



City Council Meeting and Workshop

May 21, 2012

Agenda

5:30 P.M. Workshop

- A. Draft Naming Policy and Discussion of naming the City owned lot (next to Rollys' Diner) – Don Gerrish
- B. Planned Unit Development (PUD) discussion – Eric Cousens
- C. OBDS Ordinance-Directional signs – Eric Cousens
- D. Setting the poll opening times for the June Primary Election – Sue Clements-Dallaire
- E. Forfeitures – Phil Crowell
- F. Appointments to Boards and Committees. City Council may go into Executive Session, pursuant to 1 M.R.S.A. §405(6)(A). – Sue Clements-Dallaire

7:00 P.M. City Council Meeting

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.

II. Minutes

- May 7, 2012 City Council Meeting Minutes.

III. Reports

Mayor's Report

Committee Reports

- **Transportation**
 - Androscoggin Transportation Resource Center – Mayor LaBonte
 - Lewiston Auburn Transit – Councilor Gerry
 - Airport, Railroad – Councilor Hayes
- **Housing**
 - Community Development Block Grant, Neighborhood Stabilization Program, Auburn Housing Authority – Councilor Gerry
- **Economic Development**
 - L-A Economic Growth Council, Auburn Business Development Corp. – Councilor Shea
- **Education**
 - Auburn School Committee – Councilor Young
 - Auburn Public Library – Councilor LaFontaine
 - Great Falls TV – Councilor Young and Councilor Shea
- **Environmental Services**
 - Auburn Water District, Auburn Sewerage District – Councilor Crowley
 - Mid-Maine Waste Action Corp. – Councilor Walker
- **Recreation**

Auburn City Council Meeting & Workshop

May 21, 2012

- Recreation Advisory Board – Councilor Walker
- Public Safety
 - LA 911 – Councilor Walker

City Councilors' Reports

Interim City Manager's Report

Finance Director, Jill Eastman – April 2012 Monthly Report

IV. Communications, Presentations and Recognitions

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

- V. **Open Session** – 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

VII. New Business

1. Order 29-05212012

Appointing Clinton Deschene as City Manager, effective June 18, 2012.

2. Ordinance 03-05212012

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

3. Order 30-05212012

Setting the time for opening the polls for the June 12, 2012 Primary Election.

4. Order 31-05212012

Accepting the transfer of \$5,000.00 forfeiture assets in U.S. Currency (Dixon).

5. Order 32-05212012

Accepting the transfer of \$1,250.00 forfeiture assets in U.S. Currency (Weekes).

6. Order 33-05212012

Accepting the transfer of .45mm Springfield automatic pistol forfeiture assets (Tardif).

7. Order 34-05212012

Accepting the transfer of \$1,425.00 forfeiture assets in U.S. Currency (Tidswel).

8. Order 35-05212012

Accepting the transfer of \$86,764.00 forfeiture assets in U.S. Currency (Morrissette).

Auburn City Council Meeting & Workshop

May 21, 2012

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

IX. Executive Session

Discussion, pursuant to 1 M.R.S.A. §405(6)(C), regarding four real estate matters with possible action.

X. Future Agenda/Workshop Items

XI 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 of personnel issues
- B. Discussion or consideration by a school board of suspension or expulsion
- 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. Labor contracts
- E. Contemplated litigation
- 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 in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



City Council Workshop Information Sheet

City of Auburn

Council Meeting Date: May 16 2012

Item A

Author: Don Gerrish, Acting City Manager

Subject: Draft Naming Policy and Discussion of naming the City owned lot (next to Rollys' Diners).

Information: Council discussed the possibility of naming a park (the lot adjacent to Rolly's Diner) in February. It was decided to seek copies of Naming Policies from other Maine municipalities and to come back to the Council in May with a draft policy the Council could review.

Financial: N/A

Action Requested at this Meeting: No action requested for workshop discussion only.

Previous Meetings and History:

Attachments: Draft Auburn Naming Policy

Criteria:

1. These criteria will be applied to facilities* available to and operated for the benefit of the public and under the management of the City of Auburn.

2. Facilities* or other means of recognition (such as benches, statues, etc.) may be named after individuals, families (either living or deceased), businesses, groups, or historical events consistent with criteria set out in these guidelines. The naming will depend on the historical, civic or financial contributions made to Auburn as documented by the application and supporting materials given to the City.

A. A person or entity who has made a sustained contribution over a long period of time or over-and-above the call of duty and/or demonstrated leadership related to government or community development;

B. A person who has made specific and sustained contributions to an organization located within the City;

C. A person or entity who has made contributions that changed the nature and characteristics of the community;

D. A person born or raised in Auburn or who resided in Auburn for an extended period of time who has achieved national or international acclaim in a specific field of endeavor that has reflected positively on Auburn;

E. A person or entity who has made a significant financial contribution to public projects in Auburn or who has donated land.

1. The honoree has a record of outstanding community involvement over a number of years;

2. The request for a specific name is made at the time of the donation;

3. Conditions of any donation that specifies the name of a public facility, as part of an agreement or deed, must be approved by the City

Council.

