



**Special Meeting of the City Council  
December 9, 2019  
Agenda**

**5:30 P.M. Special City Council Meeting**

**Pledge of Allegiance**

- I. Communications** – Review of Planning Board Recommendations (Eric Cousens and Evan Cyr)
- II. Unfinished Business**
  - 1. Ordinance 19-12022019**  
Amending Chapter 60, Article XII. Division 4, Lake Auburn Watershed Overlay District, Sec.60-952 & Sec.60-953. **Public hearing and second reading.**
  - 2. Ordinance 16-11182019**  
Amending Chapter 60, Sec. 60-2 Definitions in the Agriculture and Resource Protection District (AGRP). **Public hearing and second reading.**
  - 3. Ordinance 17-11182019**  
Amending Chapter 60, Sec.60-145 Use Regulations in the Agriculture and Resource Protection District (AGRP). **Public hearing and second reading.**
  - 4. Ordinance 18-11182019**  
Amending Sec. 60-146 Dimensional Regulations in the Agriculture and Resource Protection District (AGRP). **Public hearing and second reading.**
  - 5. Ordinance 20-12022019**  
Adopting the Agricultural Committee Ordinance. **Public hearing and second reading.**
- III. New Business**
  - 1. Order 141-12092019**  
Approving the liquor license application for Dee Samer LLC, DBA Aan-Chun Asian Fusion, located at 730 Center Street, Auburn, Maine. **Public hearing.**
  - 2. Order 142-12092019**  
Extending the term expiration date for the Recycling Ad-hoc Committee to May 1, 2020.
  - 3. Order 143-12092019**  
Approving the temporary liquor license for the New Year's Eve Auburn Event to be held on 12/31/2019.
- III. Adjournment**



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 9, 2019

**Communication**

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

**Subject:** Planning Board Recommendations on the proposed Zoning Text Amendments to Chapter 60 regarding the Agriculture and Resource Protection Zoning District (AGRP)

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**Information:** Deliver the Planning Board recommendations to the Council prior to action on the proposed ordinance amendments later in the meeting.

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**Advantages:** Discussion to prepare for the ordinance changes on the agenda tonight.

**Disadvantages:** None

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Consider Planning Board recommendations.

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**City Manager Comments:**

I concur with the recommendation. Signature:

A handwritten signature in cursive script, reading "Phillip Crowell Jr.".

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**Previous Meetings and History.** This topic has been discussed by City Council at more than eight (8) workshops since September 16<sup>th</sup> and has been the subject of many committee meetings over the last couple years.

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**Attachments:** Planning Board Recommendations and draft ordinance sections to accomplish the Boards recommendations.



## City of Auburn, Maine

Economic & Community Development

Michael Chammings, Director

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# DRAFT

## Planning Board Report to the City Council

To: Mayor Levesque and Members of the Auburn City Council

From: Auburn Planning Board

Re: Proposed text amendments to the Agriculture and Resource Protection zoning District and the Lake Auburn Overlay District

Date: December 3, 2019

The Auburn Planning Board met on December 3, 2019 and held properly noticed Public Hearings on each of the below ordinance amendments; Four members of the public spoke at the hearings. After deliberation the Board provides the following comments and recommendation to the City Council.

Through workshops and review of the Comprehensive Plan in May and June of this year, the Board established five objectives that any amendment to the Agriculture and Resource Protection Zoning District should meet. The Board reaffirmed those objectives for use in reviewing the current proposed amendments at the December 3<sup>rd</sup> meeting.

The Planning Board Objectives for this review are as follows:

1. A Reduction in the 50% income rule should be addressed – it is not appropriate in this era.
2. It does not promote residential use – must remain accessory to agriculture.
3. It must not spur sprawl or growth in rural areas of the City.
4. It must not favor either small-scale or large-scale agriculture – neither should be negatively impacted by a change in the code.
5. Forestry and other conservation use may need to be considered differently, as the unintended consequences have resulted in 75% forested land that is now home to wildlife populations. Large “tree farming” and/or development will push wildlife into farming operations and/or urban areas, resulting in dramatic loss of wildlife populations and hunting grounds.

# DRAFT

Agreement with the proposed definition that is simpler and more easily integrated into overall farm use.

**Sec. 60-145 Use Regulations (a)1. Permitted Uses** Motion by Katherine Boss, 2<sup>nd</sup> by Mathieu Duval Vote: 6/0

The Board finds that proposed language and reduction to 30% meets objectives 1 and 2 but 30% number is not tied to a specific metric or data and is somewhat arbitrary. More information (Farm income data) is needed to determine if objectives 3, 4 and 5 are affected by the changes. The Board recommends that there be consistency in language to define both household and farm income as either gross or net and that information about Auburn specific farms be used in decision making.

**Sec. 60-145 Use Regulations (b)18. Special Exception Uses** Motion by John Engler, 2<sup>nd</sup> by Brian Carrier Vote: 6/0.

The 30% income comments above also apply to this section. With the changes noted below, the Board supports the proposed amendment. The Planning Board finds that the proposed language meets objective 1 and would better meet 2 if amended and should be amended as shown below:

60-145(b)(18)C.3 should be amended to require compliance with the proposed State income standard for Farmland in the two calendar years preceding the date of application for a residence.

60-145(b)(18)C.3 should further be amended to reference the sales amount found “within the definition of Farmland in Title 36 M.R.S.A, section 1102, subsection 4” instead of specifically stating \$2000 so that the \$2000 sales amount remains consistent with the State program if the State changes the dollar amount in the future.

60-145(b)(18)d should be amended to change the January 1, 2018 date to the date of the Mayoral Proclamation for Appointments to form the Ad-Hoc Committee for Auburns Agriculture and Natural Resource Economy. (Staff reviewed the file and that occurred in October of 2017)

Further information would be needed to determine if objectives 3,4 and 5 are affected by the changes. There is a need to look at available income data, specifically considering net vs. gross measurement of income, to inform decision makers.

**Sec. 60-146. Dimensional Regulations** Motion by Brian Carrier, 2<sup>nd</sup> by John Engler Vote: 6/0

The Planning Board objectives do not really apply to this section. The Board recommends that the Council accept this section as written with an amendment that changes section (1)c such that the January 1, 2018 date to the date of Mayor LaBonte’s Appointments to form the Ad-



# DRAFT

Hoc Committee for Auburns Agriculture and Natural Resource Economy. (Staff reviewed the file and that occurred in October of 2017)

**Sec. 60-952. - Use and environmental regulations.** Motion by Brian Carrier, 2<sup>nd</sup> by Mathieu Duval Vote: 6/0

The Board recommends the adoption of this section with an amendment that clarifies that “Residential dwellings” in this section means “Residential Dwellings in the Agriculture and Resource Protection Zoning District” and finds that it protects the drinking water supply as intended.

## Additional Recommendations:

1. That the Council direct the City Manager to implement an evaluation process to track development and land use in the Agriculture and Resource Protection Zoning district moving forward, with the Agricultural Committee. Motion by Katherine Boss, 2<sup>nd</sup> by Mathieu Duval Vote: 6/0
2. That the Council direct the City Manager to have staff review growth and land use changes in the Agriculture and Resource Protection Zoning district with the Agricultural Committee and report to the Council on an annual basis. Motion by Brian Carrier, 2<sup>nd</sup> by Katherine Boss Vote: 6/0
3. That the City Council review all references to “income” in the ordinance and that income be defined in a way that is both clear and consistent. By consistent, this means that if “gross farm” income is used, it should be measured against “gross household” income; If “net household” income is used, it should be measured against “net farm” income.

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Evan Cyr  
Chairperson, Auburn Planning Board

Sec. 60-145. - Use regulations.

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

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:
  - a. At least 30 percent of the ~~total~~gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30% of Auburn's Median Household Income, according the most recent Census data.
  - b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are substantially~~75%~~ completed.
  - ~~cb.~~ In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
  - ~~de.~~ Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
- (15) Marijuana manufacturing accessory to a licensed cultivation site.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:

- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
  - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
  - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
  - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
- (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
- (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
- (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
- (5) Recreational uses of land intended or designed for public use subject to the following conditions:
  - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
  - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
- (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
  - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
  - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
- (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
- (8) Cemeteries, subject to the following conditions:
  - a. At least 20 acres in area.
  - b. Not located in any environmental overlay district or over any known aquifer.
- (9) Municipal sanitary landfills, subject to the following conditions:
  - a. Not located in any environmental overlay district or over any known aquifer.

