City Council Meeting and Workshop
January 5, 2015
Agenda

5:30 P.M. Workshop

A. Future Land Use Map amendment – Eric Cousens (45 minutes)
B. Planning Board Ordinance Amendment – Eric Cousens (45 minutes)

After each workshop item is presented, the public will be given an opportunity to comment.

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

Pledge of Allegiance

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

1. Order 01-01052015*
Appointing Karen Scammon as City Assessor for a two year term beginning 2/1/2015 with an expiration of 1/31/2017.

2. Order 02-01052015*
Confirming Chief Crowell's appointment of Constables without firearms for the Auburn Police Department.

3. Order 03-01052015*
Accepting the transfer of $699.00 forfeiture assets in U.S. currency (Jermaine Motley).

II. Minutes
- December 15, 2014 Regular Council Meeting

III. Reports*

**For trial period, Council agree to shift Reports to the last item on the meeting agenda. To do so, a motion should be made "To suspend the rules and move item III. Reports on the agenda to immediately after item VIII. Executive Session".*

Mayor's Report

City Manager's Report
- Municipal Wireless Network Update
- City Council Agenda Reports

Committee Reports

- **Transportation**
  - **Lewiston Auburn Transit – Councilor Gerry**
  - **Airport, Railroad – Councilor Hayes**

- **Bike-Ped Committee – Councilor Lee**

- **Housing**
  - **Citizens Advisory Committee – Councilor Lee**
  - **Auburn Housing Authority – Councilor Gerry**
- **Economic Development**
  - **L-A Economic Growth Council, Auburn Business Development Corporation – Councilor Lee**
- **Education**
  - **Auburn School Committee – Councilor LaFontaine**
  - **Auburn Public Library – Councilor LaFontaine**
  - **Great Falls TV – Councilor Young**
- **Environmental Services**
  - **Auburn Water District, Auburn Sewerage District – Councilor Crowley**
  - **Mid-Maine Waste Action Corporation – Councilor Walker**
- **Recreation**
  - **Recreation and Special Events Advisory Board – Councilor Crowley**
- **Public Safety**
  - **LA 911 – Councilor Walker**

City Councilors' Reports

IV. Communications, Presentations and Recognitions

- Cub Scout Presentation (New Auburn Fire Victims)

V. Open Session – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not on this agenda*. Time limit for open sessions, by ordinance, is 45 minutes.

VI. Unfinished Business - None

VII. New Business

VIII. Executive Session

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

X. Adjournment

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

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

(1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;

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

(3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and

(4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present.

This paragraph does not apply to discussion of a budget or budget proposal;

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

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

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

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

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

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

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

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

City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: January 5, 2014 **Order** 04-01052015

Author: Doug Greene, City Planner

Subject: An amendment to the 2010 Comprehensive Plan Future Land Use Plan for a property located at 113 Woodbury Road from Agricultural/Rural to Low Density Rural Residential.

Information: The Planning Staff has been approached by the property owner of 113 Woodbury Road (PID # 110-009) to change the future land use recommendation from Agricultural/Rural to Low Density Residential. The property is currently zoned Low Density Rural Residential. The owner is planning to develop the property in accordance with its zoning and by submitting a subdivision plan to the Planning Board for its review and consideration. . One of the criteria for approving a subdivision plan is the proposal must be in compliance with the Comprehensive Plan. The property's Agricultural/Rural land use designation in not in agreement with the current zoning of Rural Residential. That is the reason this amendment is being proposed.

The Planning Staff did extensive research (see attached staff report) to determine how and why this incompatible zoning and land use situation arose. The conclusion by staff is that this area (South Auburn/Danville) was presented to the 2010 Comprehensive Plan Committee as Low Density Residential Development and the property at 113 Woodbury Road was erroneously changed to an Agricultural/Rural land use.

No subdivision plan has been filed. All issues relating to any subdivision plan will be addressed by the Planning Board when and if such an application is filed.

Advantages: Amending the land use from Agricultural/Rural to Low Density Residential will bring the property into compliance with the existing zoning of Low Density Residential. The amendment will allow the property owner to have a subdivision plan reviewed in conjunction with its current zoning.

Disadvantages: Not amending the land use will diminish the right to develop this property as per its current zoning of Low Density Rural Residential allows.

City Budgetary Impacts: None

Staff Recommended Action: The Planning Board unanimously approved a motion (7-0) to forward, to the City Council, a recommendation to approve amending the 2010 Comprehensive Plan's Land Use Plan from Agricultural/Rural to Low Density Residential for the property located at 113 Woodbury Road.

Previous Meetings and History: The Planning Board initiated the amendment at it November 18, 2014 meeting and approved the motion to recommend amending the land use at its December 16, 2014 meeting.

Attachments:

1. Staff Report to Auburn Planning Board- December 16, 2014
2. Power Point presentation to Auburn Planning Board – December 16, 2014

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Development

PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

From: Douglas M. Greene; AICP, RLA
City Planner

Re: Request to Amend the Future Land Use Designation at 113 Woodbury Road.

Date: December 4, 2014

I. PROPOSAL- The Planning Board voted unanimously at its November 18th meeting to initiate an amendment to the 2010 Comprehensive Plan Future Land Use Map for property located at 113 Woodbury Road (PID # 110-009). The property currently has a future land designation of Agricultural/Rural, while conversely, the entire property is zoned Low Density Rural Residential. This property was recently purchased with the intent of developing the property as its zoning would allow with 1 acre minimum lot size. The property owner had planned on submitting a subdivision plan to the Planning Board for review and approval but found out that part of the criteria for approval by the Planning Board would include a finding that the development proposal was in compliance with the Comprehensive Plan's Future Land Use Plan.

CURRENT SITUATION: The property at 113 Woodbury Road is currently zoned Low Density Rural Residential (**Attachment 1**). The 2010 Comprehensive Plan Future Land Use Map recommends Agriculture/Rural (**Attachment 2**), which is not compatible to the development proposal that the Low Density Rural Residential Zoning would allow and the owner desires. There is an incompatible situation between the current zoning and the future land use for this property.

STAFF RESEARCH- The Staff looked back at the record of the 2010 Comprehensive Plan process for evidence of how this zoning and future land use discrepancy occurred. At the May 21, 2009 Comprehensive Plan Committee meeting, the Danville/South Auburn area was discussed. **Attachment 3** shows a map of Land Use in the area. As you can see the property at 113 Woodbury Road is designated Rural Residential and Manufactured Housing. **Attachment 4** is a map of natural resources in the area. There are no significant natural features shown on the property in question.

Attachment 5 is a May 12, 2009 memo addressed to the Comprehensive Plan Committee from lead consultant Mark Eyerman, which goes into detail describing areas to be "***reserved*** for future development, ***preserved*** and/or maintained and areas to be

changed for new development". This memo does not describe or relate 113 Woodbury Road to any of these categories. **Attachment 6** is an email correspondence with Mr. Eyerman, who provided his recollection of the discussion in that area. He mentions:

1. No specific discussion of 113 Woodbury Road.
2. The Committee's discussion of Rural Residential Strips.
3. The availability of adequate public service (this case specifically an unimproved road).
4. Agricultural activity.
5. Fire protection.

In addition to the staff search of minutes and mapping from the 2010 Comprehensive Plan Process, former Chairman of the Comp Plan Committee, Richard Whiting, was interviewed regarding this property. He did not recall a property owner in particular advocating for this property and mentioned there was extensive discussion about Rural Residential Road Strips. (**See Attachment 7**) This excerpt from the 2010 Comprehensive Plan provides 6 Considerations when evaluating an area to have a Rural Residential Road designation. In particular, Consideration # 5 describes avoiding residential strips for land with unimproved or dirt road frontage.

II. DEPARTMENT REVIEW-

a. Police- No Comment

b. Auburn Water and Sewer- No Comment

c. Fire Department- No Comment

d. Engineering- No Comment

III. PLANNING BOARD ACTION- The Planning Board is being asked to consider making a recommendation to the City Council regarding the Future Land Use Designation as found in the 2010 Comprehensive Plan for the property located at 113 Woodbury Road (PID# 110-009).

IV. STAFF RECOMMENDATION- Based on the current situation, staff research on the record of the 2010 Comprehensive Plan's meeting minutes and mapping and interviews with notable participants of the 2010 Comprehensive Plan Process, the Staff recommends **APPROVAL** of changing the Future Land Use Designation for the property located at 113 Woodbury Road (PID # 110-009) from Agricultural/Rural to Low Density Residential with the following findings:

1. The 2010 Future Land Use of Agricultural/Rural for the property is inconsistent with the current zoning of Low Density Rural Residential.

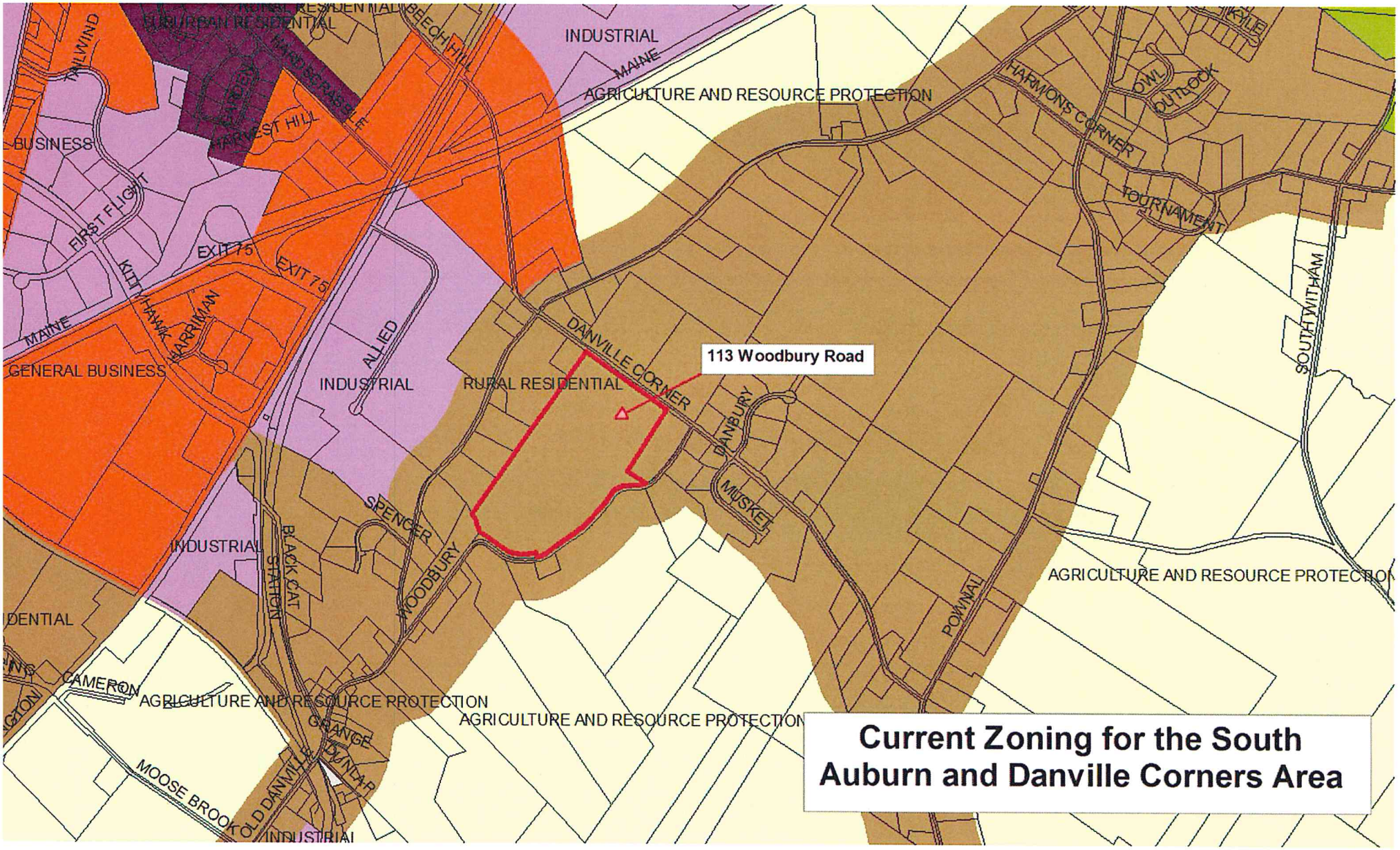
2. The 2010 Comprehensive Plan's working minutes, mapping and interviews from the lead consultant and chairman of the Comprehensive Plan Committee provide a record that show the property at 113 Woodbury Road:
    a. Was designated as Rural Residential and Manufactured Housing on working maps for this area.
    b. Was not indicated as having significant natural resources to protect.
    c. No specific request was made on 113 Woodbury Road to have its future land use designated Agricultural/Rural.