3. The naming of the facility must be consistent with the positive image of the community.

A. Preference may be given to names of long established local usage, and names that lend dignity to the facility to be named;

B. Names selected shall be of enduring, honorable fame, not notoriety, and shall be commensurate with the significance of the facility;

C. Names with connotation which by contemporary community standards are derogatory or offensive shall not be considered;

D. Names must be tasteful and non-controversial. The name should be brief preceding the designation (i.e., Park, Building, School).

Guidelines:

6. The intent of naming is for permanent recognition. A name should never be changed unless it is found that the continued use of the name would not in the best interest of the community.

6. Placement of donated markers must be approved by the Auburn City Council.

* Facilities shall be defined as: Buildings (or parts thereof), sites, parks, roadways, other structures or any City-owned property.

Process:

1. Nomination forms along with supporting information must be completed by individuals or organizations and submitted to the Office of the City Manager. The City Council will hold a workshop meeting on all requests before placing the request on a Council agenda.

2. The Auburn City Council shall have the final say in all matters of recognition on City property. Approval shall be at a regular City Council meeting with proper notification and with citizen input allowed at the meeting.



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: May 21, 2012

Item B

Author: Eric Cousens, City Planner / Director of Planning and Permitting

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

Information: Staff discussed this item with the Council at the April 30, 2012 workshop and was asked for additional information. Additional information is attached and staff will be available for discussion at the meeting.

Financial: None

Action Requested at this Meeting: Public comment and recommend passage of first reading.

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

Attachments: Under agenda item #2 (tab #2 in notebooks)

- Memo to City Council from Eric Cousens dated May 16, 2012
- Parcels Greater than 100 acres Map
- Prospect Hill and Fox Ridge Map
- LostValley and Martindale Map
- REC SURVEY from Dan Bilodeau
- Neighbors of Martindale proposed additions and edits dated 11/2/11
- RR PUD Ordinance Proposal Final PB recommended language dated 12.11



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: May 21, 2012

Item C

Author: Eric Cousens, City Planner / Director of Planning and Permitting

Subject: Discussion regarding amendments to Chapter 42, Division 2, Section 42-44. Location

Information: This item is to follow up on a constituent email that the Council received from the Dance Center. Attached is the directional sign ordinance. Section 42-44 lists all of the allowed locations. There are 65 allowed intersections within the City. The issue that the Dance Center is facing is that Court and Western Ave is not listed. That issue was compounded when Maine DOT informed them that they could not place signs elsewhere unless they have a sign at Court and Western to have a continuous path from the other intersections to their facility. They can direct people from the Minot Avenue end of Western under the existing Ordinance.

The post at Court and Park appears to have existed for some time and I would have to assume it was placed before the Ordinance was in effect. We have historically allowed signs to be added to existing posts, considering the location grandfathered. The Park/Court post location is not useful for the Dance Center.

I would suggest adding the intersections of Western and Court and Park and Court to the list. I have also received a separate inquiry about the intersection of Center Street and Turner Street at the northern end and recommend that intersection be included. We can also consider any other intersections but taking a comprehensive look at all intersections in the City may delay action on the customers more immediate concern.

Financial: None

Action Requested at this Meeting: Direction from Council for staff to draft an amendment for consideration at a future date.

Previous Meetings and History: None

Attachments: Chapter 42, Division 2 of the City of Auburn Ordinances.

DIVISION 2. - DIRECTIONAL SIGNS ^[52]

⁽⁵²⁾ **State Law reference**— Maine Traveler Information Services, 23 M.R.S.A. § 1901 et seq.; official business and directional signs, 23 M.R.S.A. § 1906; authority for municipal regulation, 23 M.R.S.A. § 1922.

Sec. 42-40. - Purpose and policy.

Sec. 42-41. - Definitions.

Sec. 42-42. - Applicability.

Sec. 42-43. - Eligibility.

Sec. 42-44. - Location.

Sec. 42-45. - Design, installation and maintenance.

Sec. 42-46. - Application.

Sec. 42-47. - Penalty.

Secs. 42-48—42-67. - Reserved.

Sec. 42-40. - Purpose and policy.

The purpose of this division is to provide tourists and travelers with information and guidance concerning public accommodations, facilities, commercial services, and other businesses and points of scenic, cultural, historic, educational, recreational, agricultural, and religious interest. To provide this information and guidance, it is the policy of the city:

- (1) To establish and maintain a system of official business directional signs;
- (2) To prohibit and control the proliferation of roadside signs; and
- (3) To provide a uniform procedure and criteria to govern their location and approval consistent with state laws governing official business directional signs.

(Code 1967, § 27-5.1)

Sec. 42-41. - Definitions.

Unless another meaning is given expressly or by clear implication, all terms used in this division shall have the meanings set forth in 23 M.R.S.A. § 1903.

(Code 1967, § 27-5.2)

Sec. 42-42. - Applicability.

The provisions of this division shall apply only to official business directional signs.

(Code 1967, § 27-5.7)

Sec. 42-43. - Eligibility.

Lawful businesses and points of interest and cultural, historic, recreational, educational, and religious

PART II - CODE OF ORDINANCES
Chapter 42 - SIGNS AND ADVERTISING
ARTICLE II. - SIGN REGULATIONS
DIVISION 2. - DIRECTIONAL SIGNS

facilities are eligible to contract with the state for the placement of up to six official business directional signs within the city, but only at the intersections or locations listed in section 42-44.