- b. Provisions shall be made to avoid surface water and groundwater pollution.
  - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
- a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
  - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (11) Wholesale nurseries, subject to the following conditions:
- a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
  - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
  - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
  - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the Watershed of Taylor Pond, the Shoreland Overlay District or the Floodplain Overlay District.
  - b. The proposed use shall not occupy more than 10,000 square feet of building area.
  - c. The number of employees shall be limited to not more than 15.
  - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
  - e. Hours of operation shall limited to between 6 a.m. and 8 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
  - b. Provisions shall be made to avoid surface and groundwater pollution.
  - c. Provisions shall be made to counteract vermin, insects and odors.
  - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
  - e. Shall not be located within the Lake Auburn Watershed Overlay District.

- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
  - a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
  - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
  - c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, on parcels containing greater than five, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:

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

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

c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:

- 1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.
- 2. The parcel can reasonably accommodate the proposed farm.
- 3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:
- 4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of Farmland in Title 36 M.R.S.A, section 1102, subsection 4 ,per year from the sales value of agricultural products as defined in Title 7 M.R.S.A., section 152, subsection 2 in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.

5. The proposed residence shall be accessory to farming.

6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.

d. The parcel was existing as of [October 1, 2017](#), contains more than five acres of land area, and otherwise meets the requirements of Chapter 60 Zoning.

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

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

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

Sec. 60-146. - Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* No lot shall be created containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth.~~and/or a~~No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
  - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
  - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of animal farm contained in section 60-2.
  - c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing greater than 5 acres but less than 10 acres, if approved as a Special Exception pursuant to Section 60-145.b.18
- (2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to section Sec.60-146(1).
- (3) *Yard requirements.*
  - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
  - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
  - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories of 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.31C)



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 9, 2019

**Ordinance:** 19-12022019

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

**Subject:** Lake Auburn Overlay Changes related to residences in the Agriculture and Resource Protection (AGRP) Zoning District

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**Information:** The City Council has been working with staff to refine amendments to the Agriculture and Resource Protection Zoning District regarding residences accessory to farms. At the November 18, 2019 meeting the Council directed staff to prepare an amendment that would retain the current standards in the Lake Auburn watershed if the standards are changed in the remainder of the AGRP Zoning District. The request was in response to concerns raised by the Lake Auburn Watershed Protection Commission. The Planning Board reviewed the proposed changes and at their December 3<sup>rd</sup> meeting and recommended approval with one clarification to ensure the changes can't be construed to prevent residences that are already permitted in residential zones within the watershed. Staff has already incorporated this clerical edit into the draft for second reading because it accomplishes the clear Council directive to keep the same standards in place to protect the watershed.

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**City Budgetary Impacts:** None known

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**Staff Recommended Action:** Review and discuss

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**Previous Meetings and History:** None specific to the Lake Auburn Overlay but this was requested by the Council at the 11/18/19 Council Meeting. First reading on December 2, 2019.

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**City Manager Comments:**

I concur with the recommendation. Signature: 

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**Attachments:**

Draft Ordinance and Planning Board Recommendation.



#### DIVISION 4. - LAKE AUBURN WATERSHED OVERLAY DISTRICT

##### Sec. 60-950. - Purpose.

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

(Ord. of 9-21-2009, § 5.3A)

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

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

(Ord. of 9-21-2009, § 5.3B)

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

~~(a)~~ *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.

~~(a)~~(b) *Residential dwellings in the Agriculture and Resource Protection Zoning District.* Notwithstanding Sections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), one-family detached dwellings are only permitted in the Lake Auburn Watershed District on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: At least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses.

~~(c)~~(b) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries is tilled for agricultural purposes, an untilled buffer strip 50 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (b) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

~~(d)~~(e) *Municipal and manure sludge disposal.* All spreading and disposal of municipal sludge shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980. All spreading and disposal of manure shall be accomplished in conformance with Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.

~~(e)~~(f) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

- (1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed is prohibited.
- (2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the water district. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.
- (3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the city water district indicating the changes so that a record can be maintained of watershed water yields to the system.

(fe) *Private sewage disposal systems.* The following regulations shall be adhered to in the development of private sewage disposal systems in the Lake Auburn Watershed:

- (1) Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.
- (2) Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), no subsurface absorption area shall be installed closer than 300 feet to the normal high-water mark of any lake, pond, or yearround or intermittent stream. Where the daily sewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or yearround or intermittent stream.
- (3) The city water district shall have the right to inspect any system within the Lake Auburn Watershed District during its construction and operation and may notify the health office, police chief, local plumbing inspector or housing inspector who shall require the abatement of such defects or malfunctions.
- (4) The local plumbing inspector shall furnish a copy of all site investigation reports in the Lake Auburn Watershed District to the city water district.
- (5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.

(Ord. of 9-21-2009, § 5.3C)

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

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

structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. - Conflicts.

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

(Ord. of 9-21-2009, § 5.3E)

Secs. 60-955—60-981. - Reserved.

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



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

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDINANCE 19-12022019

**Be it Ordained**, that the Auburn City Council hereby adopts the second and final reading of the proposed amendment to Chapter 60 Section 60-952. - Use and environmental regulations of the Lake Auburn Overlay District as attached.

#### DIVISION 4. - LAKE AUBURN WATERSHED OVERLAY DISTRICT

##### Sec. 60-950. - Purpose.

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

(Ord. of 9-21-2009, § 5.3A)

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

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

(Ord. of 9-21-2009, § 5.3B)

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

(a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.

Deleted: (a)

(b) *Residential dwellings in the Agriculture and Resource Protection Zoning District.* Notwithstanding Sections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), one-family detached dwellings are only permitted in the Lake Auburn Watershed District on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: At least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses.

(c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries is tilled for agricultural purposes, an untilled buffer strip 50 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (b) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

Deleted: b

(d) *Municipal and manure sludge disposal.* All spreading and disposal of municipal sludge shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980. All spreading and disposal of manure shall be accomplished in conformance with Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.

Deleted: c

(e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

Deleted: d

- (1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed is prohibited.
- (2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the water district. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.
- (3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the city water district indicating the changes so that a record can be maintained of watershed water yields to the system.

(i) *Private sewage disposal systems.* The following regulations shall be adhered to in the development of private sewage disposal systems in the Lake Auburn Watershed:

Deleted: e

- (1) Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area.
- (2) Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), no subsurface absorption area shall be installed closer than 300 feet to the normal high-water mark of any lake, pond, or yearround or intermittent stream. Where the daily sewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or yearround or intermittent stream.
- (3) The city water district shall have the right to inspect any system within the Lake Auburn Watershed District during its construction and operation and may notify the health office, police chief, local plumbing inspector or housing inspector who shall require the abatement of such defects or malfunctions.
- (4) The local plumbing inspector shall furnish a copy of all site investigation reports in the Lake Auburn Watershed District to the city water district.
- (5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.

(Ord. of 9-21-2009, § 5.3C)

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

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

structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. - Conflicts.

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

(Ord. of 9-21-2009, § 5.3E)

Secs. 60-955—60-981. - Reserved.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 9, 2019

**Ordinance:** 16-11182019

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

**Subject:** Proposed Zoning Text Amendments to Chapter 60, Sec. 60-2 Definitions related to the Agriculture and Resource Protection Zoning District (AGRP)

---

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

The portion of the amendments in front of the Council for the current vote is Chapter 60, Sec. 60-2 Definitions. The Planning Board recommends approval of the definition as proposed.

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**Advantages:** This modification is intended to address modern agricultural contributions to our local, regional and state economy from the agriculture sector, by recognizing the multiple income streams today's households need to be prosperous. It is also intended to open further opportunities to moderate income, and starter households who want to establish a new land-based enterprise.

**Disadvantages:** The administration, enforcement and implementation will require staff time similar to the existing ordinance.

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**City Budgetary Impacts:** We do not anticipate any significant impacts with this incremental approach. New Homes will create new costs for services and new revenues, but the proposal should continue to limit development as farm residences.

---

**Staff Recommended Action:** Consider Planning Board recommendations, hold a public hearing and vote to approve the proposed ordinance.