3. The property at 113 Woodbury Road has 1,100 feet of improved road frontage along Danville Corner Road.

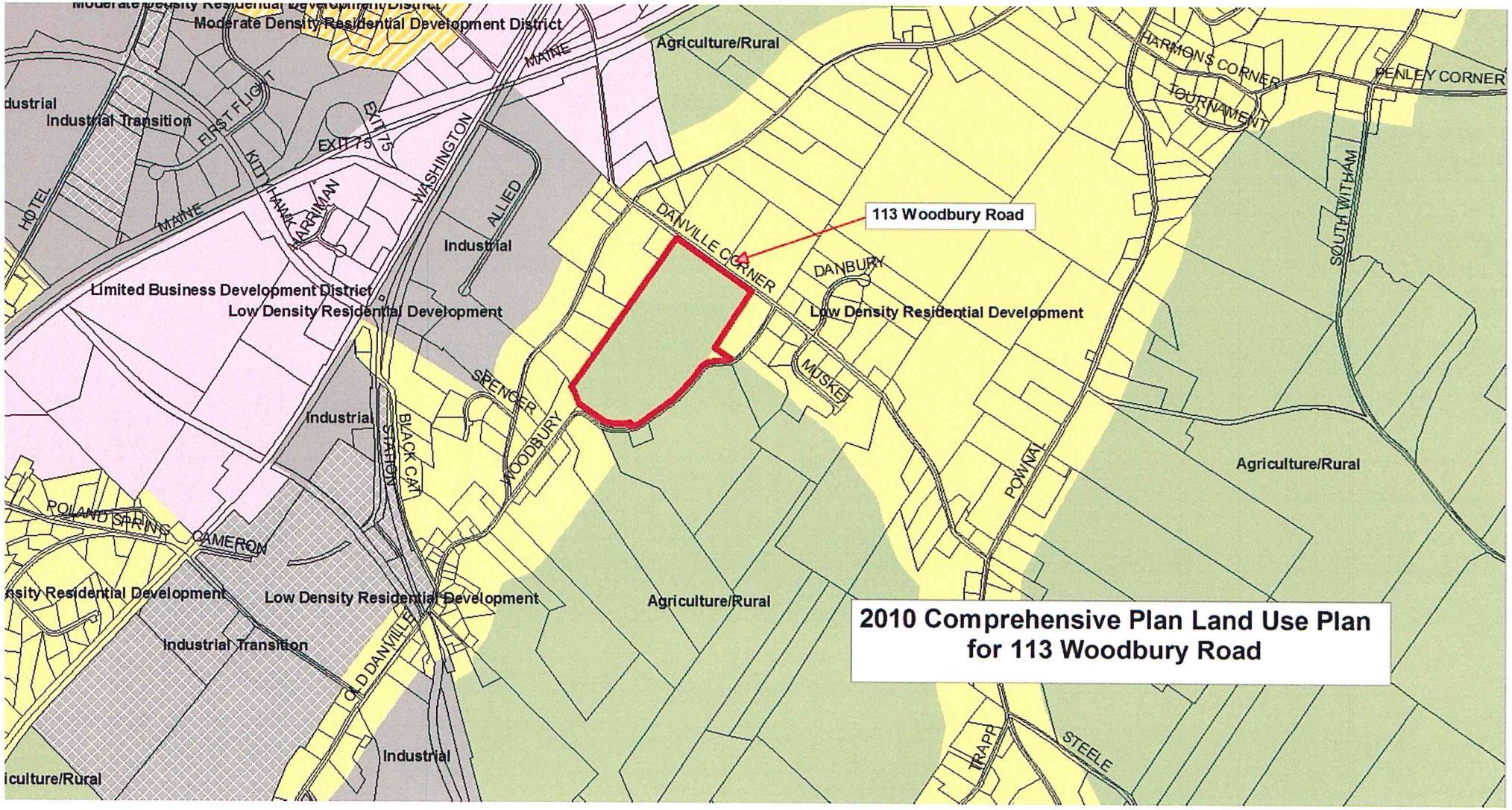
4. The predominant land use in the area is Low Density Residential and Low Density Rural Residential zoning.

Douglas M. Greene, A.I.C.P., R.L.A.
City Planner

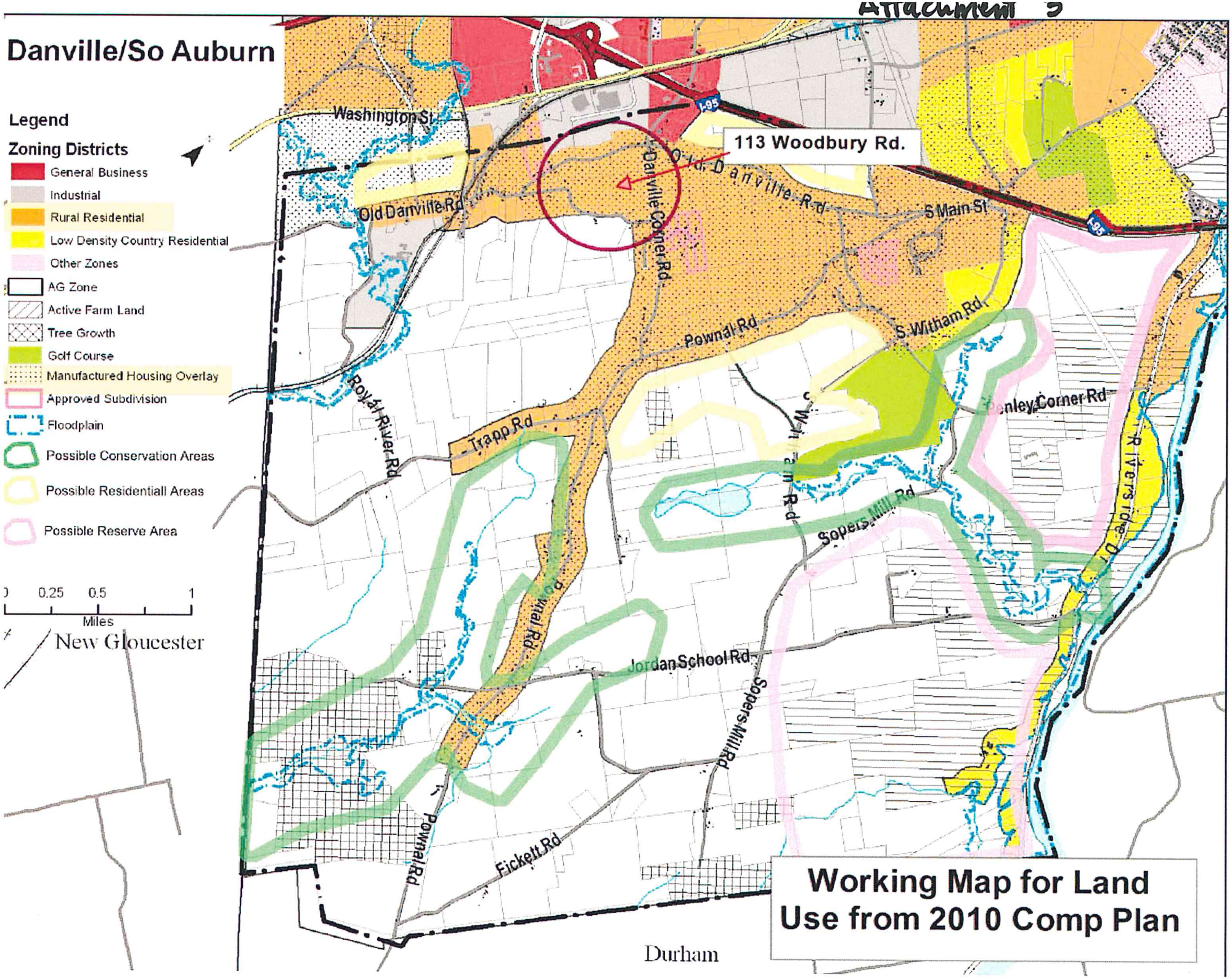
Attachment 1

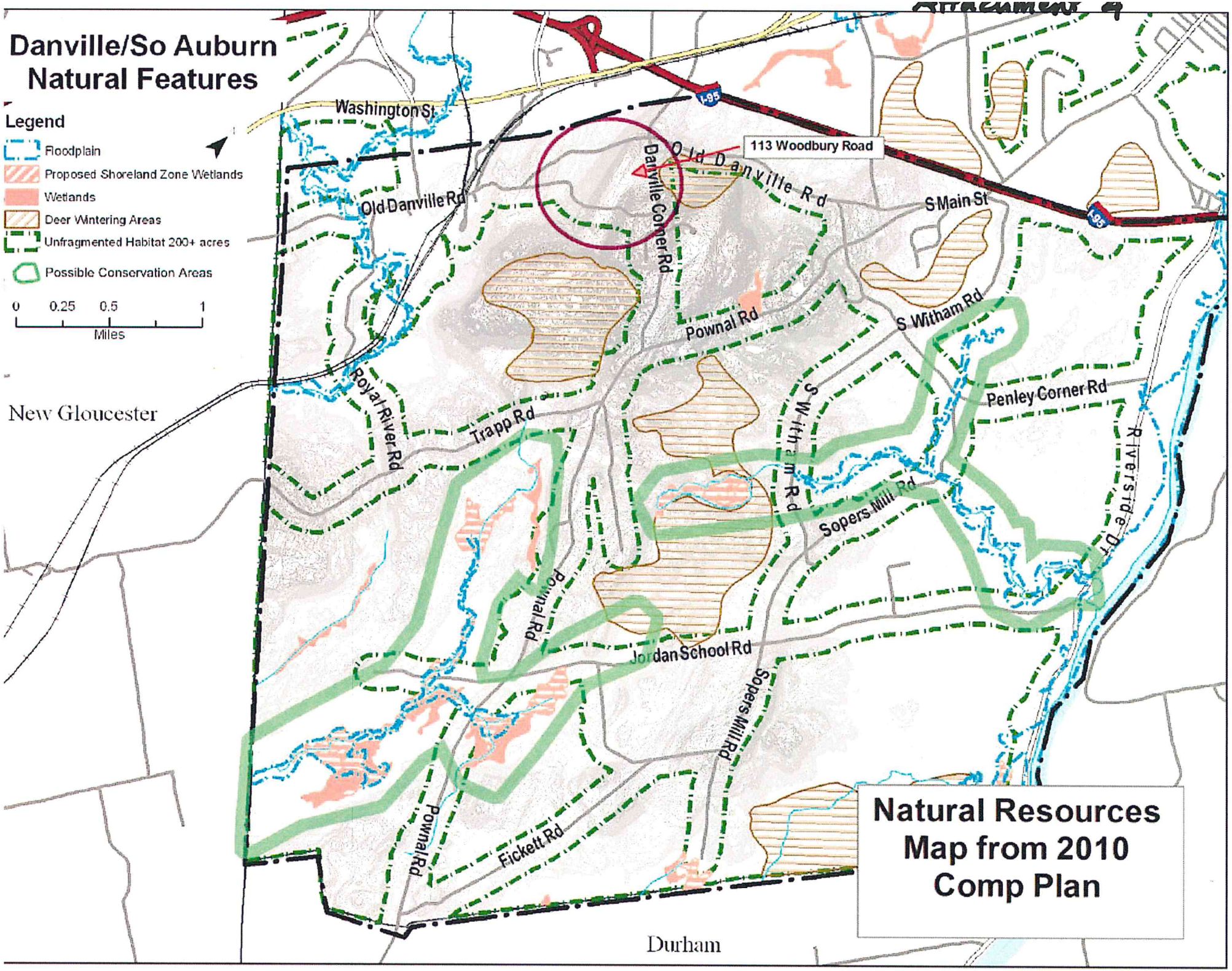


Attachment 2



Attachment 3




Danville/So Auburn
Natural Features
Legend
Floodplain
Proposed Shoreland Zone Wetlands
Wetlands
Deer Wintering Areas
Unfragmented Habitat 200+ acres
Possible Conservation Areas
0 0.25 0.5 1
Miles
New Gloucester
Durham
Washington St
I-95
113 Woodbury Road
Old Danville Rd
Old Danville Rd
Danville Corner Rd
S Main St
Pownal Rd
S Witham Rd
Royal River Rd
Trapp Rd
Penley Corner Rd
Riverside Dr
Sopers Mill Rd
Jordan School Rd
Fickett Rd
Natural Resources
Map from 2010
Comp Plan

Attachment 5

May 12, 2009
To: Auburn Comprehensive Plan Committee
From: Mark Eyerman & Antje Kablitz
RE: Danville/South Auburn

At the May 21 meeting, the committee will address Danville/South Auburn. We will review current and future land use and transportation patterns and define area objectives and policies.