(Code 1967, § 27-5.3)

State law reference— Similar provision, 23 M.R.S.A. § 1909.

Sec. 42-44. - Location.

Official business directional signs shall be located in accordance with the provisions contained in 23 M.R.S.A. §§ 1911 and 1912 and chapter 200 of the state department of transportation administrative guidelines on approaches to or at the following intersections designated by the city council:

- (1) Turnpike Connector/Lewiston Junction Road.
- (2) Turnpike Connector/Washington Street.
- (3) Turkey Lane/Washington Street.
- (4) Route 122/Hotel Road.
- (5) Beech Hill Road/Washington Street.
- (6) Old Danville Road/Danville Corner Road.
- (7) Merrow Road/Hotel Road.
- (8) Turnpike Connector/Hotel Road.
- (9) Rodman Road/Washington Street.
- (10) Rodman Road/Poland Road.
- (11) Rodman Road/Manley Road.
- (12) Rodman Road/Hotel Road.
- (13) Hotel Road/Minot Avenue.
- (14) Upper Court Street/Minot Avenue.
- (15) Fairview Avenue/Minot Avenue.
- (16) Rotary.
- (17) High Street/Minot Avenue.
- (18) Broad Street/Mill Street.
- (19) Riverside Drive/Mill Street.
- (20) Court Street/Union Street Bypass.
- (21) Court Street/Goff Street.

PART II - CODE OF ORDINANCES
Chapter 42 - SIGNS AND ADVERTISING
ARTICLE II. - SIGN REGULATIONS
DIVISION 2. - DIRECTIONAL SIGNS

- (22) Court Street/Turner Street.
- (23) Turner Street/Union Street Bypass.
- (24) Center Street/North River Road.
- (25) Park Avenue/Mt. Auburn Avenue.
- (26) Gracelawn Road/Mt. Auburn Avenue.
- (27) Center Street/Mt. Auburn Avenue.
- (28) Youngs Corner Road/Hotel Road.
- (29) Youngs Corner Road/Perkins Ridge Road.
- (30) Lake Shore Drive/Route 4.
- (31) West Hardscrabble Road/Lewiston Junction Road.
- (32) Minot Avenue/Hatch Road (northerly direction only).
- (33) High Street/Academy Street.
- (34) Main Street/Academy Street.
- (35) South Main Street/Mill Street.
- (36) Lake Shore Drive/North Auburn Road.
- (37) Center Street/Fair Street, Martin Street.
- (38) Washington Street southbound Miami Avenue.
- (39) Washington Street northbound Miami Avenue.
- (40) Washington Street southbound Phil-O-Mar Street.
- (41) Washington Street northbound Phil-O-Mar Street.
- (42) Washington Street northbound Chasse Street.
- (43) Washington Street southbound Chasse Street.
- (44) Washington Street northbound Hackett Road.
- (45) Park Avenue/Gamage Avenue.
- (46) Perkins Ridge Road/Hatch Road (Welcomb's Corner).
- (47) Center Street/Stetson Road.
- (48) Fair Street/Oak Hill Road.
- (49) Hotel Road/Manley Road.

PART II - CODE OF ORDINANCES
Chapter 42 - SIGNS AND ADVERTISING
ARTICLE II. - SIGN REGULATIONS
DIVISION 2. - DIRECTIONAL SIGNS

- (50) Summer Street/Youngs Corner Road.
- (51) Riverside Drive/Penley Corner Road.
- (52) Rodman Road/Twin Road.
- (53) Washington Street northbound Adams Street.
- (54) First Ave/Rotary Reverse Direction Connectors.
- (55) Hackett Road/Broad Street.
- (56) Center Street/Stanley Street.
- (57) Center Street/Cross Street.
- (58) Riverside Drive/Dunn Street.
- (59) Turner Street/Gracelawn Road.
- (60) Drummond Street/Main Street.
- (61) Court Street/Pleasant Street (both directions).
- (62) Minot Avenue/Elm Street.
- (63) Pleasant Street/Elm Street.
- (64) Millett Drive/Court Street.
- (65) Minot Avenue/Millett Drive.

(Code 1967, § 27-5.4; Ord. of 3-2-1998; Ord. of 12-6-1999(2); Ord. of 11-19-2001(2); Ord. of 5-2-2005(02))

State law reference— Permitted locations, 3 M.R.S.A. § 1912.

Sec. 42-45. - Design, installation and maintenance.

Official business directional signs shall be designed, installed and maintained in accordance with the provisions of 23 M.R.S.A. §§ 1901 through 1925 and chapter 200 of the state department of transportation administrative guidelines. Signs shall be nonreflectorized and no larger than 12 by 48 inches, except that a reflectorized sign of any permissible size may be permitted on an existing sign assembly displaying a reflectorized sign of the same size if such sign assembly was legally erected prior to October 7, 1985.

(Code 1967, § 27-5.5)

Sec. 42-46. - Application.