---

**City Manager Comments:**

I concur with the recommendation.

Signature:

A handwritten signature in cursive script, reading "Phillip Crowell Jr.", written in dark ink.

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**Previous Meetings and History.** This topic has been discussed by City Council at more than eight (8) workshops since September 16<sup>th</sup> and has been the subject of many committee meetings over the last couple years. First Reading on December 2, 2019.

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**Attachments:** Draft proposed language, Planning Board Recommendations and ordinance.



## Sec.60-2. - Definitions

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

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

~~At least 50 percent of the total annual income of the farm occupant and his spouse living in the farm residence will be derived from such uses; and~~

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

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



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

Jason J. Levesque, Mayor

## **IN CITY COUNCIL**

### **ORDINANCE 16-11182019**

**Be it Ordained**, that the Auburn City Council hereby adopts the second and final reading of the proposed amendment to Chapter 60 Section 60-2 Definitions as attached.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 9, 2019    **Ordinance:** 17-11182019

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

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

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

For lots existing as of January 1, 2018 this amendment also creates a Special Exception (18) to enable specific use and standards to apply to parcels as small as five(5) acres in size, after submittal and review of the applicants commitment to agricultural activities by both the Agricultural Advisory Committee and the Planning Board (As is standard for all Special Exceptions, this would be a noticed Public Hearing). The Planning Board has recommendations for the Council to consider on this section (Attached).

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

**Disadvantages:** The administration, enforcement and implementation will require staff time similar to the existing ordinance.

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**City Budgetary Impacts:** We do not anticipate any significant impacts with this incremental approach. New Homes will create new costs for services and new revenues, but the proposal should continue to limit development as farm residences.

---

**Staff Recommended Action:** Consider Planning Board recommendations, hold a public hearing and vote to approve the proposed ordinance with any amendments deemed necessary by the City Council.

---

**City Manager Comments:**

I concur with the recommendation.

Signature:

A handwritten signature in cursive script, reading "Phillip Crowell Jr.".



**Previous Meetings and History.** This topic has been discussed by City Council at more than eight (8) workshops since September 16<sup>th</sup> and has been the subject of many committee meetings over the last couple years. First Reading on December 2, 2019.

---

**Attachments:** Draft proposed language, Planning Board Recommendations and ordinance.

Sec. 60-145. - Use regulations.

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

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:

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

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

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

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

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- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
- (15) Marijuana manufacturing accessory to a licensed cultivation site.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:

- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
  - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
  - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
  - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
- (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
- (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
- (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
- (5) Recreational uses of land intended or designed for public use subject to the following conditions:
  - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
  - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
- (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
  - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
  - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
- (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
- (8) Cemeteries, subject to the following conditions:
  - a. At least 20 acres in area.
  - b. Not located in any environmental overlay district or over any known aquifer.
- (9) Municipal sanitary landfills, subject to the following conditions:
  - a. Not located in any environmental overlay district or over any known aquifer.

- b. Provisions shall be made to avoid surface water and groundwater pollution.
  - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
- a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
  - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (11) Wholesale nurseries, subject to the following conditions:
- a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
  - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
  - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
  - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the Watershed of Taylor Pond, the Shoreland Overlay District or the Floodplain Overlay District.
  - b. The proposed use shall not occupy more than 10,000 square feet of building area.
  - c. The number of employees shall be limited to not more than 15.
  - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
  - e. Hours of operation shall limited to between 6 a.m. and 8 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
  - b. Provisions shall be made to avoid surface and groundwater pollution.
  - c. Provisions shall be made to counteract vermin, insects and odors.
  - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
  - e. Shall not be located within the Lake Auburn Watershed Overlay District.

- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
  - The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
  - The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.

(18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-173, as set forth in article XII of this chapter, on parcels containing greater than five, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:

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

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

c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:

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

2. The parcel can reasonably accommodate the proposed farm.

3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:

The parcel must contribute to a gross income per year of at least \$2,000 per year from the sales value of agricultural products as defined in Title 7 M.R.S.A., section 152, subsection 2, in two of the five calendar years preceding the date of application for Special Exception use approval. Gross income can include the value of commodities produced for consumption by the farm household.

4. The proposed residence shall be accessory to farming.



5. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.

d. The parcel was existing as of January 1, 2018, contains more than five acres of land area, and otherwise meets the requirements of Chapter 60 Zoning.

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

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

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

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



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

Jason J. Levesque, Mayor

## **IN CITY COUNCIL**

### **ORDINANCE 17-11182019**

**Be it Ordained**, that the Auburn City Council hereby adopts the second and final reading of the proposed amendment to Chapter 60 Section 60-145 Use Regulations as attached.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 9, 2019      **Ordinance:** 18-11182019

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

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

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

This section of the ordinance allows revised standards to apply to parcels as small as five(5) acres in size, after submittal and review of the applicants commitment to agricultural activities by both the Agricultural Advisory Committee and the Planning Board (As is standard for all Special Exceptions, this would be a noticed Public Hearing).

---

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

**Disadvantages:** The administration, enforcement and implementation will require staff time similar to the existing ordinance.

---

**City Budgetary Impacts:** We do not anticipate any significant impacts with this incremental approach. New Homes will create new costs for services and new revenues, but the proposal should continue to limit development as farm residences.

---

**Staff Recommended Action:** Consider Planning Board recommendations, hold a public hearing and vote to approve the proposed ordinance with any amendments deemed necessary by the City Council.

---

**City Manager Comments:**

I concur with the recommendation.

Signature:

A handwritten signature in cursive script that reads "Phillip Crowell Jr.".



**Previous Meetings and History.** This topic has been discussed by City Council at more than eight (8) workshops since September 16<sup>th</sup> and has been the subject of many committee meetings over the last couple years. First Reading on December 2, 2019.

---

**Attachments:** Draft proposed language, Planning Board Recommendations and ordinance.

Sec. 60-146. - Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* No lot shall be created containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. ~~and/or a~~ No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
  - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
  - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of animal farm contained in section 60-2.
  - c. A dwelling may be constructed on lots existing as of January 1, 2018 and containing greater than 5 acres but less than 10 acres, if approved as a Special Exception pursuant to Section 60-145.b.18
- (2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to section Sec.60-146(1).
- (3) *Yard requirements.*
  - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
  - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
  - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories of 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

(Ord. of 9-21-2009, § 3.31C)

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



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

Jason J. Levesque, Mayor

## **IN CITY COUNCIL**

### **ORDINANCE 18-11182019**

**Be it Ordained**, that the Auburn City Council hereby adopts the second and final reading of the proposed amendment to Chapter 60 Section 60-146 Dimensional Regulations as attached.

Sec. 60-146. - Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* No lot shall be created containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. ~~No building shall be erected on a lot containing less than ten acres, except as allowed in this section,~~ exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
  - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
  - b. On legally nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of animal farm contained in section 60-2.
  - c. A dwelling may be constructed on lots existing as of January 1, 2018 and containing greater than 5 acres but less than 10 acres, if approved as a Special Exception pursuant to Section 60-145.b.18
- (2) *Density.* The density of year-round dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to section Sec.60-146(1).
- (3) *Yard requirements.*
  - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
  - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
  - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories of 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in articles V through XI of this chapter.

Deleted: and/or

Deleted: n

(Ord. of 9-21-2009, § 3.31C)



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 9, 2019

**Ordinance:** 20-12022019

**Author:** Peter Crichton, City Manager

**Subject:** Proposed Agriculture Committee Ordinance

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**Information:** At the December 2<sup>nd</sup> Council meeting an amendment was made to include a 60-day time limit for farm plan review. This has been added to the revised language.

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**City Budgetary Impacts:** Staff time and resources to support the committee, as with other committees

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**Staff Recommended Action:** Vote to adopt the second reading.

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**Previous Meetings and History:**

- Recommendation of the Agriculture Ad Hoc Committee and Crossroads Resource Center final report **in July of 2018** to create an Agriculture Committee.
- Joint meeting between the Planning Board and City Council in **July of 2019** to draft committee forming language.
- Meeting between the City Council, Planning Board, Bates College and City Staff in **August of 2019** to create a draft.
- Planning Board meeting on **October 8, 2019** to review the draft.
- Special meeting was held on **October 17, 2019** by the Planning Board to continue the review of the draft.
- Planning Board Public Hearing, **November 12, 2019**, to make a recommendation to City Council.
- City Council Workshop, **November 18, 2019** to review Planning Board recommendations.
- Passage of first reading on December 2, 2019.