To help facilitate this discussion Mark and I have outlined a series of questions for the committee to review and think about ahead of the meeting. These questions are designed to help develop objectives for the Danville/South Auburn area to define the future development pattern and character given the current and future needs.

After establishing the area objectives, the committee will define policies the City will use to reach the objectives. Mark and I propose that the policy development focus on identifying the general types of uses that are appropriate, the general density/intensity of use that is desired, and the key development standards that should be established to reach the objectives.

Mark and I will use the objectives and policy decisions to develop a draft future land use description for Danville/South Auburn development and present them to the committee at a subsequent meeting.

Danville/ South Auburn include all land south of the turnpike and cover nearly 19 square miles. Historically the area was farm and forest land with Danville Village serving as the community center. Today, the majority remains rural in nature with residential development primarily near the turnpike and along existing roads.

The following outlines the current transportation and land use pattern in Danville/South Auburn and outlines some of the possible changes for the committee to consider when addressing development potential in the area.

Transportation

Riverside Drive is a major collector that connects Auburn to points south including Durham, Freeport, and Brunswick. This commuter corridor supports upwards of 5,000 average daily trips.

The committee has discussed maintaining collector roads as designated traffic connectors and promoting access management to ensure that the roadway can continue to maintain high volumes of traffic safely and efficiently.

The Maine Turnpike Authority in conjunction with the City is currently looking at the possibility of establishing a new turnpike interchange at Riverside Drive. (A memo outlining the interchange project is on page 9.) While this project is still in its preliminary stages and no location has been officially announced, the potential of such a development in South Auburn will have a significant impact on future development.

If the turnpike interchange is developed, there will be increased traffic on Riverside Drive and the areas may see additional growth pressures because of it. This project could significantly alter the character of Riverside Drive opening it up for more intense non-residential development that would benefit from the proximity to a turnpike interchange.

The committee may want to address the potential redevelopment of Riverside Drive and look to establish development standards such as limited access and buffering to protect existing and future development from the potential increase in traffic.

Residential Development

The majority of residential development is within the existing Rural Residential Zone that reaches from South Main Street to Danville Corner Road. Between 2000 and 2007,

three new subdivisions – Danbury Knoll, Eagle Ridge, and Spencer Drive were approved. Private well and septic systems serve all residential development in the area as no public serves extend beyond the turnpike into this area.

Additional residential development exists primarily along the residentially zoned strips abutting Riverside Drive and portions of Danville Corner/Pownal Road, and Trapp Road.

The committee has previously discussed the merits of allowing for additional residential development in rural areas and will be looking at where additional residential development may be appropriate based on the residential strip criteria under development.

Agricultural/ Recreational Uses

There are a number of active farms and agriculture related businesses in the area, primarily along Riverside Drive. These are small family-owned operations that include livestock and equestrian facilities and crop farms. Forestlands along the Pownal line take part in the State Tree Growth tax program.

The CPC has expressed a desire to maintain the active agricultural businesses in the area and to support their continued growth and development.

Recreational uses include the Fox Ridge Golf Course off South Witham Road. During the committee's discussions of recreation policies, the City expressed a desire to establish a regional recreational facility to be located in South Auburn in particular if a new turnpike interchange were developed on Riverside Drive. This type of development fits in with the committee's current Agricultural District definition which would allow for the development of additional commercial recreational facilities.

Natural Resources

Within Danville/South Auburn there are numerous areas of natural significance including streams/brooks, wetlands, deer wintering yards, and unfragmented habitats and corridors. The areas around the waterways including the undeveloped floodplains and wetlands over 10 acres have been identified by the state as possible resource protection areas based on the new state shoreland zoning requirements. The City is in the process of reviewing the state identified areas and will establish a new resource protection district to meet the state mandated requirements for protecting these sites.

The committee has identified other areas of significance such as deer wintering areas and unfragmented habitat. These areas are not only critical habitat for animals but also popular recreation areas for hunting and hiking. The committee is committed to preserving the sites as a way of preserving the rural/open space character of the community.

Objective

Consider the following questions as you review the information on Danville/South Auburn and begin to define the future character/pattern of development. As part of the establishment of the Future Land Use Plan the committee needs to define how and where development will take place in the community. In Danville/South Auburn the committee should look at the future from three perspective – what areas should be ***reserved*** for future development consideration (land banked), what should be ***preserved*** and/or maintained as it is today, and what areas should be ***changed*** to allow for new/expanded uses.

The following series of questions begin to address these concepts and culminated in a draft objective for the committee to consider.

Are there areas that should be considered "reserved" for future use/development?

This question focuses on the traditional role of the AG Zone as a land bank that acts as a reserve for future development. Areas such as Riverside Drive are prime examples of sites where significant changes may occur that could alter the character of the road and the land surrounding it. Maintaining this land within an Agricultural District will allow for flexibility to rezone the area to meet the demands of a possible turnpike interchange.

The land between the turnpike, Soper Mill Brook, and South Witham Road would most likely see changes in use as it would become "prime" commercial real estate due to its proximity to an interchange. The area south of Soper Brook may see some increased traffic and additional development potential, however the pattern of development may not be as intense.

Maintaining the roadway itself as rural residential area with large frontage requirements and setbacks as well as provisions to buffer homes from the road and preserve the rural viewshed will help to protect the residences for the possible increases in traffic.

Are there areas that should be permanent conservation areas – areas that have significant natural resources or open space value that should be preserved?

The committee has decided to establish a Resource Protection District that will incorporate and permanently preserve all State defined significant natural resources. This includes undeveloped floodplains, wading bird and waterfowl habitat, and significant wetlands.

Additional areas the committee has looked at preserving include deer wintering areas, large unfragmented blocks, and wildlife corridors.

In the natural resource policies section, the committee established a desire for the city to preserve deer wintering yards beginning with those located on city-owned land (Strategy A.9.1.g).

As part of a "future land use placeholder" (Strategy A.9.1.b) the committee agreed to return to the topic of unfragmented habitat and wildlife corridor preservation to identify areas that should remain within an Agriculture District as a means of maintaining these open space and habitat connections. As the committee has discussed previously, there are areas of significant unfragmented habitat within Danville/South Auburn particularly along the New Gloucester line and the land farm land abutting Riverside Drive. These unfragmented areas are larger than 200 acres and serve as habitat for large animals. Preserving the interior of these areas as natural open space would provide for long-term habitat protection and retain the rural feel of the area.

Are there areas that should be included in the rural residential designation (not including residential strips)?

The current rural residential district extends along the turnpike from South Main Street to just about the New Gloucester line. Within this area, there are some pockets of agriculturally zoned land that may be suited for residential development. Three particular areas come to mind.

One is the strip of agriculturally zoned land along the turnpike. Once was a farm, this site is now primarily residential with the southern parcel being used as a DOT staging area. Part of the area may be well suited for residential designation as it sits within the established residential area and is close to the urban area. However, some natural constraints (steep slopes) development would limit where development could occur.

Another is the stretch of Old Danville Road from Danville Junction to the New Gloucester line. This area abuts existing residential development and may be an appropriate place for additional development providing an extension of the Danville community and enhance the rural village feel.

The third is the portion of South Witham Road abutting the Fox Ridge golf course. The committee has discussed the possibility of allowing limited residential development as part of an established recreational use. As such, this area may be appropriate for an extension of the rural residential housing. Much like the turnpike land, the proximity to existing development and the urban core make this area a reasonable place for growth that meets the city and state goals for limiting sprawl.

Are there areas that should be included/removed from the rural residential strip designation?

In addressing the role of development in the rural areas, the committee has discussed the merits of establishing residential strips along existing roads. These strips currently exist along Trapp Road, Pownal Road, and Riverside Drive. Taking into account the residential strip criteria voted on in the April meeting, do the current strips meet the test for development and/or are there other areas where such development may be feasible?

In setting the policies/strategies to meet the needs of the objectives outlined above the committee needs to define what types of uses are appropriate, the intensity of the use, and the key standards for development.

Consider the following questions as you review the information on Danville/South Auburn.

What standards should be used when looking at the type and scale of residential development in the designated residential district?

The committee outlined as part of the natural resource policy discussion a desire for rural residential development that protects natural resources and preserves the rural character. The committee identified two concepts for consideration – conservation subdivisions and low impact development standards.

Conservation subdivisions are major residential developments in which a significant portion of the site is set aside as common open space and permanently protected. The standards for this type of development allow for small clustered lots where the remainder of the land is permanently held as open space. In a typical town model the number of units allowed is based on the total net residential land, including that set aside as open space. As a result, the same number of units can be built as on a traditional subdivision only at a higher density with the remainder of the land preserved in perpetuity.

The open space is maintained through a stewardship requirement either tied to the homeowners or a conservation easement owned by the City or a land trust. Homeowner based conservation typically required owners to pay into a stewardship fund to cover the cost of long term maintenance and preservation of the communal open space lands. The purchaser, the city or a land trust, would be charged with maintaining a conservation easements.

The benefits of this type of development include reduced road costs (less road length required to serve the houses), reduced utility development costs, and permanent preservation of open space. This type of development, however, only looks at large development and does not address the impact of lot by lot single family development.

Low impact development (LID) standards are designed to mitigate the impact of impervious surfaces on natural resources, in particular water quality. The standards can apply to any project from a single lot development to subdivisions. The standards limit the amount of impervious surface (driveways, building footprints) and vegetative clearing allowed on a lot as a means of controlling the amount of stormwater runoff. Currently these standards are part of the Phosphorous Control Ordinance, which protects the Taylor Pond and Lake Auburn Watershed. Similar controls could be established in Danville/South Auburn as a means of curbing runoff and protecting area streams and rivers.

Along Riverside Drive – does the committee support limiting access and preserving the corridor as a primary travel route?

With the possible development of a turnpike interchange, the committee should be proactive in trying to protect the function of Riverside Drive as a collector while also limiting the impact additional traffic would have on the existing residential development. Establishing standards such as limited access (ample frontage standards, limited curb cuts, and/or limited ancillary road development) will ensure that traffic can continue to move efficiently through the area. Encouraging setbacks and buffering standards will ensure that the rural look and feel of the roadway is maintained and establish a gateway into the City.

Possible Danville/South Auburn Objective: *Maintain the rural character by promoting development criteria that protect the area's agricultural uses, open space, and natural resources. Use the comprehensive plan committee established criteria when determining where new residential development occurs and ensure that the character and intensity of use reflects the rural pattern and allows enough lot and house placement flexibility to preserve agricultural land and rural viewsheds. Along Riverside Drive, encourage limited access to maintain the commuter corridor and prepare for the possible development of a new turnpike interchange.*

Attachment 6

Doug Greene

From: Mark Eyerman [meyerman@planningdecisions.com]
Sent: Wednesday, December 03, 2014 1:21 PM
To: Doug Greene
Subject: Re: Future Land Use at 113 Woodbury Road

Doug:

Here is what I can tell you:

1. I looked at the material you sent and Google Earth and I don't recall at this point any particular discussion about this specific parcel or area but there probably was. The committee spent a lot of time on this issue.

2. During the Committee's discussion of outlying areas of the City, there were contrasting points of view among the committee members on how to treat "rural" areas and the roadside development strips. The committee spent a great deal of time wrestling with this issue and developed a set of criteria that are included in the plan for determining what land should be designated for rural residential development along road corridors. You should look at those criteria - I think they are on pages 70-71 of the document or are right around there in the Other Land Use Policies section.

3. A major consideration in designating land as rural/agriculture was the availability of public services especially a paved road and fire protection water supplies. An important driver in these discussions was avoiding the need for the City to make substantial investments in upgrading gravel or badly deteriorated paved roads as a result of residential development. There is some discussion of this in the public services policy section. The committee looked at the potential costs of reconstructing or paving rural roads if residential development occurred and tried to structure the land use plan to minimize that liability. That may have been a consideration with respect to the Woodbury Hill Road but I'm not sure about that.

4. There was also a sense that land that was in active use for agricultural purposes in outlying areas should be protected from development and included in the rural/ag designation. In looking at Google Earth, it appears that a portion of this land has been an open field for years - I don't know if it is/was used for agriculture but that might have played into the committee's thinking.

5. Finally, the committee had a lot of discussion about fire protection in the portion of the community outside of the area serviced by water mains and hydrants. In the end, they did not include it in the criteria for determining roadside residential strips but it was an ongoing discussion. At that time, the Fire Department expressed concern about the lack of fire protection water supplies in the outlying areas as well as response times and the implications for the department that was set up essentially as an urban department with very limited capacity to transport water like a rural department does. If I remember correctly, the ISO rating for much of this area is maybe an 8 or 9 essentially indicating that it is an unprotected area . Again, I don't know if this was a consideration for this particular area, but it was part of the thinking process to discourage large-scale residential development in areas that are not served by hydrants.