Application for an official business directional sign shall be made on forms furnished by the state department of transportation. Completed applications shall be submitted to the department of planning and permitting services for review. Upon receipt of the completed application, the department shall review the request to ensure that it conforms to the provisions of this article and shall approve,

PART II - CODE OF ORDINANCES
Chapter 42 - SIGNS AND ADVERTISING
ARTICLE II. - SIGN REGULATIONS
DIVISION 2. - DIRECTIONAL SIGNS

conditionally approve or reject the request based on its findings. If disapproved by the department, the reasons for disapproval shall be communicated to the applicant in writing. Any person aggrieved by the decision of the department may appeal to the county superior court within 30 days of receipt of the department's decision. If approved, the applicant may then forward the approved application and the license fee prescribed by the state law to the state commissioner of transportation for approval or disapproval.

(Code 1967, § 27-5.6)



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: May 21, 2012

Item D

Author: Susan Clements-Dallaire, Acting City Clerk

Subject: Setting time for opening polls for the June Primary Election

Information: State law requires the Municipal Officers to set the time to open the polls for each election. Polls will open at 7:00 A.M. in Auburn for the June 12, 2012 Primary Election.

Financial: N/A

Action Requested at this Meeting: Recommend passage.

Previous Meetings and History: N/A

Attachments: None



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: May 21, 2012

Item E

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

Subject: Transfer of Forfeiture Assets

Information: Transfer of Forfeiture Assets:

Carleton Dixon - \$5,000.

Nicholas Weekes - \$1,250.00

Thomas Tardif - .45 mm Springfield automatic pistol

Calvin Tidswell - \$1,425.00

Nicholas Morrissette - \$86,764.00

Financial: The State of Maine, Office of the Attorney General, seeks to transfer:

\$5,000.00 U.S. Currency, to the Auburn Police Department.

\$1,250.00 U.S. Currency, to the Auburn Police Department.

A .45mm Springfield automatic pistol, serial # MG503259, to the Auburn Police Department.

\$1,425.00 U.S. Currency, to the Auburn Police Department.

\$86,764.00 U.S. Currency, to the Auburn Police Department

Action Requested at this Meeting: Recommend passage

Previous Meetings and History: n/a

Attachments: Under Agenda item #'s 4, 5, 6, 7, 8 (tabs 4, 5, 6, 7, 8 in notebooks)

- Memo to Interim City Manager Gerrish from Chief Crowell.
- City Council Orders
- Acceptance document to be signed by Acting City Clerk



City Council Workshop Information Sheet

City of Auburn

Council Workshop Date: May 21, 2012

Item: F

Author: Susan Clements-Dallaire, Acting City Clerk

Subject: Appointments to Boards and Committees

Information: The following Boards and Committees have open positions to be filled. Also noted are the number of applications received for those Boards and Committees.

- Planning Board (two positions—one full term and one to fill the remainder of a term) – Applications attached
- Auburn Water District (one) – Applications attached
- Auburn Sewer District (one) – Applications attached

City Council may go into Executive Session, pursuant to 1 M.R.S.A. §405(6)(A).

Action Requested at this Meeting: Recommend the appointment of Board & Committee members.

Previous Meetings and History: N/A

Attachments:

- Applications

FEB 28 2012

Board & Committee Appointment Application

City of Auburn

We're so happy that you've decided to volunteer for our community! The giving of your time is commendable and very much appreciated. Without people like you coming forward our community would not be as strong, as vibrant, or as great as it is - thank you so much! Please complete the form below and return it to the City Clerk's office. Again, on behalf of all of us at the City of Auburn, I hope your volunteer experience is rewarding, and thank you for being an outstanding citizen!

This is an application for: New Appointment Reappointment

Name: James R. Roberts Ward: 4 Years as an Auburn Resident: 25

Mailing Address: _____

Physical Address: 46 Clubhouse Lane

Phone: 207-240-8426 Email: captjas@live.com

Describe your education and/or experience: _____

Business owner for many years.
Currently, President of Homeowners Association

Which board or committee would you like to serve on? (One per application)

Planning Board

The following are the current committees and boards in Auburn:

- Community Development Loan Committee
- L/A Transit Committee
- Planning Board*
- Recreation Advisory Committee
- L/A Transit Committee
- Auburn Housing Authority
- School Committee
- L/A Cable TV Advisory Board
- Zoning Board of Appeals
- Audit and Procurement
- 911 Committee
- Ethics Panel
- L/A Community Forest Board

Incomplete applications and those which list more than one committee will not be considered. Applications are valid for a period of six months. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants.

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: James R. Roberts Date: 2-28-2012

*When serving on the Planning Board you may not serve on any other boards or committees.

Susan Clements-Dallaire, Acting City Clerk sdallaire@auburnmaine.gov 333-6600



CITY OF AUBURN

Community Service Volunteer Form

We're so happy you've decided to volunteer for our community! The giving of your time is commendable and very much appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. Thank you so much! Please complete the form below completely and return it to the City Clerk, Mary Lou Magno (mmagno@ci.auburn.me.us.) I hope your experience is rewarding. Again, on behalf of all of us at the City of Auburn, thank you for being an outstanding citizen!