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**City Manager Comments:**

I concur with the recommendation. Signature:

A handwritten signature in cursive script, reading "Phillip Crowell Jr.", written in dark ink.

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**Attachments:**

Amended Planning Board Report to the City Council

Ag-Committee Ordinance Amendment Language with Planning Board Revisions

Original Ag-Committee Ordinance Language Prepared by Working Group



## Ag-Committee Planning Board Proposed Language:

### Division 8. – Agriculture Committee

#### Section 2-485.1 – Purpose

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

#### Section 2-485.2 – Committee established

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

The terms of office shall be three years except that initial appointments after the date of adoption of the ordinance from which this division derives shall be such that the terms of no more than three members shall expire in any single year. For that purpose, the city council shall initially appoint three members for terms of one year, three members for terms of two years, and three members for terms of three years, such that the terms of approximately one-third of the members shall expire each year. Subsequent appointments shall be for a term of three years. (Update to reflect recommendation that City Council only appoint 7 members and Ag-Committee appoint remaining 2 members)

#### Section 2-485.3 – Qualifications

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

#### Section 2-485.4 – Powers and Duties

The Committee shall:

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

#### Section 2-485.5—Officers, meetings and records.

1. The members shall elect from their membership a chairperson, a vice-chairperson and a secretary. Officers shall serve two-year terms.
2. All meetings of the Committee shall be open to the public, and notice, shall be provided to the public about such meetings.
3. The Committee may request that testimony provided during public hearings in front of the Committee be provided under oath.

4. Minutes shall be kept of all meetings.

#### Section 2-485.6 – Committees

The Committee may vote to create subcommittees and appoint members of such subcommittees to work on specific projects.

#### Section 2-485.7 – Quorum and necessary vote

As to any matter requiring a public hearing, no business shall be transacted by the Committee without a quorum, consisting of at least half of the voting members of the committee. If less than a quorum is present, the hearing shall be rescheduled, and the members and other interested parties shall be notified of the rescheduling.

## **Ag-Committee Working Group Proposed Language:**

### **Division 8. – Agriculture Committee**

#### **Section 2-485.1 – Purpose**

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

#### **Section 2-485.2 – Committee established**

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

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

#### **Section 2-485.3 – Qualifications**

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

#### **Section 2-485.4 – Powers and Duties**

The Committee shall:

1. Make recommendations to the Planning Board and City Council and consult with the Conservation Commission regarding the ongoing needs of protecting farms, forestry businesses, farmland, woodlots and building a stronger food, agricultural and resource economy in Auburn.
2. Promote opportunities for farm financing and farm, forestry or natural resource business development proposals, conservation and preservation of agricultural

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

#### Section 2-485.5—Officers, meetings and records.

1. The members shall elect from their membership a chairperson, a vice-chairperson and a secretary. Officers shall serve two-year terms.
2. All meetings of the Committee shall be open to the public, and notice, shall be provided to the public about such meetings.
3. The Committee may request that testimony provided during public hearings in front of the Committee be provided under oath.
4. Minutes shall be kept of all meetings.

#### Section 2-485.6 – Committees

The Committee may vote to create subcommittees and appoint members of such subcommittees to work on specific projects.

#### Section 2-485.7 – Quorum and necessary vote

As to any matter requiring a public hearing, no business shall be transacted by the Committee without a quorum, consisting of at least half of the voting members of the committee. If less than a quorum is present, the hearing shall be rescheduled, and the members and other interested parties shall be notified of the rescheduling.



**AMENDED**  
**PLANNING BOARD REPORT to the CITY COUNCIL**

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

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

At a joint meeting between the City Council and the Planning Board in July of 2019, both parties moved to gather a few knowledgeable people to draft committee forming language. A meeting was held in August of 2019 with members from City Council, Planning Board, Bates College and City Staff to arrive at a draft. The Planning Board discussed the draft at their October 8, 2019 regular meeting when it was determined that more thought would be required in forming a recommendation to the City Council on the proposed committee and some preparation would be helpful for a possible joint meeting with the City Council on the AGRP Zoning District. The special meeting was held on October 17, 2019 to discuss the proposed Agriculture Advisory Committee and review City Council Workshops on the AGRP district. The discussion included discussion among members regarding the nature or purpose of the proposed Agricultural Advisory Committee. At the November 12, 2019 Planning Board meeting, the Planning Board made recommendations on each section of the Agriculture Committee draft which are listed below. The Planning Board agreed that the decision to focus on agriculture and forestry, and not conservation and natural resources was an effort to avoid creating unnecessary overlap between the Agriculture Committee and the Conservation Commission.

B. **PLANNING BOARD RECOMMENDATIONS**

*Section 2-485.1 – Purpose Recommendation:*

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

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

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

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*Section 2-485.2 – Committee Established Recommendation:*

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

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

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

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

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

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

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

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

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*Section 2-485.3 – Qualifications Recommendation:*

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

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

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

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

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*Section 2-485.4 – Powers and Duties Recommendation:*

**Current Language:**

The Committee shall:

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

**Proposed Language:**  
The Committee shall:

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

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

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

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*Section 2-485.5 – Officers, meetings and records.*

*Section 2-485.6 – Committees*

*Section 2-485.7 – Quorum and necessary vote*

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

**OVERALL RECOMMENDATIONS:**

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



## City of Auburn, Maine

Office of Economic & Community Development  
[www.auburnmaine.gov](http://www.auburnmaine.gov) 60 Court Street  
Auburn, Maine 04210  
207.333.6601

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

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

Amend the terms of office paragraph to address the Planning Boards recommendation regarding the City Council appointing 7 members and the Ag-Committee appointing the 2 remaining members.

3. Amend the qualifications language of the Agriculture Committee ordinance to state:

All members of the Committee shall be selected upon the basis of their active involvement, interests, skill or expertise in agriculture, forestry, food system economics, public policy or related fields. All voting members shall be residents of the City.

4. Amend the powers and duties language of the Agriculture Committee ordinance to:

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

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



Evan Cyr  
Chair, Auburn Planning Board

Cc: Evan Cyr, Chair Auburn Planning Board  
File



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



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

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDINANCE 20-12022019

**Be it Ordained**, that the Auburn City Council hereby adopts the proposed amendment to Chapter 2, Article V, Boards, Commissions and Committees to add Division 8, Agriculture Committee (Working Group Recommendation).

#### Division 8. – Agriculture Committee

##### Section 2-485.1 – Purpose

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

##### Section 2-485.2 – Committee established

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

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

##### Section 2-485.3 – Qualifications

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

##### Section 2-485.4 – Powers and Duties

The Committee shall:

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



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

Jason J. Levesque, Mayor

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

Holly C. Lasagna, Ward One  
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Andrew D. Titus, Ward Three  
Alfreda M. Fournier, Ward Four



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

Jason J. Levesque, Mayor

Section 2-485.5—Officers, meetings and records.

1. The members shall elect from their membership a chairperson, a vice-chairperson and a secretary. Officers shall serve two-year terms.
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3. The Committee may request that testimony provided during public hearings in front of the Committee be provided under oath.
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Section 2-485.6 – Committees

The Committee may vote to create subcommittees and appoint members of such subcommittees to work on specific projects.

Section 2-485.7 – Quorum and necessary vote

As to any matter requiring a public hearing, no business shall be transacted by the Committee without a quorum, consisting of at least half of the voting members of the committee. If less than a quorum is present, the hearing shall be rescheduled, and the members and other interested parties shall be notified of the rescheduling.

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Alfreda M. Fournier, Ward Four



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Belinda A. Gerry, At Large  
David C. Young, At Large

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDINANCE 20-12022019

**Be it Ordained**, that the Auburn City Council hereby adopts the proposed amendment to Chapter 2, Article V, Boards, Commissions and Committees to add Division 8, Agriculture Committee (**Planning Board Recommendation**).