I hope this helps as you look at this situation.

Mark

Mark Eyerman, President
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477 Congress St., Suite 1005
Portland, ME 04101-3406
207.799.2226 - Fax: 207.767.6432
www.planningdecisions.com

Attachment 1

all areas subject to shoreland zoning under state law. It establishes water body setback requirements and performance standards, and is being updated to reflect current state requirements.

3. Rural Residential Road Strips

The City has historically zoned narrow strips of land along some rural roads for low density residential development. These strips represent a compromise between the City's goal of limiting residential development in rural areas, and existing conditions along these rural roads. As part of the development of the Future Land Use Plan (see Chapter 2), the City conducted a comprehensive review of where residential strips should and should not be created based upon the following set of criteria. The considerations outlined below apply sequentially – first to identify where strips are appropriate based on current land use patterns, and then to work through where residential strips are inappropriate based on a variety of considerations.

Consideration #1 – Established Residential Pattern

A residential strip **may be provided** along a rural road where there is an established pattern of residential uses along the road. An established residential pattern means at least 6-8 homes per half mile counting both sides of the road. In general, both sides of a road should have a residential strip unless there is a significant reason not to allow residential development based on the following considerations.

Consideration #2 – Reserve Area Adjacency

A residential strip **should not be provided** along a rural road if the area adjacent to the road is a "reserve area" where the objective is to maintain the land as undeveloped to allow for its conversion to a different use in the foreseeable future. There should be some realistic expectation that something will occur that will change the desired land use for the area in the future.

Consideration #3 – Natural Resource Adjacency

A residential strip **should not be provided** along a rural road if the area adjacent to the road has significant natural resource value. Areas with significant natural value include areas that are zoned Resource Protection or are high value wetlands, 100 Year floodplains, significant wildlife habitats, and areas with steep slopes (>25%).

Consideration #4 – Conservation/Open Space Adjacency

A residential strip **should not be provided** along a rural road where the adjacent land is protected open space, or where there is a reasonable expectation that the land will be preserved as open space in the foreseeable future, and residential development is inconsistent with that open space use.

Consideration #5 -- Ability to Provide Public Services

A residential strip **should not be provided** along a rural road if residential development will tax the City's ability to provide municipal services as indicated by the following:

- The road is a gravel or dirt road
- The road is a poorly maintained paved road that will need to be improved to support residential development along it

Consideration #6 – Water Quality Protection

A residential strip **should not be provided** along rural roads with undeveloped frontage that are located in the watershed of Lake Auburn, unless such development will not have an adverse impact on the lake's water quality.

The Future Land Use Plan (see Chapter 2) shows the areas where low density residential development is proposed to be allowed along rural roads based on these criteria. These criteria should be used in the future to review the areas designated as residential strips as conditions change, or to review property owner-initiated requests for rezoning.

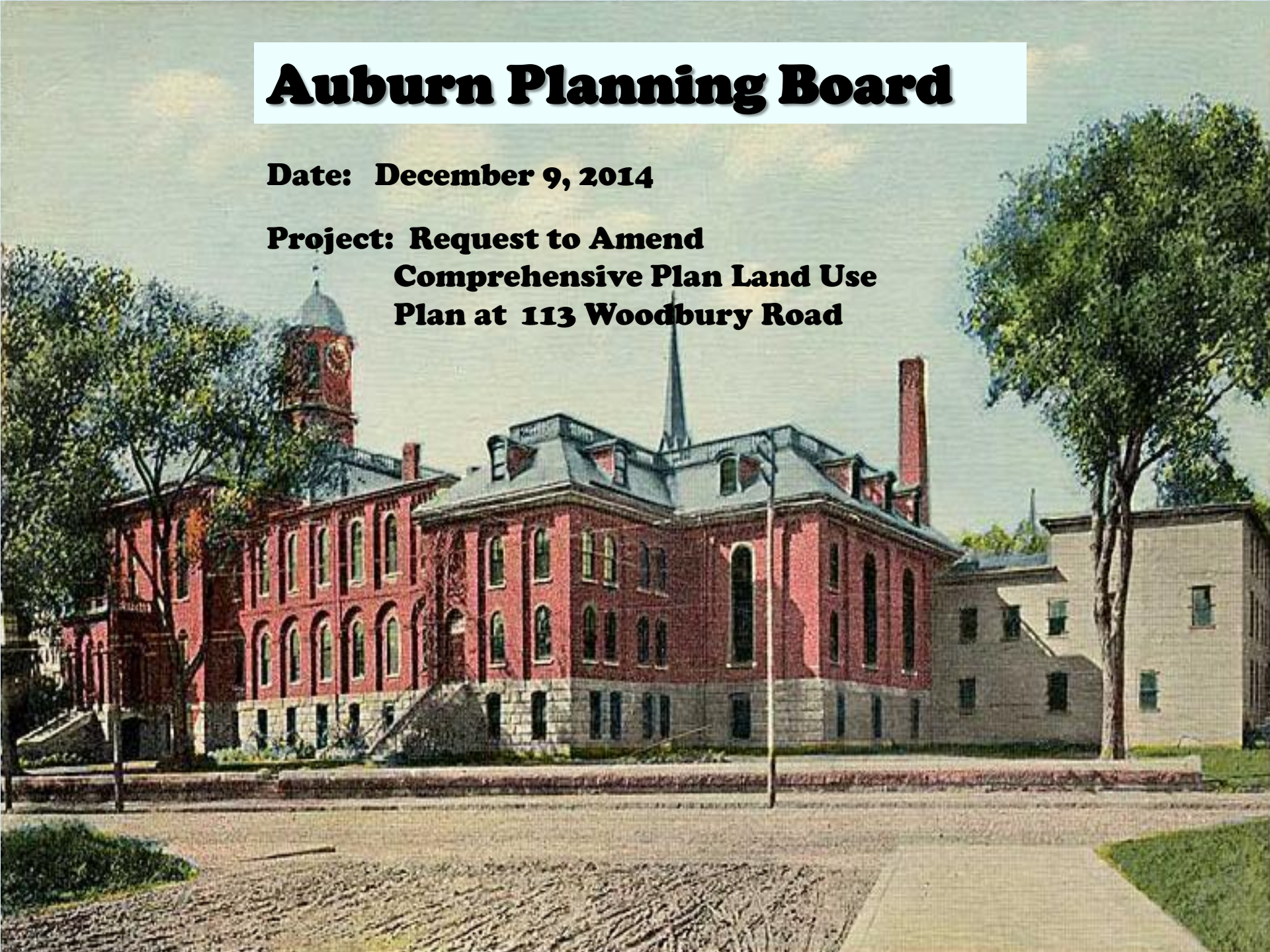
4. NEIGHBORHOOD BUSINESS DISTRICTS

The City has a number of neighborhood businesses that are located within residential neighborhoods. It is the City's policy to support the retention and improvement of these businesses since they offer a valuable service to the City's residents. It is also the City's policy to encourage the owners of these properties to reinvest in maintaining and improving these buildings. To accomplish these objectives, the Future Land Use Plan (see Chapter 2) designates these properties as Neighborhood Business Districts. The standards for these districts allow the existing nonresidential use to be maintained and improved, as long as it is compatible with the surrounding neighborhood. The standards also allow for replacing an existing use with a new nonresidential use (other than service stations and auto service facilities), as long as it is appropriate for the neighborhood. The primary objective in creating these districts is to encourage the retention of these neighborhood businesses. As long as the property includes nonresidential space, whether occupied or not, the property should remain in the Neighborhood Business District to allow re-occupancy by an appropriate nonresidential use.

