3) The proposed location and size of public uses including schools, parks, playgrounds, swimming pools and other common open spaces.

(d) The written statement to accompany the development plan outline map must contain the following information:

(1) A brief description of unique project design needs that make the planned unit approach advantageous to the city and developer;

(2) An anticipated schedule of development and a conceptual phase plan where the developer intends to phase the declaration of portions of the development;

(3) Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common areas.

(e) The number of copies of the written statement must be consistent with the provisions of section 60-1300

(f) The applicant may be requested to submit any other information or exhibits deemed pertinent in evaluating the proposed planned unit development.

(Ord. of 3-16-2009, § 3.51(E)(1); Ord. of 9-21-2009, § 3.51E)

Sec. 60-420. - Final development plan.

(a) The final development plan shall be submitted in accordance with section 60-419 of the municipal code relative to final plans.

(b) The ~~planning board~~Planning Board shall approve the final development plan if it is in substantial compliance with the approved preliminary development plan. The final development plan shall be recorded as if it were a final subdivision plan except in the case of a phased development which shall follow the standards of subsection (c) of this section.

(c) For phased developments the final development plan shall be kept on file in the planning and permitting office. The developer shall provide a phase plan and letter of intent to declare a phase for review and approval by the director of planning and permitting prior to recording at the registry of deeds. The director shall consider the following standards before approving a phased plan for recording:

(1) The remaining undeveloped land/phases shall be considered as one lot for frontage purposes. The phase plan shall provide the required frontage for the remaining land/phases.

(2) Common open space, roadway improvements and/or access to utilities may be completed without opening a phase provided that the director determines that the work is necessary or beneficial to an open phase of the development or to the city.

(3) The phased plan must be determined by the director of planning and permitting to be consistent with and progress towards completion of the long term final development plan.

(d) From time to time the ~~planning board~~Planning Board shall compare the actual development accomplished in the planned unit development with the approved development schedule. If the owner of property in the PUD has failed to meet the approved development schedule without cause, the ~~planning board~~Planning Board may initiate proceedings. The ~~planning board~~Planning Board, for good cause shown by the property owner, may extend the limits of the development schedule.

(e) The ~~planning board~~Planning Board may require adequate assurance in a form consistent in a form acceptable to the ~~planning board~~Planning Board, that the common open space shown in the final development plan shall be provided and developed.

(f) Final development plan contents:

(1) The final development plan shall contain the information provided on the preliminary development plan ~~or any logical part thereof~~and any additional information requested by the Planning Board~~,~~ and must be submitted within one year following the approval of the preliminary development plan unless written request is made for an extension of up to one year and approve~~s~~d by the ~~planning board~~Planning Board.

(2) The final development plan, with supplemental information in report form, shall be prepared in conformity with the provisions of section 60-419

(3) Copies of any special agreements, conveyances, deed restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit development and any of its common area must accompany the final development plan.

(4) The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development.

(g) Control of planned unit development following completion.

(1) The ~~planning board~~Planning Board shall review and take action on the competed final plan.

(2) After final approval has been granted the use of the land and the construction, modification or alteration of any building or structure within the planned development shall be governed by the approved final development plan rather than by any other provisions of this zoning chapter.

(3) After final approval, no changes may be made in the approved final development plan except upon application to the appropriate agency under the following procedures:

a. Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the ~~planning board~~Planning Board if they are consistent with the purposes and intent of the final plan. No change authorized by this division may decrease or increase the dimension of any building or structure by more than ten percent.

b. Any uses not authorized by the approved final plan, but allowable in the PUD as a permitted principa~~l~~l~~e~~, accessory, or special use under the provisions of the underlying zoning district in which the planned development is located may be authorized by the planning director and added to the final development plan provided that such an addition does not adversely impact the approved development plan.

c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or amendments thereof approved under subsection (g)(3)a and b of this section.

d. Changes in use of common open spaces may be authorized by an amendment to the final development plan under subsection (g)(3)a and b of this section.

e. All other changes in the final development plan must be made by the ~~planning board~~Planning Board under the procedures authorized by this chapter. No changes may be made in the final development plan unless found to be required for:

1. Continued successful functioning of the planned unit development;

2. By changes in conditions that have occurred since the final plan was approved; or

3. By changes in the development of the community.

No changes in the final development plan which are approved under this division are to be considered as a waiver of the provisions limiting the land use, buildings, structures, and improvements within the area of the planned unit development, and all rights to enforce these provisions against any changes permitted in this division are expressly reserved.