Division 8. – Agriculture Committee  
Section 2-485.1 – Purpose

The purpose of the Agriculture Committee shall be to proactively build a stronger food, agricultural, and resource economy in Auburn and to address the ongoing needs of protecting/promoting farms, farmland, forestry businesses, woodlots, local agriculture economy and local forestry economy

Section 2-485.2 – Committee established

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

The terms of office shall be three years except that initial appointments after the date of adoption of the ordinance from which this division derives shall be such that the terms of no more than three members shall expire in any single year. For that purpose, the city council shall initially appoint three members for terms of one year, three members for terms of two years, and three members for terms of three years, such that the terms of approximately one-third of the members shall expire each year. Subsequent appointments shall be for a term of three years. (Update to reflect recommendation that City Council only appoint 7 members and Ag-Committee appoint remaining 2 members)

Section 2-485.3 – Qualifications

All members of the Committee shall be selected upon the basis of their active involvement, interests, skill or expertise in agriculture, forestry, food system economics, public policy or related fields. All voting members shall be residents of the City.



Holly C. Lasagna, Ward One  
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Belinda A. Gerry, At Large  
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Jason J. Levesque, Mayor

#### Section 2-485.4 – Powers and Duties

The Committee shall:

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

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



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

Jason J. Levesque, Mayor

12. Should any project in the City require the submission of a farm plan, the committee shall review the farm plan and provide a recommendation to the Planning Board within 60 days of submission.

#### Section 2-485.5—Officers, meetings and records.

1. The members shall elect from their membership a chairperson, a vice-chairperson and a secretary. Officers shall serve two-year terms.
2. All meetings of the Committee shall be open to the public, and notice, shall be provided to the public about such meetings.
3. The Committee may request that testimony provided during public hearings in front of the Committee be provided under oath.
4. Minutes shall be kept of all meetings.

#### Section 2-485.6 – Committees

The Committee may vote to create subcommittees and appoint members of such subcommittees to work on specific projects.

#### Section 2-485.7 – Quorum and necessary vote

As to any matter requiring a public hearing, no business shall be transacted by the Committee without a quorum, consisting of at least half of the voting members of the committee. If less than a quorum is present, the hearing shall be rescheduled, and the members and other interested parties shall be notified of the rescheduling.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 9, 2019      **Order:** 141-12092019

**Author:** Brandon Chaloux, License Specialist

**Subject:** Liquor License request for Dee Samer LLC, DBA Aan-Chun Asian Fusion

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**Information:** Dee Samer LLC, DBA Aan-Chun Asian Fusion, a new business, located at 730 Center Street, applied for a Liquor License. Police, Fire, and Code have completed the necessary inspections and have granted approval.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Public hearing and recommend passage.

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

---

**City Manager Comments:**

I concur with the recommendation. Signature: 

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**Attachments:**

- Application
- Public Notice
- Order

**BUREAU OF ALCOHOL BEVERAGES AND LOTTERY OPERATIONS**  
**DIVISION OF LIQUOR LICENSING AND ENFORCEMENT**  
**8 STATE HOUSE STATION, AUGUSTA, ME 04333-0008 (Regular Mail)**  
**10 WATER STREET, HALLOWELL, ME 04347 (Overnight Mail)**  
**TEL: (207) 624-7220 FAX: (207) 287-3434**  
**EMAIL INQUIRIES: MAINELIQUOR@MAINE.GOV**

DIVISION USE ONLY	
License No:	
Class:	By:
Deposit Date:	
Amt. Deposited:	
Cash	Ck Mo:
Good SOS & DBA: YES <input type="checkbox"/> NO <input type="checkbox"/>	

**PRESENT LICENSE EXPIRES:** \_\_\_\_\_

NEW application: ☒ Yes ☐ No

If business is NEW or under new ownership, indicate starting date: NOV 1, 2019

Requested inspection (New Licensees/ Ownership Changes Only) Date : \_\_\_\_\_ Business hours: \_\_\_\_\_

**INDICATE TYPE OF PRIVILEGE:** ☐ MALT ☐ VINOUS ☐ SPIRITUOUS

**INDICATE TYPE OF LICENSE:**

- ☒ RESTAURANT (Class I,II,III,IV) ☐ RESTAURANT/LOUNGE (Class XI) ☐ CLASS A LOUNGE (Class X)  
☐ HOTEL (Class I,II,III,IV) ☐ HOTEL, FOOD OPTIONAL (Class I-A) ☐ BED & BREAKFAST (Class V)  
☐ GOLF COURSE (Class I,II,III,IV) ☐ TAVERN (Class IV) ☐ QUALIFIED CATERING  
☐ OTHER: \_\_\_\_\_

**REFER TO PAGE 3 FOR FEE SCHEDULE**

**ALL QUESTIONS MUST BE ANSWERED IN FULL**

Corporation Name: <u>Dee Samer LLC.</u>	Business Name (D/B/A) <u>Aan-Chun Asian Fusion</u>
APPLICANT(S) –(Sole Proprietor) <u>Samer Saengwang</u> DOB: <u>July 1, 1954</u>	Physical Location: <u>730 Center St ME 04210</u>
<u>37 Slysom Ave</u> DOB: _____	City/Town State Zip Code <u>37 Slysom Ave Lewiston ME 04240</u>
Address <u>Lewiston ME 04240</u>	Mailing Address
City/Town State Zip Code <u>(207) 812-4574 (207) 876-4856</u>	City/Town State Zip Code <u>(207) 376-4855 207 376-4856</u>
Telephone Number Fax Number	Business Telephone Number Fax Number
Federal I.D. # <u>84-3373157</u>	Seller Certificate #: or Sales Tax #:
Email Address: Please Print <u>deesamer19@gmail.com</u>	Website:

1. If premise is a Hotel or Bed & Breakfast, indicate number of rooms available for transient guests: \_\_\_\_\_

2. State amount of gross income from period of last license:

ROOMS \$ \_\_\_\_\_ FOOD \$ \_\_\_\_\_ LIQUOR \$ \_\_\_\_\_

3. Is applicant a corporation, limited liability company or limited partnership? YES ☒ NO ☐  
 If Yes, please complete the Corporate Information required for Business Entities who are licensees.

4. Do you permit dancing or entertainment on the licensed premises? YES ☐ NO ☒



5. Do you own or have any interest in any another Maine Liquor License? ☐ Yes ☒ No (Use an additional sheet(s) if necessary.) If yes, please list License Number, Name, and physical location of any other Maine Liquor Licenses.

License # \_\_\_\_\_ Name of Business \_\_\_\_\_

Physical Location \_\_\_\_\_ City / Town \_\_\_\_\_

6. If manager is to be employed, give name: \_\_\_\_\_

7. Business records are located at: \_\_\_\_\_

8. Is/are applicants(s) citizens of the United States? YES ☒ NO ☐

9. Is/are applicant(s) residents of the State of Maine? YES ☒ NO ☐

10. List name, date of birth, and place of birth for all applicants, managers, and bar managers.

Full Name (Please Print)	DOB	Place of Birth
Samer Saengwang	07/01/1954	Thailand
Somsudee Saengwang	05/17/1954	Thailand
11. Residence address on all of the above for previous 5 years (Limit answer to city & state)		
Name: Samer Saengwang	City: Lewiston	State: ME
Name: Somsudee Saengwang	City: Lewiston	State: ME
Name: _____	City: _____	State: _____

12. Has/have applicant(s) or manager ever been convicted of any violation of the law, other then minor traffic violations, of any State of the United States? YES ☐ NO ☒

Name: \_\_\_\_\_ Date of Conviction: \_\_\_\_\_

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

Disposition: \_\_\_\_\_ (use additional sheet(s) if necessary)

13. Will any law enforcement official benefit directly in your license, if issued?

Yes ☐ No ☒ If Yes, give name: \_\_\_\_\_

14. Has/have applicant(s) formerly held a Maine liquor license? YES ☐ NO ☒

15. Does/do applicant(s) own the premises? Yes ☐ No ☒ If No give name and address of owner: \_\_\_\_\_

16. Describe in detail the premises to be licensed: (On Premise Diagram Required) \_\_\_\_\_

17. Does/do applicant(s) have all the necessary permits required by the State Department of Human Services?

YES ☐ NO ☒ Applied for: \_\_\_\_\_

18. What is the distance from the premises to the NEAREST school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Which of the above is nearest? \_\_\_\_\_

19. Have you received any assistance financially or otherwise (including any mortgages) from any source other than yourself in the establishment of your business? YES ☐ NO ☒

If YES, give details: \_\_\_\_\_

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

**NOTE:** "I understand that false statements made on this form are punishable by law. Knowingly supplying false information on this form is a Class D offense under the Criminal Code, punishable by confinement of up to one year or by monetary fine of up to \$2,000 or both."