Glenn E. Aho
City Manager

Name: BEN GAUTIER New Appointment
Re-appointment Ward: 2
Mailing Address: 141 VALVIEW DR.
Physical Address: 141 VALVIEW DR.
Telephone #: 632-1306 Home _____ Work _____ Cell _____
E-Mail Address: bgautier@seafax.com Years as Auburn Resident: 20

Describe your education and/or experience (check here if using reverse side for extra space): _____

Attended UNIVERSITY OF MAINE, ORONO, ME. I HAVE WORKED FOR 12 years
AS A SENIOR CREDIT ANALYST/QUALITY ASSURANCE MANAGER FOR A RISK MANAGEMENT
Company in MAINE. I ALSO OWN A SMALL BUSINESS IN AUBURN AS WELL AS HAVE
OWNED TWO APARTMENT BUILDINGS IN AUBURN.

Please check which committee/board/position you wish to participate with: (Check only one committee per application).

<input type="checkbox"/> 9-1-1 Committee	<input type="checkbox"/> Investment Advisory Board
<input type="checkbox"/> Airport Board	<input type="checkbox"/> Lake Auburn Watershed Protection Com.
<input type="checkbox"/> Auburn Housing Authority	<input type="checkbox"/> L-A Transit Committee (bus system)
<input type="checkbox"/> Board of Assessment Review	<input checked="" type="checkbox"/> Planning Board
<input type="checkbox"/> Cable TV Advisory Board	<input type="checkbox"/> Recreation Advisory Committee
<input type="checkbox"/> Community Development Loan Committee	<input type="checkbox"/> Sewer District Trustees
<input type="checkbox"/> Community Forest Board	<input type="checkbox"/> Water District Trustees
<input type="checkbox"/> Ethics Advisory Committee	<input type="checkbox"/> Zoning Board of Appeals
<input type="checkbox"/> Volunteers in Police Service	<input type="checkbox"/> Auburn Hall Reception/Office Support

Signature B. Gautier Date 1/31/12

"Providing superior services at an affordable cost"

We're so happy that you've decided to volunteer for our community! The giving of your time is commendable and very much appreciated. Without people like you coming forward our community would not be as strong, as vibrant, or as great as it is – thank you so much! Please complete the form below and return it to the City Clerk's office. Again, on behalf of all of us at the City of Auburn, I hope your volunteer experience is rewarding, and thank you for being an outstanding citizen!

This is an application for: New Appointment Reappointment

Name: Denis Bergeron Ward: 2 Years as an Auburn Resident: 50

Mailing Address: 23 Dexter Avenue Auburn ME

Physical Address: Same

Phone: 782 1754 Email: CDRSBerg@megalink.net

Describe your education and/or experience: College - BS recreation management
College BS Mechanical Engineer

Which board or committee would you like to serve on? (One per application)

Planning Board

The following are the current committees and boards in Auburn:

- Community Development Loan Committee
- L/A Transit Committee
- Planning Board*
- Recreation Advisory Committee
- L/A Transit Committee
- Auburn Housing Authority
- School Committee
- L/A Cable TV Advisory Board
- Zoning Board of Appeals
- Audit and Procurement
- 911 Committee
- Ethics Panel
- L/A Community Forest Board

Incomplete applications and those which list more than one committee will not be considered. Applications are valid for a period of six months. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants.

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: Denis Bergeron Date: 3/12/2012

*When serving on the Planning Board you may not serve on any other boards or committees.

APR 03 2012

Board & Committee Appointment Application

City of Auburn

We're so happy that you've decided to volunteer for our community! The giving of your time is commendable and very much appreciated. Without people like you coming forward our community would not be as strong, as vibrant, or as great as it is – thank you so much! Please complete the form below and return it to the City Clerk's office. Again, on behalf of all of us at the City of Auburn, I hope your volunteer experience is rewarding, and thank you for being an outstanding citizen!

This is an application for: New Appointment Reappointment

Name: Hillary Dow Ward: 3 Years as an Auburn Resident: 2

Mailing Address: 126 Whitney Street, Auburn, ME 04210

Physical Address: same

Phone: 207-491-6926 Email: hillary@austinpa.com

Describe your education and/or experience: I have two undergraduate degrees and I am currently enrolled in graduate school for my MBA. I've been with Austin Associates for 4.5 years and bought a home in Auburn in Jan. 2011. My involvement with YPLAA, the LAEGC Future Forum and Riverfront Island Master Plan Advisory Comm. has prompted me to seek this
Which board or committee would you like to serve on? (One per application) Planning Board appointment.

The following are the current committees and boards in Auburn:

- Community Development Loan Committee
- L/A Transit Committee
- Planning Board*
- Recreation Advisory Committee
- L/A Transit Committee
- Auburn Housing Authority
- School Committee
- L/A Cable TV Advisory Board
- Zoning Board of Appeals
- Audit and Procurement
- 911 Committee
- Ethics Panel
- L/A Community Forest Board

Incomplete applications and those which list more than one committee will not be considered. Applications are valid for a period of six months. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants.

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: Hillary Dow Date: 4/3/12

*When serving on the Planning Board you may not serve on any other boards or committees.

MAY 07 2012

Board & Committee Appointment Application

City of Auburn

We're so happy that you've decided to volunteer for our community! The giving of your time is commendable and very much appreciated. Without people like you coming forward our community would not be as strong, as vibrant, or as great as it is – thank you so much! Please complete the form below and return it to the City Clerk's office. Again, on behalf of all of us at the City of Auburn, I hope your volunteer experience is rewarding, and thank you for being an outstanding citizen!