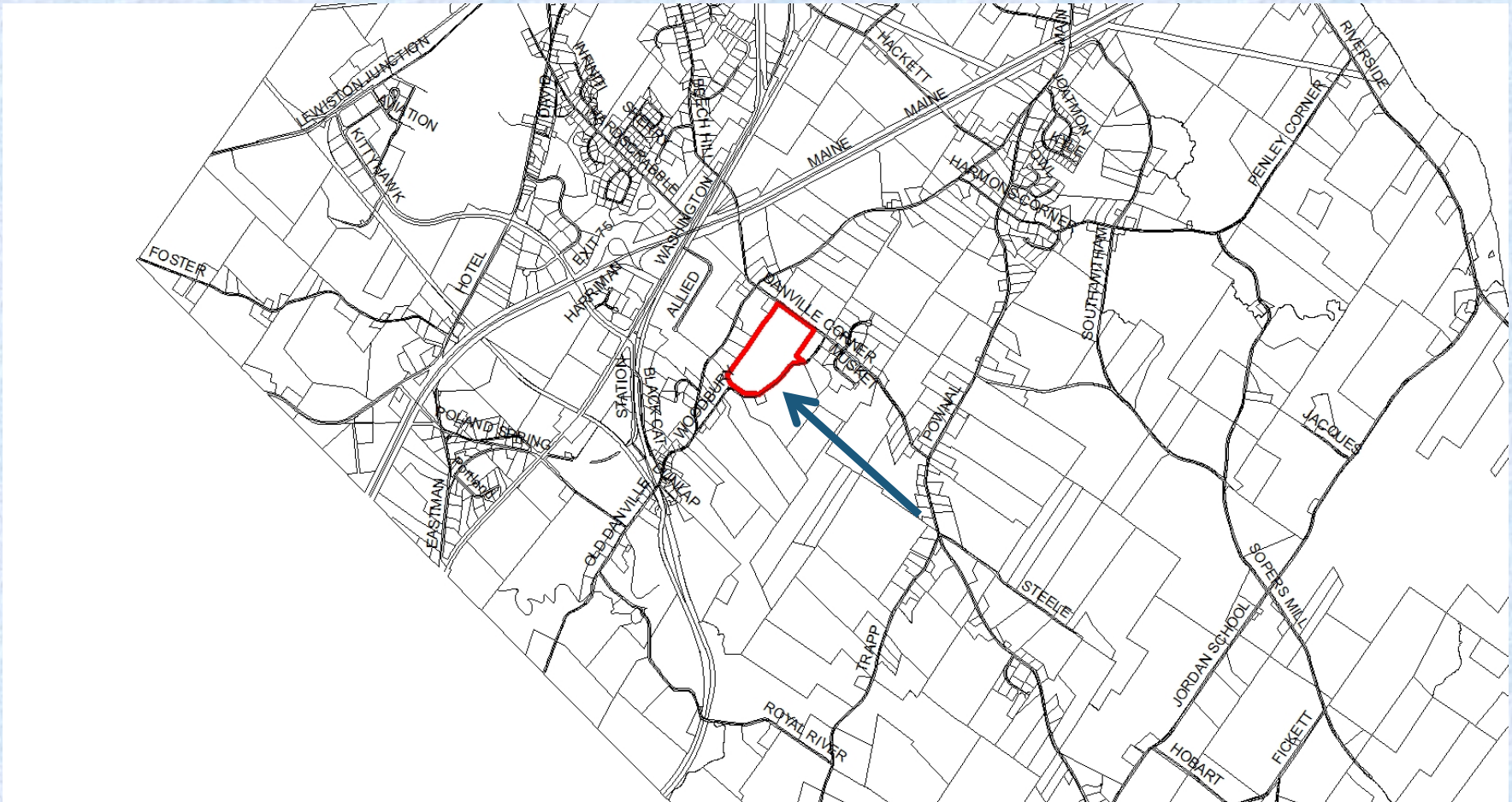
Auburn Planning Board

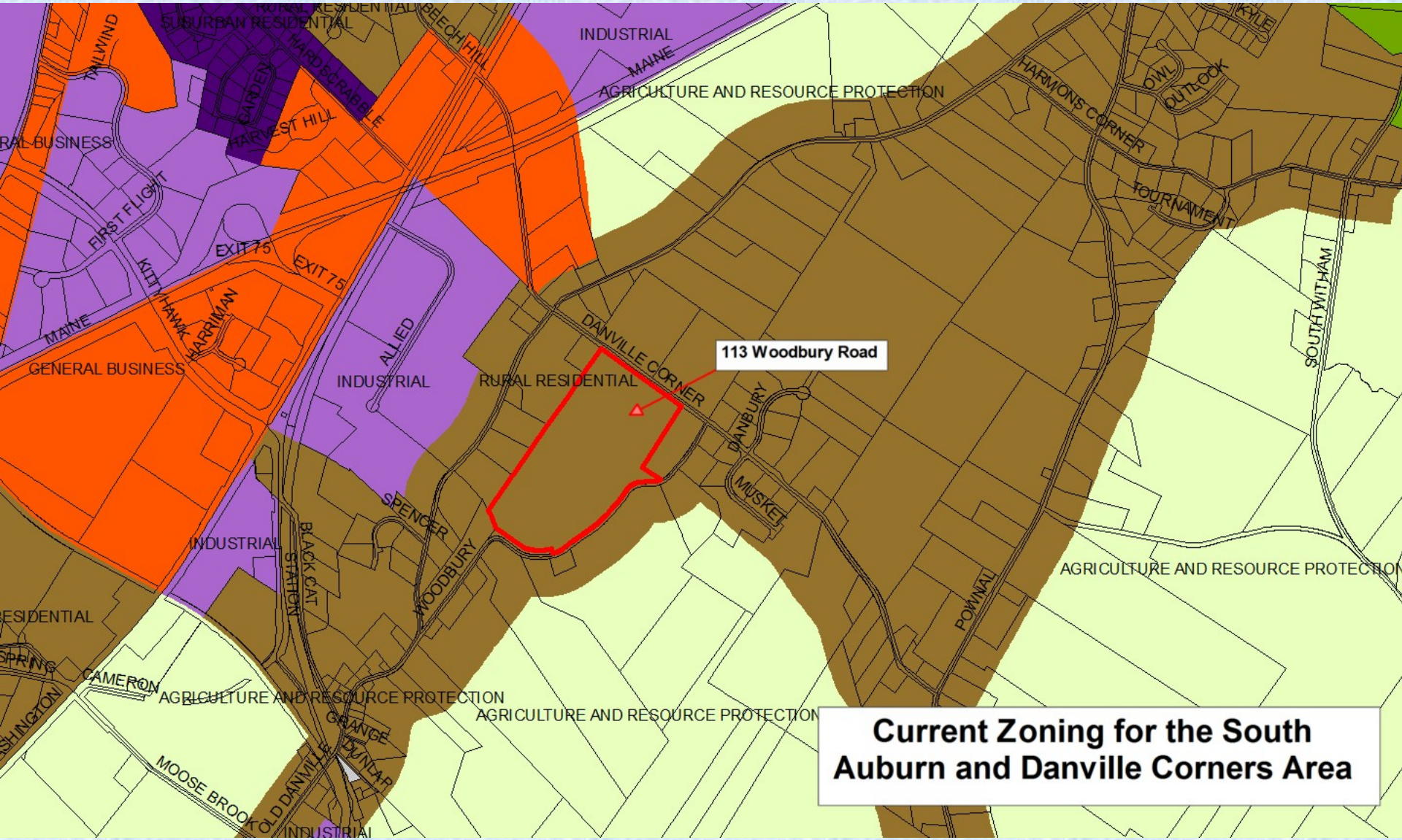
Date: December 9, 2014

Project: Request to Amend Comprehensive Plan Land Use Plan at 113 Woodbury Road

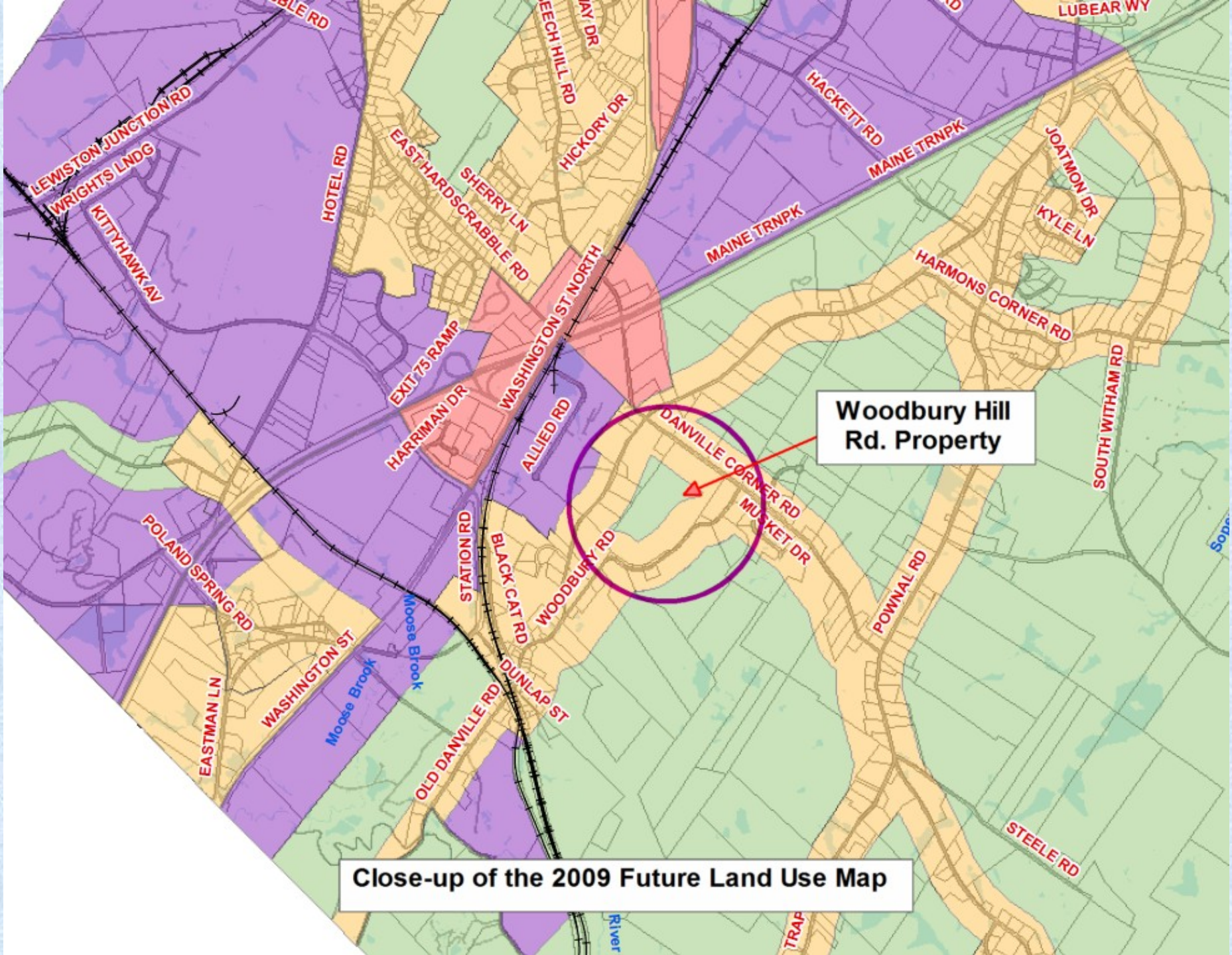


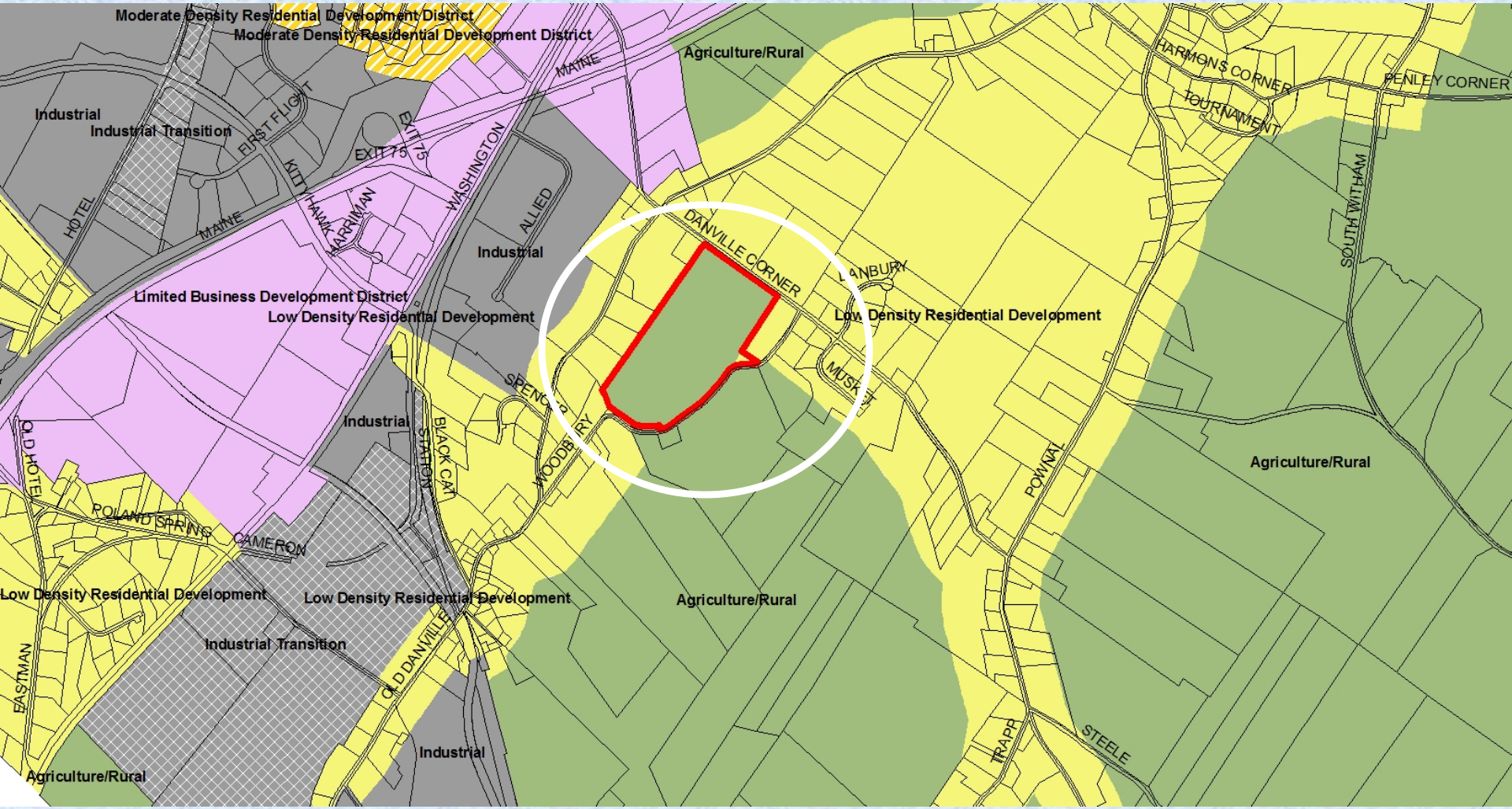
The Staff is asking the Planning Board to amend the 2010 Comprehensive Plan's Land Use Map for a property located on Woodbury Hill Road (PID# 110-009). This property was purchased with the intent of developing a residential subdivision. The property is currently zoned Low Density Rural Residential which, allows one acre lots.





This property is zoned entirely Low Density Rural Residential including the surrounding areas.