Dated at: \_\_\_\_\_ on \_\_\_\_\_, 20\_\_\_\_  
Town/City, State Date

**Please sign in blue ink**

Signature of Applicant or Corporate Officer(s)

Signature of Applicant or Corporate Officer(s)

Print Name

Print Name

**FEE SCHEDULE**

**FILING FEE: (must be included on all applications)..... \$ 10.00**

**Class I** Spirituous, Vinous and Malt ..... \$ 900.00

**CLASS I:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers; OTB.

**Class I-A** Spirituous, Vinous and Malt, Optional Food (Hotels Only) ..... \$1,100.00

**CLASS I-A:** Hotels only that do not serve three meals a day.

**Class II** Spirituous Only ..... \$ 550.00

**CLASS II:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; and Vessels.

**Class III** Vinous Only ..... \$ 220.00

**CLASS III:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

**Class IV** Malt Liquor Only ..... \$ 220.00

**CLASS IV:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.

**Class III & IV** Malt & Vinous Only ..... \$ 440.00

**CLASS III & IV:** Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Clubs; Hotels; Indoor Ice Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.

**Class V** Spirituous, Vinous and Malt (Clubs without Catering, Bed & Breakfasts) ..... \$ 495.00

**CLASS V:** Clubs without catering privileges.

**Class X** Spirituous, Vinous and Malt – Class A Lounge ..... \$2,200.00

**CLASS X:** Class A Lounge

**Class XI** Spirituous, Vinous and Malt – Restaurant Lounge ..... \$1,500.00

**CLASS XI:** Restaurant/Lounge; and OTB.



**UNORGANIZED TERRITORIES** \$10.00 filing fee shall be paid directly to County Treasurer. All applicants in unorganized territories shall submit along with their application evidence of payment to the County Treasurer. All applications for NEW or RENEWAL liquor licenses must contact their Municipal Officials or the County Commissioners in unincorporated places for approval and signatures for liquor licenses prior to submitting them to the bureau.

All fees must accompany application, make check payable to the **Treasurer, State of Maine.**

This application must be completed and signed by the Town or City and mailed to:

Bureau of Alcoholic Beverages and Lottery Operations

Division of Liquor Licensing and Enforcement

8 State House Station, Augusta, ME 04333-0008 (Regular address)

10 Water Street, Hallowell, ME 04347 (Overnight address)

Payments by check subject to penalty provided by Title 28A, MRS, Section 3-B.

**TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:**

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_  
City/Town (County)

On: \_\_\_\_\_  
Date

The undersigned being: ☐ Municipal Officers ☐ County Commissioners of the  
☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: \_\_\_\_\_, Maine

**THIS APPROVAL EXPIRES IN 60 DAYS**

**NOTICE – SPECIAL ATTENTION**

**§653. Hearings; bureau review; appeal**

1. **Hearings.** The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms. [1993, c. 730, §27 (AMD).]

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located. [1995, c. 140, §4 (AMD).]

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application. [2003, c. 213, §1 (AMD).]



D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant. [1995, c. 140, §5 (NEW).][ 2003, c. 213, §1 (AMD) .]

**2. Findings.** In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime; [1987, c. 45, Pt. A, §4 (NEW).]

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control; [1987, c. 45, Pt. A, §4 (NEW).]

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner; [1993, c. 730, §27 (AMD).]

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises; [1989, c. 592, §3 (AMD).]

E. A violation of any provision of this Title; [2009, c. 81, §1 (AMD).]

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and [2009, c. 81, §2 (AMD).]

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages. [2009, c. 81, §3 (NEW).]

[ 2009, c. 81, §§1-3 (AMD) .]

**3. Appeal to bureau.** Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. [1993, c. 730, §27 (RP).]

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause. [1993, c. 730, §27 (AMD) .]

[1995, c. 140, §6 (AMD) .]

**4. No license to person who moved to obtain a license.** [ 1987, c. 342, §32 (RP) .]

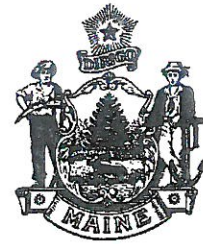
**5. Appeal to District Court.** Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

[ 1995, c. 140, §7 (AMD); 1999, c. 547, Pt. B, §78 (AMD); 1999, c. 547, Pt. B, §80 (AFF).]



*Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing & Enforcement  
8 State House Station, Augusta, ME 04333-0008  
10 Water Street, Hallowell, ME 04347 (overnight)  
Tel: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@maine.gov](mailto:MaineLiquor@maine.gov)*



## ON PREMISE DIAGRAM

(Facility Drawing/ Floor Plan)

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas with the following: • **Entrances** • **Office area** • **Kitchen** • **Storage Areas** • **Dining Rooms** • **Lounges** • **Function Rooms** • **Restrooms** • **Decks** • **All Inside and Outside areas that you are requesting approval.**



Division of Alcoholic Beverages and Lottery  
Operations  
Division of Liquor Licensing and Enforcement

**Corporate Information Required for  
Business Entities Who Are Licensees**

**For Office Use Only:**

License #: \_\_\_\_\_

SOS Checked: \_\_\_\_\_

100% Yes ☐ No ☐

Questions 1 to 4 must match information on file with the Maine Secretary of State's office. If you have questions regarding this information, please call the Secretary of State's office at (207) 624-7752.

Please clearly complete this form in its entirety.

1. Exact legal name: Dee Sames L.L.C.
2. Doing Business As, if any: aan - Chun Asian Fusion
3. Date of filing with Secretary of State: ME State in which you are formed: \_\_\_\_\_
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine: \_\_\_\_\_
5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors and list the percentage ownership: (attach additional sheets as needed)

NAME	ADDRESS (5 YEARS)	Date of Birth	TITLE	Ownership %
Sames Saengwang	37 Sylvan Ave Lewiston Lewiston ME 04240	07/11/54	owner	100 %
	122 2nd St Apt #5 Auburn ME 04210			

(Stock ownership in non-publicly traded companies must add up to 100%.)

6. If Co-Op # of members: \_\_\_\_\_ (list primary officers in the above boxes)

7. Has any principal person involved in the entity ever been convicted of ~~any~~ violation of the law, other than minor traffic violations, in the United States? ☐ Yes ☒ No