(Ord. of 3-16-2009, § 3.51(E)(2); Ord. of 9-21-2009, § 3.51E)

Secs. 60-421—60-438. - Reserved.

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:

Dwelling ~~*or dwelling unit*~~ means a building or portion thereof arranged or designed to provide living facilities for one or more families.

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

Dwelling, one-family detached, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, one-family attached, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

Dwelling unit means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used for or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

Major Recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least 2 lifts and public and private golf courses with a minimum of 18 holes.

Open space, common means land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, motorhome or recreational vehicle parks or commercial campgrounds and facilities for mass gatherings when used for two or more events during a calendar year.

(Ord. of 9-21-2009, § 2.2)

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 17, 2017

Author: Peter Crichton, City Manager

Subject: FY17-18 Workplan

Information: Now that the City Council has adopted the budget for FY17-18, it is important that a Work Plan is developed to move forward in a proactive fashion to establish priorities and target dates for the implementation of the budget. At the same time, ongoing Council initiatives need to be incorporated into the process and plan. As part of the process, I would like to recommend having Craig Freshly facilitate a discussion among the department directors and key staff to set the stage for a Workshop with the Mayor, Council, and Department Directors.

Advantages: To provide measures to produce better information for decision making and greater accountability.

Disadvantages: No disadvantages.

City Budgetary Impacts: The estimated impact is $3,000 to be paid from the City Manager's budget.

Staff Recommended Action: Discussion

Previous Meetings and History:

Attachments:

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 17, 2017

Author: Sue Clements-Dallaire, City Clerk

Subject: Discussion regarding the report of the Joint Charter Commission and tentative timeline for public hearings and the election on the proposed consolidation of Auburn and Lewiston

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Information: The Joint Charter Commission has completed their report of the Cities of Auburn and Lewiston and they have provided copies to the municipal officials. The report is also available to the public on their website.

http://newlacharter.ning.com/reference/document-set-delivered-to-cities-june-30-2017

Advantages: Allows us to begin discussions on the process and scheduling the public hearing(s).

Disadvantages: N/A

City Budgetary Impacts: N/A

Staff Recommended Action: Discussion regarding dates for the public hearing(s).

Previous Meetings and History: Discussion at the 7/10/2017 workshop

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Attachments:
Title 30-A sec. 2152
City Council agenda and tentative timeline

TO: Peter Crichton, City Manager
FROM: Sue Clements-Dallaire, City Clerk
RE: Council Meeting and Tentative Schedule for Consolidation Vote
DATE: July 13, 2017

The following is a ***tentative*** schedule through the end of November.

Date	Time	Agenda Items
Thursday 7/20/2017		Run public hearing ad
Tuesday 8/1/2017	6:00 PM	Public Hearing
Monday 8/7/2017	5:30 PM Workshop 7:00 PM Meeting	•
Monday 8/21/2017	5:30 PM Workshop 7:00 PM Meeting	• • Order directing the City Clerk to place the consolidation question on the city ballot for the Nov. 7th election
Thursday 8/24/2017	4:30 PM	• Deadline to file Nomination Papers with the City Clerk
Monday 9/4/2017	HOLIDAY	• Due to the holiday, the first regular Council meeting for September will be held on Monday Sept. 11, 2017
Friday 9/8/2017	4:30 PM	• Deadline to submit ballot order
Monday 9/11/2017	5:30 PM Workshop 7:00 PM Meeting	•
Monday 9/18/2017	5:30 PM Workshop 7:00 PM Meeting	•
Monday 10/2/2017	5:30 PM Workshop 7:00 PM Meeting	•
Monday 10/16/2017	5:30 PM Workshop 7:00 PM Meeting	•
Friday 10/27/2017		***Public hearing must adjourn permanently at least 10 days before the election (30-A, §2152 4A).**
Monday 11/6/2017	5:30 PM Workshop 7:00 PM Meeting	•