Woodbury Hill Rd. Property
LEWISTON JUNCTION RD
WRIGHTS LNDG
KITTYHAWK AV
HOTEL RD
EAST HARDSCRABBLE RD
SHERRY LN
BEECH HILL RD
HICKORY DR
HACKETT RD
MAINE TRNPK
JOATMON DR
KYLE LN
HARMONS CORNER RD
SOUTH WITHAM RD
EXIT 75 RAMP
HARRIMAN DR
WASHINGTON ST NORTH
ALLIED RD
DANVILLE CORNER RD
MUSKET DR
POWNAL RD
STEELE RD
POLAND SPRING RD
STATION RD
BLACK CAT RD
WOODBURY RD
WASHINGTON ST
EASTMAN LN
Moose Brook
OLD DANVILLE RD
DUNLAP ST
LUBEAR WY
Close-up of the 2009 Future Land Use Map

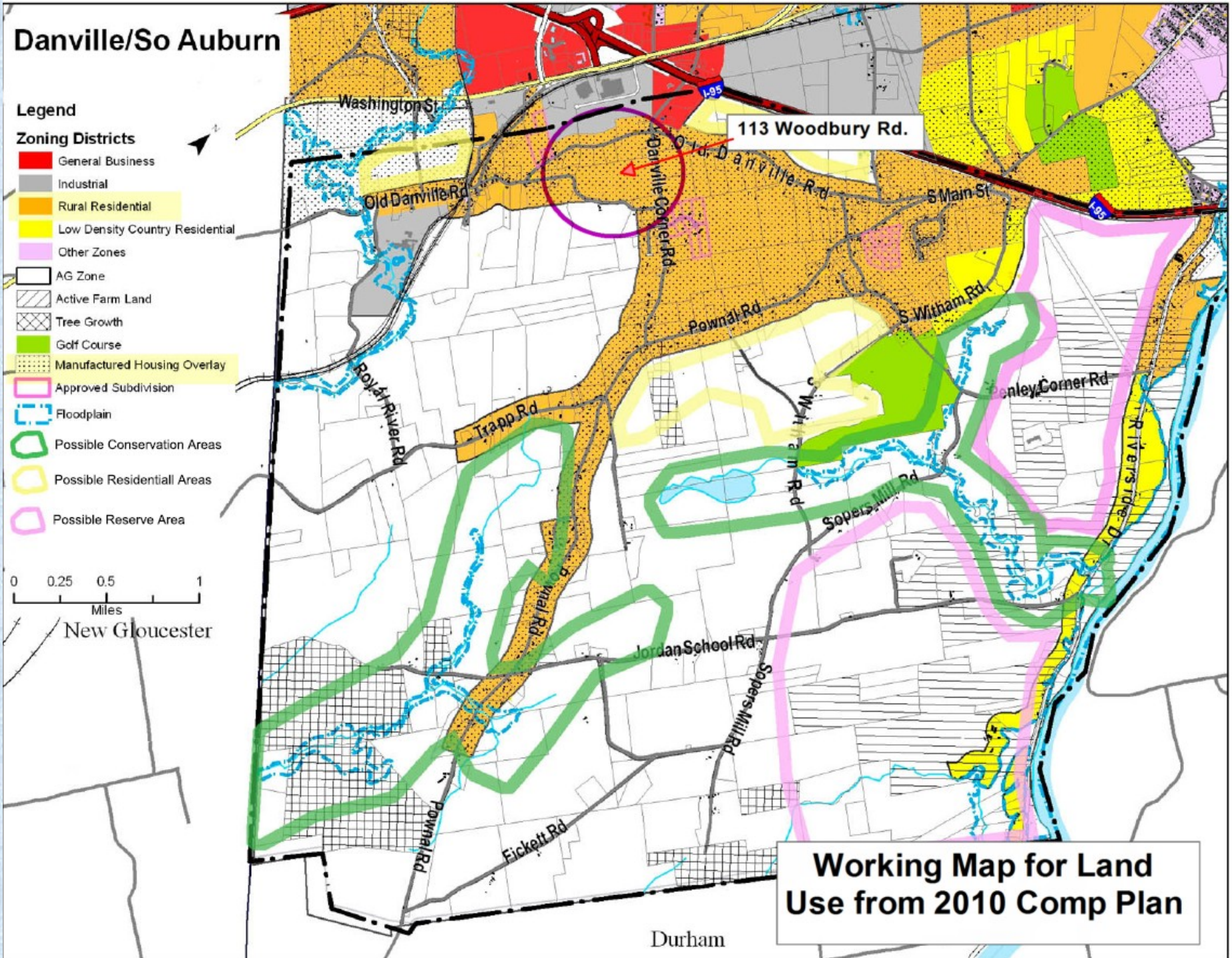


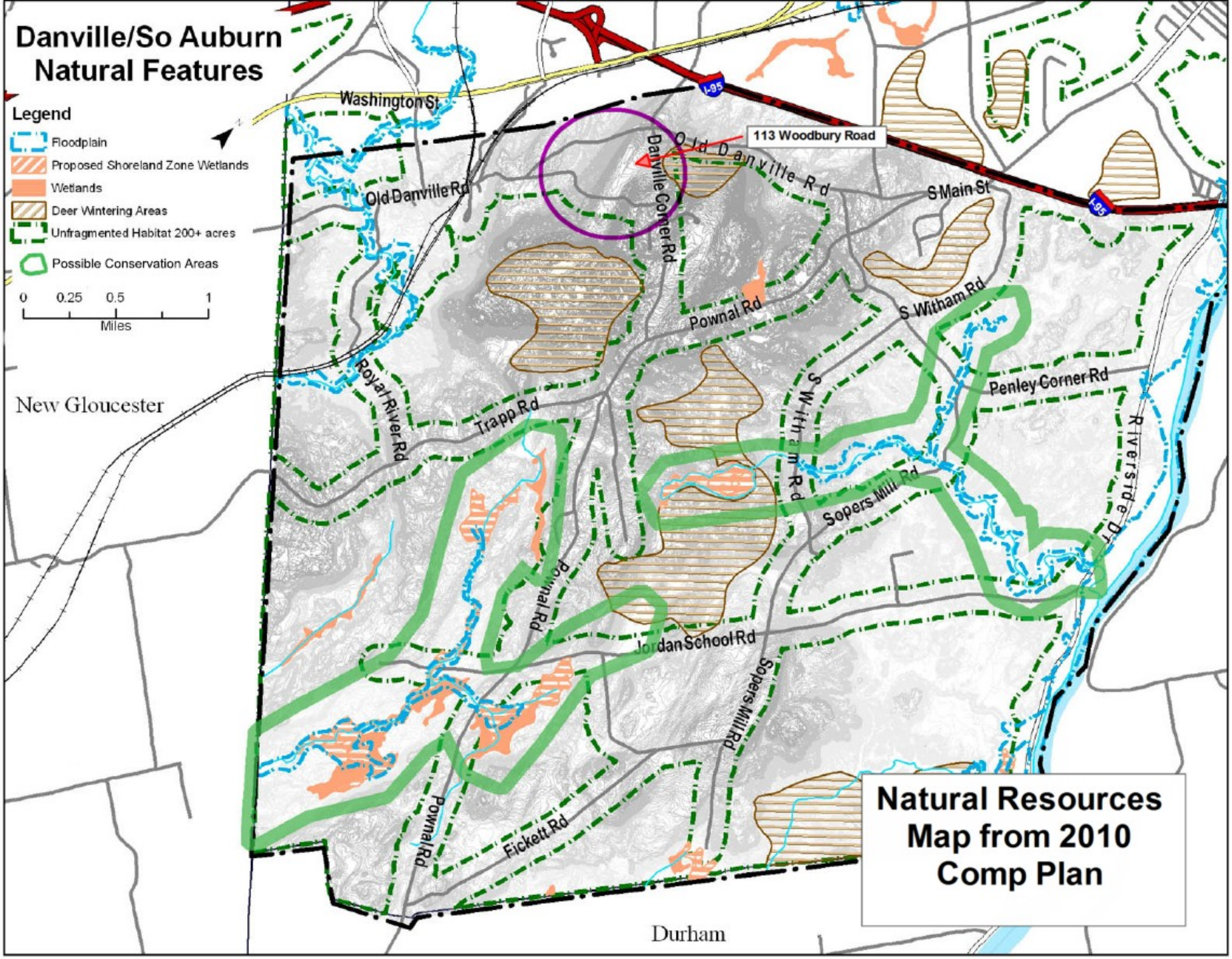
The 2010 Comprehensive Future Land Use Map however, shows the property to be recommended as Agriculture / Rural future land use.

At last month's meeting, the Planning Board asked staff to research additional 2010 Comprehensive Plan information and to interview participants in the process.

Staff interviewed Richard Whiting, a Co-Chair of the Comprehensive Plan Committee and Mark Eyerman, the lead consultant for the 2010 Comprehensive Plan. Both interviews are described in the staff report.

The following (working) maps are from the 2010 Comprehensive Plan files.


Danville/So Auburn
Legend
Zoning Districts
General Business
Industrial
Rural Residential
Low Density Country Residential
Other Zones
AG Zone
Active Farm Land
Tree Growth
Golf Course
Manufactured Housing Overlay
Approved Subdivision
Floodplain
Possible Conservation Areas
Possible Residentiall Areas
Possible Reserve Area
0 0.25 0.5 1
Miles
New Gloucester
Durham
113 Woodbury Rd.
Washington St
Old Danville Rd
Danville Corner Rd
S Main St
Pownal Rd
S Witham Rd
Royal River Rd
Trapp Rd
Jordan School Rd
Sopers Mill Rd
Ficket Rd
Working Map for Land Use from 2010 Comp Plan


Danville/So Auburn
Natural Features
Legend
Floodplain
Proposed Shoreland Zone Wetlands
Wetlands
Deer Wintering Areas
Unfragmented Habitat 200+ acres
Possible Conservation Areas
0 0.25 0.5 1
Miles
Washington St
I-95
113 Woodbury Road
Old Danville Rd
Danville Corner Rd
Old Danville Rd
S Main St
Pownal Rd
S Witham Rd
Penley Corner Rd
Riverside Dr
Royal River Rd
Trapp Rd
Sopers Mill Rd
Jordan School Rd
Fickett Rd
New Gloucester
Durham
Natural Resources
Map from 2010
Comp Plan

Gas Line
Danville Corners Road is a paved, improved road.
ALLIED
DANVILLE CORNER
OLD DANVILLE
WOODBURY
Woodbury Road is an unimproved road.

400 Danville Corner Rd
Auburn, Maine
Street View - Apr 2012
Woodbury Road
Woodbury Hill Rd
12"x30"

Danville Corners Road
Rotate the view
Google

In conclusion, the final Future Land Use Map and its recommendation from the 2010 Comprehensive Plan for the property on Woodbury Hill Road (PID# 110-009) does not follow the progression of development patterns from the 2009 Future Land Use (FLU) Plan nor does it coincide with the actual zoning of today on the property or the surrounding properties.

The property owner purchased the property with the understanding that because the property was entirely zoned Low Density Rural Residential, it was eligible to be developed accordingly and a subdivision plan was prepared.

The criteria for Planning Board approval of a subdivision includes consideration of the future land use plan. The FLU's recommendation of Ag needs to be changed in order to allow the Woodbury Road Subdivision Plan to move forward.

The Staff recommends **APPROVAL** of changing the Future Land Use Designation for the property located at 113 Woodbury Road (PID # 110-009) from Agricultural/Rural to Low Density Residential with the following findings:

1. The 2010 Future Land Use of Agricultural/Rural for the property is inconsistent with the current zoning of Low Density Rural Residential.
2. The 2010 Comprehensive Plan's working minutes, mapping and interviews from the lead consultant and chairman of the Comprehensive Plan Committee provide a record that show the property at 113 Woodbury Road:
    a. Was designated as Rural Residential and Manufactured Housing on working maps for this area.
    b. Was not indicated as having significant natural resources to protect.
    c. No specific request was made on 113 Woodbury Road to have its future land use designated Agricultural/Rural.
3. The property at 113 Woodbury Road has 1,100 feet of improved road frontage along Danville Corner Road.
4. The predominant land use in the area is Low Density Residential and Rural Residential zoning.

Questions?

City Council Information Sheet

City of Auburn

Council Workshop or Meeting Date: January 5, 2015 **Ordinance** 01-01052015

Author: Doug Greene, City Planner

Subject: Amendment to Part II, Code of Ordinance, Chapter 2, Administration, Article V, Boards, Commissions and Committees, Division 4, Planning Board

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Information: For a number of years, the Auburn Code of Ordinances did not contain a section on the City's Planning Board. Last year, that section was finally put back in. During 2014, the Planning Board reviewed this section, came to a consensus on revisions and now presents this amended ordinance to the City Council for adoption.

Advantages: The proposed amendment will make some simple corrections primarily to acknowledge Associate Planning Board Members and other housekeeping changes.

Disadvantages: None.

City Budgetary Impacts: None

Staff Recommended Action: Approval of the proposed

Previous Meetings and History: The Planning Board reviewed and discussed this over the course of 3 different meetings.

Attachments:

1. Proposed Amended Code of Ordinance for the Auburn Planning Board. (Track changes version)
2. Memo from the Auburn Planning Board to the City Council regarding the proposed amendment.

Revised at 9/9/14 and 10/14/14 PB meetings

DIVISION 4. PLANNING BOARD

Sec. 2-466. Membership: appointment, removal, terms, vacancies.

Sec. 2-467. Chairperson and vice-chairperson.

Sec. 2-468. Staff secretary: minutes, public records.

Sec. 2-469. Quorum and necessary vote.

Sec. 2-470. Meetings, hearings and procedures.

Sec. 2-471. Workshop or informational meetings.

Sec. 2-472. Record and decisions.

Sec. 2-473. Conflicts.

Sec. 2-474. Appeals.

Sec. 2-475. Jurisdiction and authority.

Sec. 2-476. Committees.

Secs. 2-477—2-482. Reserved.

Sec. 2-466. Membership: appointment, removal, terms, vacancies.

(a) There shall be a planning board of seven regular and two associate members. Members of the planning board shall be residents of the city and shall not be officers or employees of the city. Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the planning board. Members shall serve without compensation.

(b) Regular ~~M~~members of the planning board shall be appointed by the city council for terms of three years. Such terms shall be staggered so that the term of not more than three members shall expire in any calendar year. Incumbent members of the planning board shall serve for the balance of their terms and thereafter until their successors are appointed.