8. If Yes to Question 8, please complete the following: (attached additional sheets as needed)

Name: \_\_\_\_\_

Date of Conviction: \_\_\_\_\_

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

Location of Conviction: \_\_\_\_\_

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

**Signature:**

\_\_\_\_\_  
Signature of Owner or Corporate Officer

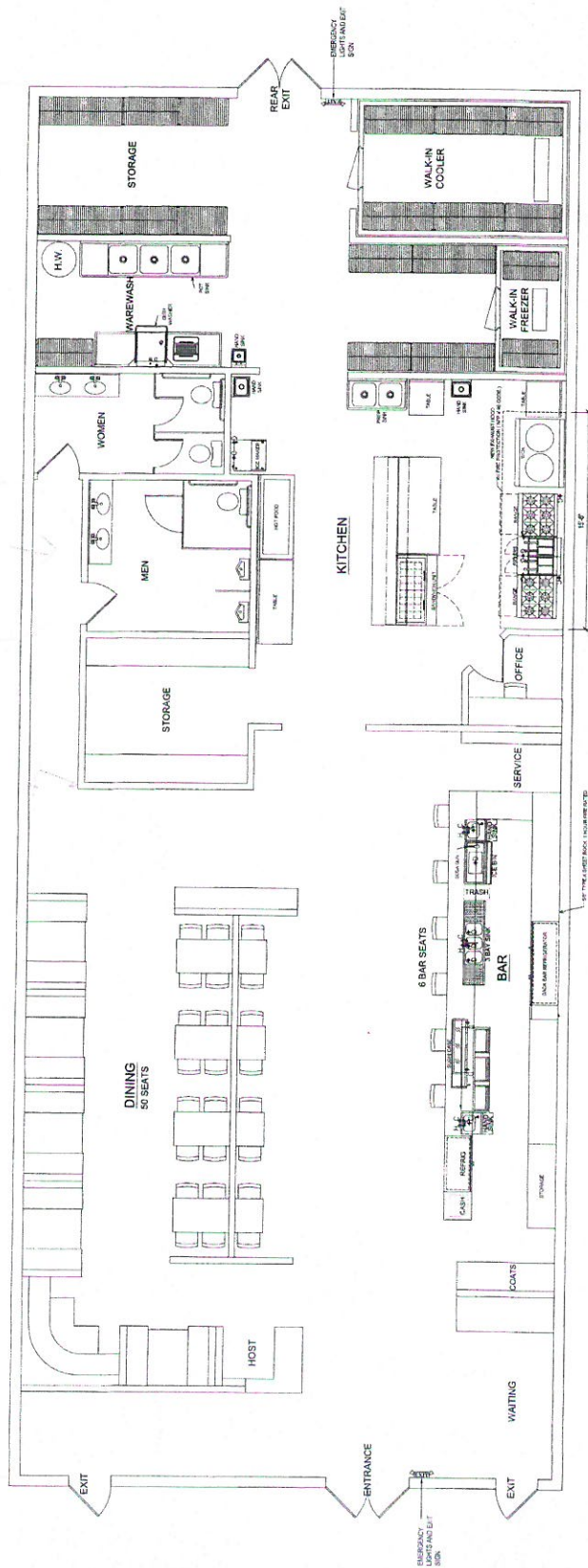
\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Owner or Corporate Officer

Submit Completed Forms to:

Bureau of Alcoholic Beverages  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, Me 04333-0008 (Regular address)  
10 Water Street, Hallowell, ME 04347 (Overnight address)  
Telephone Inquiries: (207) 624-7220 Fax: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)





## PRELIMINARY FOOD SERVICE EQUIPMENT LAYOUT

SCALE 1/4"=1'-0"

**CITY OF AUBURN  
PUBLIC NOTICE**

A public hearing will be held by the Auburn City Council on Monday, December 9, 2019 at 5:30 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License application for:

**Dee Samer LLC DBA, Aan-Chun  
730 Center Street, Auburn, Maine**

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

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



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

Jason J. Levesque, Mayor

## **IN CITY COUNCIL**

### **ORDER 141-12092019**

ORDERED, that the City Council hereby approves the Liquor License for Dee Samer LLC, DBA Aan-Chun Asian Fusion, located at 730 Center Street, Auburn, Maine.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 9, 2019

**Order:** 142-12092019

**Author:** Phil Crowell, Assistant City Manager

**Subject:** Ad-hoc Recycling Committee Extension

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**Information:**

The city council adopted a resolve to create a Recycling ad-hoc committee on June 24, 2019. The committee was delayed in receiving applications to begin the committee work. The first meeting of the committee was held October 31, 2019. A provision is outlined in the resolve for extending the work of the committee.

The committee is proposing that the term for all committee members end May 1, 2020.

---

**City Budgetary Impacts:** N/A

---


**Staff Recommended Action:** Extend the time allocated for the ad-hoc committee to May 1, 2020.

---

**Previous Meetings:** 5/13/2019 Workshop discussion, 5/20/2019 Resolve to create the Recycling Ad-hoc Committee was approved, 6/3/19 purpose, composition, term, and outcomes were reviewed, 6/24/19 approved the order to begin the ad-hoc committee and 12/2/19 committee update.

---

**City Manager Comments:**

I concur with the recommendation. Signature: 

---

**Attachments:**

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



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

Jason J. Levesque, Mayor

## **IN CITY COUNCIL**

### **ORDER 142-12092019**

ORDERED, that the City Council hereby approves extending the allocated term for the ad-hoc committee to May 1, 2020.





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 9, 2019      **Order:** 143-12092019

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

**Subject:** Approving the temporary liquor license for the Sesquicentennial (150<sup>th</sup>) New Year's Eve Event

---

**Information:** The City will be submitting to the State an Application for Incorporated Civic Organizations to allow for the sale of spirits, wine and malt liquor at the public New Year's Eve event sponsored by the City. It requires approval of the City Council before submitting it to the State. There is no requirement for a public notice or a public hearing.

---

**City Budgetary Impacts:** There is a \$50.00 license fee and \$10.00 filing fee for a total of \$60.00 to be paid to the State of Maine.

---

**Staff Recommended Action:** Recommend approval of the temporary liquor license for this event.

---

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

---

**City Manager Comments:**

---

I concur with the recommendation. Signature:

A handwritten signature in cursive script that reads "Phillip Crowell Jr.".

**Attachments:**

---



Bureau of Alcoholic Beverages and Lottery  
Operations  
Division of Liquor Licensing and Enforcement

Application for License for  
Incorporated Civic Organization

DIVISION USE ONLY	
License No:	
Registered Non-Profit:	Yes No
Deposit Date:	By:
Amt. Deposited:	
Cash Ck Mo:	

\$50.00 Fee / \$10.00 Filing Fee - Check Payable: Treasurer, State of Maine

The law requires the application to be submitted at least 24 Hours prior to the function, however a longer notice is appreciated to allow additional time for processing.

1. Full Name of Applicant: City of Auburn  
(Corporate Name)  
Corporate Address: 60 Court Street Auburn, ME 04210  
Street Address City/Town State Zip Code  
Authorized Corporate Office: Same  
Address: \_\_\_\_\_  
Street Address Town/City State Zip Code  
Telephone Number: 207-333-6611 Fax: 207-333-3855  
Email Address: SBest@AuburnMaine.Gov

INFORMATION PERTAINING TO SPECIAL EVENTS OR GATHERINGS

2. Title and Purpose of Event: New Year's Auburn - New Year's Eve Celebratio  
ending Auburn's 150th year  
Date of Event: 12/31/19 Time: From: 6:00 AM/PM To: 12:30 AM/PM  
☐ Multi Day Event: Start Date \_\_\_\_\_ End Date \_\_\_\_\_ (one per year)  
Time: From: \_\_\_\_\_ AM/PM To: \_\_\_\_\_ AM/PM  
☐ Inside ☒ Outside Event (attach diagram of area)  
Location of Event: Main Street including Festival Plaza + parking Lot 95  
Number of Persons Attending: Approx 2,500 main St  
Type of building to be occupied: N/A  
Area to be licensed: Main St. including Festival Plaza + Parking Lot 95 main St

Payments to the Division of liquor licensing & enforcement by check subject to penalty provided by Section 3-B of Title 28A, MRS

The Division of Liquor Licensing & Enforcement is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.

Dated at: Auburn, ME on December, 2019  
Town/City, State Month/Day

This application must be signed by a duly authorized officer of the corporation executing the application. Please obtain approval by Municipal Officer(s) or County Commissioners before filing with the Division.

City of Auburn, Maine  
NAME OF CORPORATION  
BY: Phillip Crowell J. Asst. City Mgr. Phillip Crowell J. Asst. City Mgr.  
CORPORATE OFFICER'S SIGNATURE - TITLE PRINTED NAME & TITLE

If said event or gathering is located in an unincorporated place, the application must be approved by the County Commissioners of the County wherein the event or gathering is to take place and the above approval form may be changed in accordance with the fact. *Please enclose a copy of the receipt from the County Commissioners.*

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Submit Forms To: Bureau of Alcoholic Beverages and Lottery Operations  
Division of Liquor Licensing and Enforcement  
8 State House Station, Augusta, ME 04333 (regular mail)  
10 Water Street, Hallowell, ME 04347 (overnight address)  
Telephone Inquiries: (207) 624-7220  
Fax Number: (207) 287-3434  
Email Inquiries: [MaineLiquor@Maine.gov](mailto:MaineLiquor@Maine.gov)

**For Municipal Approval Only**

**TO STATE OF MAINE MUNICIPAL OFFICERS & COUNTY COMMISSIONERS:**

Hereby certify that we have complied with Section 653 of Title 28-A Maine Revised Statutes and hereby approve said application.