This is an application for: New Appointment Reappointment

Name: DANIEL CURTIS Ward: 2 Years as an Auburn Resident: 2 yrs 7 mo

Mailing Address: 66 NOTTINGHAM RD, AUBURN, ME 04210

Physical Address: SAME AS ABOVE

Phone: 207-312-5086 Email: curtis.d.jr@gmail.com

Describe your education and/or experience: B.S. in Civil Engr Tech; Master of Business Administration; ARMY ENGR OFFICER; 16 yrs Military Service;

Which board or committee would you like to serve on? (One per application)

PLANNING BOARD

The following are the current committees and boards in Auburn:

- Community Development Loan Committee
- L/A Transit Committee
- Planning Board*
- Recreation Advisory Committee
- L/A Transit Committee
- Auburn Housing Authority
- School Committee
- L/A Cable TV Advisory Board
- Zoning Board of Appeals
- Audit and Procurement
- 911 Committee
- Ethics Panel
- L/A Community Forest Board

Incomplete applications and those which list more than one committee will not be considered. Applications are valid for a period of six months. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants.

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: _____

Date: 7 MAY 2012

*When serving on the Planning Board you may not serve on any other boards or committees.

Susan Clements-Dallaire, Acting City Clerk

sdallaire@auburnmaine.gov

333-6600



CITY OF AUBURN

Community Service Volunteer Form

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Glenn E. Aho
City Manager

Name: LEE O. UPTON New Appointment Re-appointment Ward: 2

Mailing Address: P.O. Box 1261 AUBURN, ME 04211

Physical Address: 147 EAST SHORE RD. AUBURN, ME 04210

Telephone #: (207) 784-1915 Home _____ Work 740-8510 Cell _____

E-Mail Address: LOU1261@GMAIL.COM Years as Auburn Resident: 45 YRS SUMMER

Describe your education and/or experience (check here if using reverse side for extra space): 3 Mo. PERMANENT

EDUCATION: BS (ELECTRICAL ENG.) TUFTS UNIV. OF PENNSYLVANIA

EXPERIENCE: RCA ENGINEER & MANAGER, MOORESTOWN, NJ. (7 YRS.)

ENGINEER & MANAGER, KWATALEIN, MARSHALL ISLANDS (3 YRS.)

MIT LINCOLN LABORATORY, ENGR. MGR. DEPUTY DIRECTOR, (33 YRS.)

DARPA PROGRAM MANAGER, DoD, WASH. DC. (3 YRS.)

Please check which committee/board/position you wish to participate with: (Check only one committee per application).

- | | |
|---|--|
| <input type="checkbox"/> 9-1-1 Committee | <input type="checkbox"/> Investment Advisory Board |
| <input type="checkbox"/> Airport Board | <input type="checkbox"/> Lake Auburn Watershed Protection Com. |
| <input type="checkbox"/> Auburn Housing Authority | <input type="checkbox"/> L-A Transit Committee (bus system) |
| <input type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Cable TV Advisory Board | <input type="checkbox"/> Recreation Advisory Committee |
| <input type="checkbox"/> Community Development Loan Committee | <input checked="" type="checkbox"/> Sewer District Trustees |
| <input type="checkbox"/> Community Forest Board | <input type="checkbox"/> Water District Trustees |
| <input type="checkbox"/> Ethics Advisory Committee | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Volunteers in Police Service | <input type="checkbox"/> Auburn Hall Reception/Office Support |

Signature Lee O. Upton Date 17 Feb. 2012

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www.auburnmaine.org

NOTES:

- (1) KWATALEIN, M.I. ARMY BASE IN PACIFIC (ICBM TEST RANGE)
MIT IS TECHNICAL DIRECTOR
- (2) MIT LINCOLN LABORATORY, LEXINGTON, MA
3500 EMPLOYEES, \$950M R&D BUSINESS BASE
I HELD POSITIONS FROM SCIENTIFIC RESEARCH STAFF TO
THE DEPUTY DIRECTOR.
RETIRED ON 31 OCTOBER 2011
- (3) DEFENSE ADVANCED RESEARCH PROJECTS AGENCY (DARPA)
RESEARCH ARM OF THE DEPT. OF DEFENSE (DOD)
I STARTED AND RAN A \$500M HIGHLY CLASSIFIED PROGRAM.



CITY OF AUBURN

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Glenn E. Aho
City Manager

Name: LEE O. UPTON New Appointment
 Re-appointment Ward: 2
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 Physical Address: 147 EAST SHORE RD. AUBURN, ME 04210
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 E-Mail Address: LOU1261@GMAIL.COM Years as Auburn Resident: 45 YRS SUMMER

Describe your education and/or experience (check here if using reverse side for extra space): 3 Mo. PERHARDEN

EDUCATION: BS (ELECTRICAL ENG.) TUFTS MSEE UNIV. OF PENNSYLVANIA
EXPERIENCE: RCA ENGINEER & MANAGER, MOORESTOWN, NJ. (7 YRS.)
ENGINEER & MANAGER, KWATALEID, MARSHALL ISLANDS (3 YRS.)
MIT LINCOLN LABORATORY, ENG. MGR. DEPUTY DIRECTOR, (33 YRS.)
DARPA PROGRAM MANAGER, DoD, WASH. DC. (3 YRS.)