(c) The City Council shall appoint two associate members for a term of three years each. Such terms shall be staggered so that the terms of not more than one associate member, expires in any calendar year. Associate members may participate in deliberations of the Planning Board but shall not vote unless temporarily acting on behalf of a regular member who is absent or has been recused.

(~~c~~d) Permanent vacancies on the planning board shall be filled by the city council for the unexpired term of the former member.

(~~d~~e) Any member of the planning board may be removed for cause by the city council at any time; provided, however, that before removal such members shall be given an opportunity to be heard in his own defense at a public hearing before the city council.

(f) The Planning Board may appoint a high school student advisory representative who is a high school student residing in Auburn for a one year term. The student advisory representative may participate in deliberations of the Planning Board but shall not be entitled to vote.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-467. Chairperson and vice-chairperson.

The members of the planning board shall annually elect one of the board members as chairperson to preside at all meetings and hearings, and another of their number as vice-chairperson. In the absence of the chairperson, the vice-chairperson shall act as chairperson and shall have all the powers of the chairperson. If no Chairperson or Vice-Chairperson is present or able to preside over an agenda item, the attending members may elect an acting Chairperson.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-468. Staff secretary: minutes, public records.

(a) The ~~city planner~~ Director of Planning and Development shall designate a member of ~~his~~ their staff who shall serve as staff secretary of the planning board and attend all of its proceedings.

(b) The staff secretary shall provide for the keeping of minutes of the proceedings of the planning board, noting the vote of each member on every question, or the member's absence or failure to vote, and shall maintain the permanent records and decisions of all planning board meetings, hearings, and proceedings and a~~i~~ll correspondence of the planning board.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-469. Quorum and necessary vote.

(a) As to any matter requiring a public hearing, no business shall be transacted by the planning board without a quorum, consisting of four members, being present. The concurring vote of at least four members shall be necessary to authorize any action by the board. ~~If the requisite votes are not present the matter shall be tabled.~~

(b) If less than a quorum is present, the hearing ~~may~~ shall be ~~adjourned~~ rescheduled. The staff secretary shall notify in writing all members of the date of the ~~adjourned~~ reschedule hearing and shall notify such other interested parties as may be directed in the vote to reschedule ~~of adjournment~~.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-470. Meetings, hearings and procedures.

(a) Regular meetings of the planning board shall be held at the call of the chairperson or as provided by rule of the board. Special meetings may be called by any four members of the planning board, or at the request of the city council. Testimony at any hearing may be required by the planning board to be given under oath.

(b) The planning board shall adopt its own rules for the conduct of its business not inconsistent with this chapter and with state law. Such rules shall be filed with the staff secretary of the planning board and with the city clerk. Any rule so adopted that relates solely to the conduct of hearings, and that is not required by the city council, this chapter or state law, may ~~h~~be waived by the chairperson upon good cause being shown.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-471. Workshop or informational meetings.

Informal meetings or workshops of the planning board or any of its committees may be held at the call of any of its members or the ~~city planner~~ Director of Planning and Development, as the case may be, for the presentation of information.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-472. Record and decisions.

(a) The minutes of the staff secretary, and any transcript of the proceedings, and all exhibits, papers, applications and requests filed in any proceeding before the planning board and the decision of the board shall constitute the record.

(b) Every final decision of the planning board and every recommendation of the planning board to the city council shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation.

(c) The staff secretary shall mail notice of any decision of the board to the applicant or any designated interested parties within five business days of such decision.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-473. Conflicts.

No member of the planning board shall participate in the hearing or disposition of any matter in which he or she has an interest. Any question of whether a member has a conflict of interest sufficient to disqualify the member shall be decided by a majority vote of the members present, except the member~~s~~ whose possible conflict is being examined. Where such vote results in a tie, the subject member shall be disqualified.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-474. Appeals.

An appeal from any final decision of the planning board as to any matter over which it has final authority may be taken by anyone of standing ~~party~~ or by any authorized officer or agent of the city to the superior court.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-475. Jurisdiction and authority.

In addition to the jurisdiction conferred on it by other provisions of state law and the ordinances of the city and in accordance therewith, the planning board shall have the following jurisdiction and authority:

(1) To prepare and recommend to the city council a comprehensive plan.

(2) To prepare and recommend to the city council changes in and amendments to the comprehensive plan as necessary.

(3) To aid and assist the city council and departments and agencies of the city in implementing general plans and in planning, developing and completing specific planning related projects.

(4) To hear, review, and approve or deny applications for subdivision approval as provided in this Code.

(5) To hear, review, and offer its recommendations to the city council on applications for zoning changes and amendments to, or revisions of, the city's zoning regulations, and to initiate recommendations for zoning changes and amendments to or revisions of the city's zoning regulations as necessary.

(6) To review and offer its recommendations to the city council on public planning related projects.

(7) To offer its recommendations to the city council with regard to the compatibility of the city manager's proposed capital improvements program with the comprehensive plan.

(8) To make such investigations and compile maps and reports, and recommendations in connection therewith, relating to the planning and development of the city as it deems desirable.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Sec. 2-476. Committees.

The chairperson of the planning board ~~shall~~ may ~~from time to time assign the members of the board to such regular and special committees as may be established by the board. Such committees shall have no final authority but shall assist the board in the conduct of its business by making recommendations to it~~s concerning such specific items as may be assigned to them for study and report.

(Ord. of 5-7-1979; Ord. No. 02-04012013, att. A, 4-16-2013)

Secs. 2-477—2-482. Reserved.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning and Development

October 24, 2014

Mayor LaBonte and
The Auburn City Council
60 Court Street
Auburn, ME 04210

RE: City Council Ordinance

Dear Mayor LaBonte and Auburn City Council,

The Planning Board requests that the City Council amend Chapter 2, Article V, Division 4, Planning Board of the City Ordinances to make some minor changes that apply to the Planning Board.

The principal change that we recommend deals with Associate Members of the Planning Board. For a number of years the City Council has appointed Associate Members to the Planning Board. When a regular member of the Planning Board is absent, or recuses her/him, an Associate Member sits and acts in her/his behalf. While this has been the practice for a number of years, if a decision of the Planning Board, on which an Associate Member voted, (and conceivably was the tie breaking vote), was challenged, we could find no written authorization for the appointment of Associate Members or for them to act in behalf of Regular Members. That could place the Board's decision in a dicey situation. We believe that is easily corrected by amendment to the City Ordinance that deals with the Planning Board. There are several other suggested amendments of a housekeeping nature.

This request to the City Council and recommended amendment comes in a somewhat larger context. Several members observed that while our procedures and conduct of public hearings followed traditional practice, it was not written down. That might render the Board vulnerable if challenged.

Earlier this year the Planning Board started preparing a Policies and Procedures Manual that will commit to writing the procedures for the conduct of our meetings and public hearings and the steps that precede them. I am pleased to report that after several meetings and drafts, the Planning Board is well into preparation of a Policies and Procedures Manual.

60 Court Street • Suite 104 • Auburn, ME 04210
(207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6625 Fax
www.auburnmaine.org

There are several reasons why this effort is timely:

- In order to have all Board members on the "same page" it is necessary to have a written copy rather than relying on the memory of veteran Board members. While the Board's actions have followed traditional practice, it can give the appearance that we are "making it up as we go along" without reference to written rules.

- There has recently been a turnover in Planning Board members. Currently five of nine members are in their first term. A written Policies and Procedures Manual will allow newly appointed members to "get up to speed" sooner. Incidentally we held the first orientation session for new members in June.

- A written Policies and Procedures Manual is fairer to applicants so that they will know what is expected of them and when. That should make the application process overall more efficient for all concerned.

- Revised procedures are designed to make information available to interested parties in neighborhoods impacted by a proposed application earlier.

- City Manager Deschene has asked that all boards and committees have up to date written rules.

- Five members of the Planning Board recently attended an excellent training session conducted by the Maine Municipal Association for planning boards in Augusta. That session permitted us to learn of best practices of various planning boards around the state and of court decisions affecting planning boards. Those will be incorporated in the Policies and Procedures Manual.

The Planning Board looks forward to getting its house in better order. The favorable action of the City Council on the recommended amendments will be appreciated.

Sincerely

Robert A. Bowyer

Robert A. Bowyer
Chairman

C: File

City Council Information Sheet

City of Auburn

Council Meeting Date: January 5, 2015 **Order** 01-01052015*

Author: Howard Kroll, Interim City Manager

Subject: Appointment of Tax Assessor

Information: Approval of this order will confirm the Interim City Manager's appointment of Karen Scammon as Tax Assessor for a two year term effective February 1, 2015 through January 31, 2017. Karen Scammon has been serving as Interim Tax Assessor since June 16, 2014. In the past several months she has proven her commitment and skills for this position and has performed her duties in an exemplary manner.

Advantages: The City is required to have a Tax Assessor to do the annual tax commitment and to perform other functions as required by state statute.

Disadvantages: None

City Budgetary Impacts: None. The salary for the Tax Assessor is included in the FY 2015 budget and there are savings resulting from vacancies in the Deputy Assessor and Appraiser positions since June 2014.

Staff Recommended Action: The Interim City Manager recommends that the Council approve this order.

Previous Meetings and History: None

Attachments: Order 01-01052015

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four

Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 01-01052015

ORDERED, that Karen Scammon be and hereby is appointed Tax Assessor for the period of February 1, 2015 through January 31, 2017.

City Council Information Sheet

City of Auburn

Council Meeting Date: January 5, 2015 **Order** 02-01052015*

Author: Phillip L. Crowell, Jr., Chief of Police

Subject: **Confirm Chief Crowell's re-appointment of Constables without firearms for the Auburn Police Department.**

Information: Chief of Police Crowell requests that the Auburn City Council appoint civilians to serve documents on behalf of the Auburn Police Department. These civilians will act as Constables without firearms.

Advantages: Documents (ie: subpoenas) are time sensitive. Often, officers are unable to locate a member of the community. Civilians (including our police Information Assistants), who have been appointed by the City Council, provide this delivery service on our behalf.

Disadvantages: None**.**

City Budgetary Impacts: N/A

Staff Recommended Action: Appointment of all civilians listed on the attached memo.

Previous Meetings and History: March 3, 2014 – Annually and periodically, requests are made for appointments and re-appointments for the next calendar year.

Attachments:

Memo from Chief
Order 02-01052015

Auburn Police Department

Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Executive Assistant

To: Honorable Mayor Jonathan LaBonte and Members of the City Council

From: Phillip L. Crowell, Jr., Chief of Police

Date: December 15, 2014

Re: CONSTABLES 2015

We request the following named persons be appointed to serve documents as Constables on behalf of the Auburn Police Department for 2015:

Lucien Asselin	Civil Process Only	Without Firearm	Re-Appointment
Claire Barclay	Civil Process Only	Without Firearm	Re-Appointment
Harry Darling	Civil Process Only	Without Firearm	Re-Appointment
Glenn Garry	Civil Process Only	Without Firearm	Re-Appointment
Harry Gorman	Civil Process Only	Without Firearm	Re-Appointment
Kenneth Edgerly	Civil Process Only	Without Firearm	Re-Appointment
Joan Godbout	Civil Process Only	Without Firearm	Re-Appointment
Ellery Hewey	Civil Process Only	Without Firearm	Re-Appointment
Janice Lare	Civil Process Only	Without Firearm	Re-Appointment
Cynthia MacDonald	Civil Process Only	Without Firearm	Re-Appointment
Moninda Marube	Civil Process Only	Without Firearm	Re-Appointment
Christina Moreno	Civil Process Only	Without Firearm	Re-Appointment
Paul Potvin	Civil Process Only	Without Firearm	Re-Appointment
Darlene Shores	Civil Process Only	Without Firearm	Re-Appointment

Carol Theriault	Civil Process Only	Without Firearm	Re-Appointment
Jerry Webster	Civil Process Only	Without Firearm	Re-Appointment
Zachary West	Civil Process Only	Without Firearm	Re-Appointment

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four

Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 02-01052015

ORDERED, that the following civilians be re-appointed to serve documents as Constables without firearms on behalf of the Auburn Police Department:

Lucien Asselin	Civil Process Only	Without Firearm	Re-Appointment
Claire Barclay	Civil Process Only	Without Firearm	Re-Appointment
Harry Darling	Civil Process Only	Without Firearm	Re-Appointment
Glenn Garry	Civil Process Only	Without Firearm	Re-Appointment
Harry Gorman	Civil Process Only	Without Firearm	Re-Appointment
Kenneth Edgerly	Civil Process Only	Without Firearm	Re-Appointment
Joan Godbout	Civil Process Only	Without Firearm	Re-Appointment
Ellery Hewey	Civil Process Only	Without Firearm	Re-Appointment
Janice Lare	Civil Process Only	Without Firearm	Re-Appointment
Cynthia MacDonald	Civil Process Only	Without Firearm	Re-Appointment
Moninda Marube	Civil Process Only	Without Firearm	Re-Appointment
Christina Moreno	Civil Process Only	Without Firearm	Re-Appointment
Paul Potvin	Civil Process Only	Without Firearm	Re-Appointment
Darlene Shores	Civil Process Only	Without Firearm	Re-Appointment
Carol Theriault	Civil Process Only	Without Firearm	Re-Appointment
Jerry Webster	Civil Process Only	Without Firearm	Re-Appointment
Zachary West	Civil Process Only	Without Firearm	Re-Appointment

City Council Information Sheet

City of Auburn

Council Meeting Date: January 5, 2015 **Order** 03-01052015*

Author: Phillip L. Crowell, Jr., Chief of Police

Subject: **Transfer of Forfeiture Asset – Jermaine Motley**

Information: In June 2014, agents from Maine Drug Enforcement and Officers from the Auburn Police Department conducted a search of a residence in relation to an ongoing drug investigation. One suspect who was arrested on drug charges also had $699.00 in US Currency. The money was seized as suspected proceeds from the illegal sale of drugs.