Tuesday 11/7/2017	Polls open 7AM – 8PM	• ELECTION DAY
Monday 11/20/2017	5:30 PM Workshop 7:00 PM Meeting	•

***30-A §2152 4B – A notice of public hearing must be given at least 30 days before the election and at least 10 days before the hearing.**

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: 7/17/2017 **Order:** 62-07172017

Author: Sue Clements-Dallaire, City Clerk

Subject: Acknowledgement of Receipt of the Joint Charter Commission's report and proposed Joint Charter

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Information: The Joint Charter Commission has completed their report of the Cities of Auburn and Lewiston and they have provided copies to the municipal officials. The report is also available to the public on their website.

http://newlacharter.ning.com/reference/document-set-delivered-to-cities-june-30-2017

Advantages: Acknowledges that it is now in the hands of the Council to proceed with the next steps (hold public hearings and set the date for the Special Referendum Election.

Disadvantages: None

City Budgetary Impacts: None

Staff Recommended Action: Passage

Previous Meetings and History: Discussion at the 7/10/2017 Council workshop.

Attachments: None.

IN CITY COUNCIL

ORDER 62-07172017

ORDERED, that the City Council hereby acknowledges the receipt of the Joint Charter Commission Report and proposed Charter.

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 17, 2017 **Order:** 63-07172017

Author: Sue Clements-Dallaire, City Clerk

Subject: Setting the date for the Special Municipal Referendum Election for proposed consolidation of the cities of Auburn and Lewiston.

Information: The Joint Charter Commission has drafted a consolidation agreement between the cities of Auburn and Lewiston and they've submitted copies of the agreement to the Municipal Officers of both cities. The agreement shall be submitted to the voters of each municipality at a municipal election after notice and hearing. The Municipal Officers are to set the date for that election.

Advantages: Allows the people to vote on this issue and move forward.

Disadvantages: Could potentially result in a higher voter turnout if the election is held during a General Election.

City Budgetary Impacts: Minimal impact if held at the same time as the Municipal Election and State Referendum Election.

Staff Recommended Action: Recommend passage

Previous Meetings and History: Discussion at the 7/10/2017 Council workshop.

Attachments: Order 63-07172017

IN CITY COUNCIL

ORDER 63-07172017

ORDERED, that the City Council hereby sets Tuesday, November 7, 2017 as the date for the Special Municipal Referendum Election for the proposed consolidation of the cities of Auburn and Lewiston.

Mayor LaBonté 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. Councilor Young had an excused absence. All other Councilors were present.

I. Consent Items

1. Order 56-07102017*

Confirming Chief Crowell's appointment of John W. Peterson as a Constable with firearm for the Auburn Police Department.

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

Passage 6-0.

II. Minutes - June 19, 2017 Regular Council Meeting

Motion was made by Councilor Stone and seconded by Councilor Burns to approve the minutes of the June 19, 2017 Council meeting. Passage 6-0.

III. Communications, Presentations and Recognitions

Proclamation - Summer Learning Day

The Mayor declared July 13, 2017 as Summer Learning Day in Auburn.
The following individuals spoke:
Mamie Ney (Auburn Public Library Director), Fred Lidstone and Lisa Whitman (ELHS Summer Opportunities), Luci Merin (Community Learning Center), Michelle Gagne and Sue Dorris (Elementary Opportunities), Steve Wallace (YMCA), Lena Hann (Literacy Volunteers), Betsy Norcross Plourde (Promise Early Education Center), Amy Boclair (Boys and Girls Club), Sabrina Best (Auburn Recreation Director), Debora Cleveland (Auburn Public Library), Chief of Police, Phil Crowell (PAL Center).