Please check which committee/board/position you wish to participate with: (Check only one committee per application).

- | | |
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| <input type="checkbox"/> Community Development Loan Committee | <input type="checkbox"/> Sewer District Trustees |
| <input type="checkbox"/> Community Forest Board | <input checked="" type="checkbox"/> Water District Trustees |
| <input type="checkbox"/> Ethics Advisory Committee | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Volunteers in Police Service | <input type="checkbox"/> Auburn Hall Reception/Office Support |

Signature Lee O. Upton Date 17 Feb. 2012

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NOTES:

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RESEARCH ARM OF THE DEPT. OF DEFENSE (DOD)
I STARTED AND RAN A \$500M HIGHLY CLASSIFIED PROGRAM.

PO Box 4400
Lewiston, Maine 04243-4400

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To: SUSAN CLEMENTS DALLAIRE From: Bruce Rioux - Advertising Major Accounts Manager
Fax: 333-6621 Pages: (including cover) 3
Phone: _____ Date: 2/24/12
Re: CS Volunteer Form CC: _____

Urgent

For Review

As per our discussion

Please Reply

Hi Susan,

Attached please find 2 completed volunteer forms so I may be re-appointed to the Auburn Water District and Watershed Protection Commission. Please let me know if you need anything else. Thank You!

Sincerely,
Bruce Rioux



CITY OF AUBURN

Community Service Volunteer Form

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Glenn E. Aho
City Manager

Name: Bruce Rioux New Appointment
 Re-appointment Ward: 5
 Mailing Address: 85 MARY CARROLL ST., AUBURN, ME
 Physical Address: SAME
 Telephone #: 783-7494 Home 689-2915 Work 713-4400 Cell
 E-Mail Address: brioux@sunjournal.com Years as Auburn Resident: 34

Describe your education and/or experience (check here if using reverse side for extra space):

Auburn City Councilor 1990-91 Mayors Appointment to Auburn Water Dist. HAVE BEEN MEMBER EVER SINCE THAT APPT. CHARTER MEMBER AND AWD REPRESENTATIVE TO LAKE AUB. WATERSHED PROTECT COM BOARD MEMBER OF AUBURN BUSINS DEV. CORP. (REAL ESTATE COMMITTEE) AND PAST PRESIDENT

Please check which committee/board/position you wish to participate with: (Check only one committee per application).

- | | |
|---|--|
| <input type="checkbox"/> 9-1-1 Committee | <input type="checkbox"/> Investment Advisory Board |
| <input type="checkbox"/> Airport Board | <input type="checkbox"/> Lake Auburn Watershed Protection Com. |
| <input type="checkbox"/> Auburn Housing Authority | <input type="checkbox"/> L-A Transit Committee (bus system) |
| <input type="checkbox"/> Board of Assessment Review | <input type="checkbox"/> Planning Board |
| <input type="checkbox"/> Cable TV Advisory Board | <input type="checkbox"/> Recreation Advisory Committee |
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| <input type="checkbox"/> Community Forest Board | <input checked="" type="checkbox"/> Water District Trustees |
| <input type="checkbox"/> Ethics Advisory Committee | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Volunteers in Police Service | <input type="checkbox"/> Auburn Hall Reception/Office Support |

Signature Bruce Rioux Date 2/24/2012

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11-17-11



CITY OF AUBURN

Community Service Volunteer Form

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Glenn E. Aho
City Manager

Name: Richard S. Whiting New Appointment Re-appointment Ward: 1
Mailing Address: 24 Beaver Road, Auburn, ME 04210-8725
Physical Address: 24 Beaver Road
Telephone #: 207 782 1836 Home 784 7351 Work _____ Cell _____
E-Mail Address: rwhiting@auburnhousing.org Years as Auburn Resident: 56

Describe your education and/or experience (check here if using reverse side for extra space): Graduated from E.L.H.S. and Harvard College; worked for Depositors Trust Company and returned to Auburn to work for Auburn Housing Authority in 1979. Have served 16 +/- yrs on the Auburn Planning Board; was co-chair of the Comp Plan Committee; served on the Auburn Board of Appeals; was member of A/L Kiwanis Club for 23 years; serve as President of Residential Initiatives

Please check which committee/board/position you wish to participate with: (Check only one committee per application).

- | | |
|---|---|
| <input type="checkbox"/> 9-1-1 Committee | <input type="checkbox"/> Investment Advisory Board |
| <input type="checkbox"/> Airport Board | <input checked="" type="checkbox"/> Lake Auburn Watershed Protection Com. |
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| <input type="checkbox"/> Ethics Advisory Committee | <input type="checkbox"/> Zoning Board of Appeals |
| <input type="checkbox"/> Volunteers in Police Service | <input type="checkbox"/> Auburn Hall Reception/Office Support |

Signature Date 11-16-11

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Board & Committee Appointment Application **City of Auburn**

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FEB 28 2012

This is an application for: New Appointment Reappointment

Name: JAMES WILKINS Ward: 7 Years as an Auburn Resident: 23

Mailing Address: 13 Lake St.