Advantages: N/A

Disadvantages: N/A

City Budgetary Impacts: The State of Maine, Office of the Attorney General, seeks to transfer $699.00 U.S. Currency to the Auburn Police Department.

Staff Recommended Action: Vote to accept transfer of $699.00.

Previous Meetings and History: n/a

Attachments:

- Memo to Interim City Manager
- Order 03-01052015

Auburn Police Department

Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Executive Assistant

To: Howard Kroll, Interim City Manager

From: Phillip L. Crowell, Jr., Chief of Police

Date: December 17, 2014

Re: Criminal Forfeiture Funds – **Jermaine Motley**

The Auburn Police Department seeks to accept the following Criminal forfeited assets:

- **Superior Court Criminal Action Docket No. CR-14-1179 – Jermaine Motley $699.00**

In June 2014, agents from Maine Drug Enforcement and Officers from the Auburn Police Department conducted a search of a residence in relation to an ongoing drug investigation. One suspect who was arrested on drug charges also had $699.00 in US Currency. The money was seized as suspected proceeds from the illegal sale of drugs.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
Adam R. Lee, Ward Four

Leroy Walker, Ward Five
Belinda Gerry, At Large
David Young, At Large

Jonathan P. LaBonte, Mayor

IN CITY COUNCIL

ORDER 03-01052015

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, and does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) and §5826(6) to the transfer of the above captioned Defendant (Jermaine Motley) In Rem ($699.00), or any portion thereof, on the grounds that the Auburn Police Department did make a substantial contribution to the investigation of this or a related criminal case.

WHEREFORE, the municipality of Auburn, Maine does hereby approve of the transfer of the Defendant (Jermaine Motley) In Rem ($699.00), or any portion thereof, pursuant to 15 M.R.S.A. §5824(3) and §5826(6) by vote of the Auburn Municipal legislative body on or about January 5, 2015.

Mayor LaBonté called the meeting to order at 7:04 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

I. Consent Items

1. Order 100-12152014*

Accepting the 2014 Audit.

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes to accept the 2014 Audit as presented. Passage 7-0.

II. Minutes

- November 24, 2014 Special Council Meeting
- December 1, 2014 Regular Council Meeting

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to accept the minutes of November 24, 2014 and December 1, 2014 as presented. Passage 6-0-1 (Councilor Young abstained as he was not present at those meetings).

III. Reports

Motion was made by Councilor LaFontaine and seconded by Councilor Lee to suspend the rules to move item III. Reports on the agenda to immediately after item VIII. Executive Session. Passage 5-2 (Councilors Crowley and Walker opposed).

IV. Communications, Presentations and Recognitions

Communication – Letter from the Sabattus Selectmen to the Androscoggin County Commissioners regarding Commissioner's compensation. With support from the City Council, the Interim City Manager and the Mayor will be co-signing a letter joining other communities in Androscoggin County to weigh in and support the Androscoggin County Budget Committee's authority to set County Commissioner's compensation.

V. Open Session

- Peter Letourneau, 38 Field Avenue – County Commissioner compensation issue
- Joe Gray, Sopers Mill Road – Thank you to the Fire Department who escorted Santa into Rolly's Diner and for leading the parade in New Auburn.

VI. Unfinished Business

2. Ordinance 10-12012014

Approving the proposed ordinance amendment in Chapter 2, Article VI, section 2-485 (Council action on budget increase). Second reading.

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes to approve the proposed ordinance amendment in Chapter 2, Article VI, section 2-485 (Council action on budget increase) as presented.

Public comment – Joe Gray, Sopers Mill Road spoke in opposition of this amendment.

Motion was made by Councilor Crowley and seconded by Councilor Gerry to amend under part B, *Exception* with the provision that it may be waived by a super majority vote of 5 City Councilors. Passage of amendment 4-3 (Councilors Lee, Young, and LaFontaine opposed).

Passage of Ordinance 10-12012014 as amended 6-1 (Councilor Young opposed). A roll call vote was taken.

VII. New Business

3. Order 101-12152014

Approving the Special Amusement Permit for Jasmine Café, located at 730 Center Street. Public hearing.

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to approve the Special Amusement Permit for Jasmine Café, located at 730 Center Street.

Public hearing – Joe Gray, Sopers Mill Road had questions regarding the security requirements on the application.

Passage 7-0.

4. Order 102-12152014

Approving the Hartt Transportation TIF (Tax Increment Financing). Public hearing.

Motion was made by Councilor LaFontaine and seconded by Councilor Hayes to approve the Hartt Transportation TIF as presented.

Public hearing – Joanna Bradeen, CFO for Hartt Transportation regarding their facility and investment in Auburn, Dan Herrick 470 Hatch Road questioned whether or not they registered their trucks in Auburn.

Passage 7-0. A roll call vote was taken.

5. Order 103-12152014

Approving an Auto Graveyard/Junkyard permit for Morris Auto Parts located on 940 Washington Street. Public hearing.

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to approve the Auto Graveyard/Junkyard permit for Morris Auto Parts located at 940 Washington Street North.

Public hearing – no one from the public spoke.

Passage 6-1 (Councilor Gerry opposed).

VIII. Executive Session

- Discussion regarding real estate matter, pursuant to 1 M.R.S.A. 405(6)(C) with possible action to follow.

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to enter into executive session to discuss a real estate matter. Passage 6-1 (Councilor Crowley opposed), time 7:48 PM.

Council was declared out of executive session at 7:54 PM with no action to follow.

- Discussion regarding labor contracts, pursuant to 1 M.R.S.A. 405(6)(D) with possible public presentation and action to follow.

Motion was made by Councilor LaFontaine and seconded by Councilor Lee to enter into executive session to discuss labor contracts. Passage 4-1-2 (Councilor Crowley opposed, Councilors Walker and Gerry were not in the room during the vote), time 7:56 PM.

Council was declared out of executive session at 7:59 PM. Chief of Police Phil Crowell and Human Resource Director Deb Grimmig gave an update of what is before Council.

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to authorize the Interim City Manager to execute the Collective Bargaining Agreement with MAP (Maine Association of Police) Patrol Unit for July 1, 2013 through June 30, 2014 and for July 1, 2014 through June 30, 2017. This becomes order 104-12152014.

Public comment – Joe Gray, Sopers Mill Road asked why there would be an extra 16% in the retirement every year.

Passage 5-2 (Councilors Crowley and Gerry opposed). A roll call vote was taken.

Motion was made by Councilor LaFontaine and seconded by Councilor Walker to approve the new retirement plan from the current 2C Plan (25 year/50% pension/no minimum age plan) to the 3C Plan (25 year/67%/no minimum age plan) effective January 1, 2015 for uniformed law enforcement personnel hired after December 31, 1989. The 3C Plan applies to service rendered on January 1, 2015 or later. Service rendered prior to January 1, 2015 remains under the Special 2C Plan. All Police Officers hired January 1, 2015 or after shall be covered by the 3C Plan. The City Council authorizes the Interim City Manager to sign the contract between the City of Auburn and the Maine Public Employees Retirement System to implement the 3C Plan. This becomes order 105-12152014.

Public comment – no one from the public spoke.

Passage 5-2 (Councilors Crowley and Gerry opposed). A roll call vote was taken.

Mayor's Report – A workshop will take place on December 18th on solid waste with a recommendation to pay as you throw. He also thanked the folks in New Auburn for a phenomenal neighborhood Christmas event that took place on Sunday.

City Councilor Reports

Councilor Hayes – no report.

Councilor LaFontaine – requested a meeting with the School Committee before budget discussions begin to talk about process between the School Committee and Council.
Councilor Lee – Citizens Advisory Committee meeting update.
Councilor Walker – gave thanks to the United New Auburn Association for a successful tree lighting event and thanks to Tim Horton's.
Councilor Gerry – Androscoggin County Budget Committee update.
Councilor Young – no report.
Councilor Crowley – gave thanks to the Community organizations that helped to make December special and went over dates to watch (Hanukkah, Auburn Water and Sewer budget, public meeting on recycling, winter solstice, United New Auburn Association meeting change, New Years Eve, visiting hours at the Library, the Winter Festival, calls regarding reports, concerns regarding energy costs, and the ice arena shortfall).

City Manager – Budget meeting discussion of the snowmobile clubs, County budget increase, gave thanks to all involved in the Christmas parade, and read a letter received recognizing various employees (Police and Fire), and the workshop that was planned for December 22 has been rescheduled to January 12th, 2015.

Finance Director, Jill Eastman - November 2014 Monthly Finance Report

Motion was made by Councilor Crowley and seconded by Councilor LaFontaine to accept and place on file the November 2014 monthly finance report. Passage 7-0.

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

Priscilla Miller, 211 Summer Street – changes to police departments retirement, County Commissioners pay and benefits, recommended putting less salt and sand on the roads and sidewalks, recycling comments, and the Norway Savings Bank Arena.

Bob Cavanagh, 127 Field Avenue - gave recognition to the Public Services Department for their sidewalk maintenance.

Joe Gray, Sopers Mill Road – Norway Savings Bank Arena finances, urged Council to take tighter control that and other spending, on the County Budget, suggested hiring a private negotiator for labor contracts, twin city community logo, and recognized the Public Works drivers who are doing a good job when plowing.

X. Adjournment – Motion was made by Councilor LaFontaine and seconded by Councilor Walker to adjourn. Passage 7-0 and the meeting adjourned at 9:00 P.M.

A True Copy.

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

IN MEMORY OF THE SEVENTEEN VICTIMS OF A TRAGIC NURSERY FIRE IN NEW AUBURN. SIXTEEN CHILDREN AND ONE ADULT PERISHED IN AN EARLY MORNING BLAZE ON JANUARY 31, 1945. AMONG THE TINY VICTIMS WERE CHILDREN OF WWII SERVICEMEN AND WAR WORKERS. THIS TRAGEDY SHOCKED THE WHOLE NATION, WITH NEWSPAPERS ACROSS THE COUNTRY REPORTING THE HEARTBREAKING STORY ON THEIR FRONT PAGE.

CARMEN SIROIS, 5-MONTHS-OLD

RONALD AND GERALD LANDREVILLE, TWINS, 8-MONTHS-OLD

YVETTE MESERVIER 19-MONTHS-OLD

CAROL ANN LAROCHELLE, 3-MONTHS-OLD

LOUISE BEAUDOIN, 8-MONTHS-OLD

ARNOLD WIDEMAN JR., 19-MONTHS-OLD

KENNETH BOUCHER, 11-MONTHS-OLD

CONSTANCE THEBERGE, 17-MONTHS-OLD

DIANE SAVARD ROBICHAUD, 4-MONTHS-OLD

DIANA THIBODEAU, 3-MONTHS-OLD

JACQUELINE GUENETTE, 8-MONTHS-OLD

ROSA COTE, 46-YEARS-OLD, AND HER SON ROBERT, 8-YEARS-OLD

VICTOR ROY, 19-MONTHS-OLD

FRANCES ANN FERGUSON, 13-MONTHS-OLD

ROBERT ESLIN (BELLMORE), 3-YEARS-OLD

"A SHIVER AND A SHUDDER HAS GONE UP FROM EVERY HOME WHERE A BABY'S CRY, OR A CHILD'S LAUGH, IS HEARD."
- ARCH SOUTAR, LEWISTON EVENING JOURNAL, WEDNESDAY, JANUARY 31, 1945