IV. Open Session

Charles Soule 135 Bartlett Street, Lewiston and a graduate of ELHS spoke about a summer program he attended years ago, and also asked if hard copies of the Joint Charter Commissions report and proposed Charter be available to the public adding that many do not have computers or prefer to read a hard copy rather than on the website.

Mamie Ney, Auburn Public Library Director, stated that both the Lewiston and Auburn Public Libraries have hard copies of the document available for the public to read.

V. Unfinished Business - None

VI. New Business

1. Order 57-07102017

Appointing Jennifer Kimble to serve on the Auburn Housing Authority with a term expiration of 10/01/2021.

Motion was made by Councilor Lee and seconded by Councilor Burns for passage of Orders 57-07102017 through 61-07102017.

Public comment – no one from the public spoke.

Passage 6-0.

2. **Order 58-07102017**
Appointing Linda Wooten to serve on the Auburn Lewiston Advisory Cable TV Committee with a term expiration of 6/1/2019.

3. **Order 59-07102017**
Appointing the following to serve on the Complete Streets Committee; David Das and Jeremiah Bartlett, term expirations 1/1/2020, Dana Staples, term expiration 1/1/2019, Larry Pelletier, term expiration of 1/1/2018.

4. **Order 60-07102017**
Appointing the following to serve on the Conservation Commission; Benjamin Low and Johnna Flood, term expiration 6/1/2019, Rhyanna Larose, term expiration 6/1/2018.

5. **Order 61-07102017**
Appointing Chad Roberts to serve on the Lewiston Auburn Transit Committee (LATC), term expiration 7/1/2020.

VII. Reports

Mayor LaBonte – no report

Councilor Young – no report

Councilor Pross – reported on the World Refuge Day event that was held on June 29, 2017. He also wanted to acknowledge that there will be a discussion regarding voting locations that will take place at the 7/17/2017 Council workshop. He also reported that the School Committee has been looking at expanding professional development for middle school and high school teachers. A formal committee will be set up to look at that in order to come up with a plan. Last, he reported that the School Committee had their first reading on the policy change that would adopt proficiency based diploma. The second reading is coming up on Wednesday.

Councilor Stone – provided an update on the Park Avenue and Hampshire Street projects, as well as the issue of the grass around the sidewalks not taking on Lake Street as a result of work that was done last year. He is working with staff on getting that fixed.

Councilor Lee – reported that he had a tour of the Food Joy organic farm in South Auburn. They've recently launched a new project called CSA Meal Kit. The food comes from their farm and is delivered to your home and is available to the Lewiston and Auburn area.

Councilor Walker - no report

Councilor Burns - no report

City Manager's Report – he encouraged the Mayor and Councilors to let him know if there are workshop topics they would like to see on the agenda. He reported that he recently spoke to school Superintendent Katy Grondin regarding what is happening with increased funding (State). She hopes to receive word by the end of the month. Staff is working to address constituent concerns. He plans on working with Assistant City Manager, Denise Clavette when she begins here work here in Auburn, to formalize that process. He also reported on the status of the New Auburn development adding that staff continues to make progress.

VIII. Open Session - No one from the public spoke.

IX. Executive Session - Discussion regarding economic development, pursuant to 1 M.R.S.A. §405(6)(C).

Motion was made by Councilor Burns and seconded by Councilor Walker for passage. Passage 6-0. Time in 7:37 PM.

Council was declared out of executive session at 7:57 PM.

X. Adjournment

Motion was made by Councilor Lee and seconded by Councilor Burns to adjourn. All were in favor, time adjourned 7:57 PM.

A True Copy.

ATTEST Susan Clements-Dallaire
Susan Clements-Dallaire, City Clerk

City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 17, 2017

Subject: Executive Session

Information: Discussion regarding labor contract negotiations, pursuant to 1 M.R.S.A. Section 405(6) (D).

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: July 17, 2017

Subject: Executive Session

Information: Discussion regarding economic development, pursuant to 1 M.R.S.A. Section 405(6) (C).

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(2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;

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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;

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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.