**NOTE: PLEASE PROVIDE ALL OF THE REQUESTED INFORMATION BELOW**

**STATE OF MAINE**

Dated at: \_\_\_\_\_, Maine \_\_\_\_\_  
City/Town County

On: \_\_\_\_\_  
Date

The undersigned being: ☐ Municipal Offices ☐ County Commissioners

of the ☐ City ☐ Town ☐ Plantation ☐ Unincorporated Place of: \_\_\_\_\_, Maine

Signature	Print

*Bureau of Alcoholic Beverages and Lottery Operations*

*Division of Liquor Licensing & Enforcement*

*8 State House Station, Augusta, ME 04333-0008*

*10 Water Street, Hallowell, ME 04347*

*Tel: (207) 624-7220 Fax: (207) 287-3434*

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**INCORPORATED CIVIC DIAGRAM**

In an effort to clearly define your license premise and the area that consumption and storage of liquor is allowed. The Division requires all applicants to submit a diagram of the premise to be licensed in addition to a completed license application.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the areas of your diagram that you are requesting approval.

Please see attached diagram. The licesed area will be within the dotted line.

**For Office Use Only:**

Date Filed: \_\_\_\_\_ Date Issued: \_\_\_\_\_ Issued By: \_\_\_\_\_

☐ Approved ☐ Not Approved

## The Law

### §1071. INCORPORATED CIVIC ORGANIZATIONS

**1. Issuance of licenses.** The bureau may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to incorporated civic organizations, as defined in section 2, subsection 15, paragraph I.

[ 1997, c. 373, §96 (AMD) .]

**2. Up to 5 licensed events per year; one event per license.** An incorporated civic organization may obtain up to 5 licenses under this section per calendar year. Each license authorizes the licensee to sell or serve liquor at only one public event or public gathering which is sponsored by the licensee.

[ 1987, c. 151, §2 (RPR) .]

**3. Length of licenses.** One license issued under this section to each incorporated civic organization is valid for up to 10 consecutive days. The other 4 licenses for which the incorporated civic organization is eligible are valid for one day each. The bureau may not issue separate licenses under this section to the same incorporated civic organization for events or gatherings held on consecutive days.

[ 1997, c. 373, §97 (AMD) .]

**4. Application.** An incorporated civic organization shall file an application for a license. The application includes the following:

A. Title and purpose of the event; [1987, c. 45, Pt. A, §4 (NEW) .]

B. Date, time and duration; [1987, c. 45, Pt. A, §4 (NEW) .]

C. Location; [1987, c. 45, Pt. A, §4 (NEW) .]

D. Approximate number of persons to be accommodated; [1987, c. 45, Pt. A, §4 (NEW) .]

E. Name and address of the sponsoring civic organization and the name and title of the officer making the application; [1987, c. 45, Pt. A, §4 (NEW) .]

F. If food is to be served, the name and address of food caterer, if other than the licensee; and [1987, c. 45, Pt. A, §4 (NEW) .]

G. Approval by the municipal officers of the municipality in which the proposed licensed premises are located, which, notwithstanding section 653, may be granted without notice or a public hearing. [1987, c. 45, Pt. A, §4 (NEW) .]

[ 1987, c. 45, Pt. A, §4 (NEW) .]

**5. Ruling on application.** The bureau shall approve or deny the application and immediately notify the applicant of its decision. The bureau shall advise the applicant that the license may be revoked and suspended under chapter 33.

[ 1997, c. 373, §98 (AMD) .]

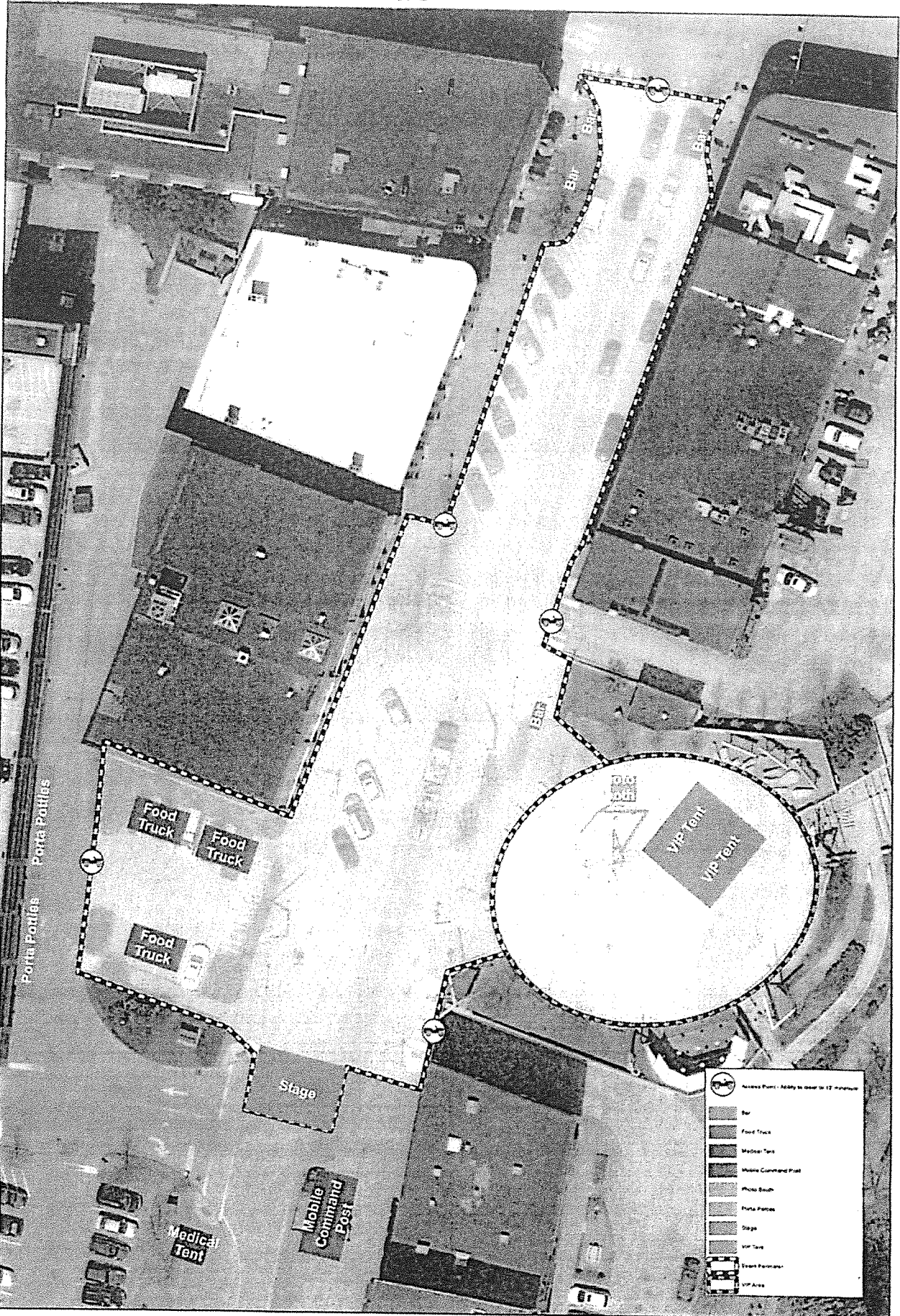
**6. Server requirements.** A manufacturer licensed by the bureau under section 1355-A, a certificate of approval holder or a wholesaler who provides malt liquor, wine, fortified wine or spirits for the public event or gathering being sponsored may serve its product at the event. An incorporated civic organization issued a license in accordance with this section shall provide the names of persons not licensed under chapter 51, 55 or 59 who will be serving alcoholic beverages at the event. In the event that a server from that list is unavailable, a licensed manufacturer, distributor, wholesaler, small winery or small brewery that has provided alcoholic beverages to be served at the event may provide serving assistance.

[ 2015, c. 2, §17 (COR) .]

#### SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 151, §2 (AMD). 1997, c. 373, §§96-98 (AMD). 2009, c. 102, §1 (AMD). 2011, c. 629, §19 (AMD). RR 2015, c. 2, §17 (COR). 2015, c. 214, §6 (AMD) .

# New Year's Eve Venue



0 15 30 60 Feet  
1 inch = 30 feet

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



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

Jason J. Levesque, Mayor

## IN CITY COUNCIL

### ORDER 143-12092019

**ORDERED**, that the City Council hereby approves the temporary liquor license for the Sesquicentennial (150th) second New Year's Eve Event to be held on December 31, 2019.