Physical Address: _____

Phone: 207 336 7377 Email: jim.wilkins207@gmail.com

Describe your education and/or experience:
I have a BS in Finance from Northeastern University (1985)
Currently I am the Development Director of the
Auburn Library. Previous work includes accounts for Portland
Water District.

Which board or committee would you like to serve on? (One per application)
Auburn Water District

- The following are the current committees and boards in Auburn:
- Community Development Loan Committee
 - L/A Transit Committee
 - Planning Board*
 - Recreation Advisory Committee
 - L/A Transit Committee
 - Auburn Housing Authority
 - School Committee
 - L/A Cable TV Advisory Board
 - Zoning Board of Appeals
 - Audit and Procurement
 - 911 Committee
 - Ethics Panel
 - L/A Community Forest Board

Incomplete applications and those which list more than one committee will not be considered. Applications are valid for a period of six months. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants.

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: [Signature] Date: 2/27/12

*When serving on the Planning Board you may not serve on any other boards or committees.

Susan Clements-Dellaire, Acting City Clerk sdellaire@auburnmaine.gov 333-6600

IN COUNCIL REGULAR MEETING MAY 7, 2012 VOL. 33 PAGE 29

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

I. Consent Items

None

II. Minutes of April 17, 2012 City Council Meeting and April 23, 2012 Special City Council Meeting.

Motion was made by Councilor Crowley and seconded by Councilor LaFontaine to approve the April 17, 2012 Council Meeting Minutes, and approving the April 23, 2012 Council Meeting Minutes after adding Councilor Walker as being absent during the vote to adjourn. Passage 7-0.

III. Reports

Mayor's Report - reported

Committee Reports

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

IN COUNCIL REGULAR MEETING MAY 7, 2012 VOL. 33 PAGE 30

Councilor Reports

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

Chief of Police, Phil Crowell - reported

IV. Communications, Presentations and Recognitions

- At the 2012 Auburn Citizen of the Year banquet, Mayor LaBonte presented 2012's recipient, Gary Hemenway, with a Key to the City.

V. Open Session

Marsha Auster, Boulder Drive
Gary Haley, 190 Pownal Road
Dan Herrick, 470 Hatch Road
Joe Gray, Sopers Mill Road
Jasmine, Auburn, ME

VI. Public Comment on Municipal Budget

Larry Pelletier, 129 Second Street
Trevor Laliberte, address unknown
Mary Mitchell, 88 Elm Street, Lewiston
Jeannine Valiere, 15 Rose Terrace
Dan Herrick, 470 Hatch Road
Albert Harvey, 181 Webster Street, Lewiston
Joe Gray, Sopers Mill Road

VII. Unfinished Business

1. Order 23-04172012 – Adopting the Community Development 2012 Action Plan. This item was postponed at the 4/17/2012 Council Meeting.

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

VIII. New Business

2. Order 25-05072012 – Authorizing the Interim City Manager or his designee to continue to pursue grants from the Federal Transit Administration's (FTA) New Freedom Access Grant Program.

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

IN COUNCIL REGULAR MEETING MAY 7, 2012 VOL. 33 PAGE 31

3. Order 26-05072012 – Authorizing Park Elementary School to place temporary signs for its May Fair and Auction to be held on May 19, 2012.

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

4. Order 27-05072012 – Authorizing the Interim City Manager to see the Marshall's Popcorn Truck.

A motion was made by Councilor LaFontaine and seconded by Councilor Shea to remove this item from the agenda. Passage 7-0.

5. Order 28-05072012 – Appointing a Ward Clerk for Ward 2 for the June Primary Election.

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

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

X. Future Agenda/Workshop Items

Councilor Crowley would like an update on the progress of the new website and an update on the purchase of the new fire truck.

Councilor Gerry would like an update on the 1100 residents that were late with their tax payments.

XI. Adjournment

Motion was made by Councilor Young and seconded by Councilor Walker to adjourn. Passage 7-0, 8:20 P.M.

A TRUE COPY.

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

City of Auburn, Maine
"Maine's City of Opportunity"

Financial Services



TO: Donald Gerrish, Interim City Manager
FROM: Jill Eastman, Finance Director
REF: April 2012 Financials
DATE: May 8, 2012

The City has completed its tenth month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 83.3% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

Revenues

Revenues collected through April 30th were \$61,148,840, or 86.96%, of the budget, which is less than the same period last year by 4.16%. The accounts listed below are noteworthy.

- A. March 15th the second installment for real estate taxes are due. During the month of April the City continued to collect real estate taxes in the amount of \$1,166,088 or 3.10%.
- B. Excise tax for the month of April is at 91.26%. This is an \$40,329 increase from last April, Our excise revenues for FY12 are 7.96% above projections as of April 30, 2012.
- C. State Revenue Sharing for the month of April is 81.02% or \$1,944,572. The city received \$173,329 this month compared to \$125,871 FY11, \$119,556 FY10, \$138,891 FY09 and \$195,205 FY08. This is 5% increase from this April to last April.

CITY OF AUBURN
FINANCIALS -APRIL 2012

Expenditures

Expenditures through April 30th were \$63,876,058, or 90.68%, of the budget. Noteworthy variances are:

- A. Auburn-Lewiston Airport: Fourth quarter payment made in April.
- B. LA Arts: Balance of appropriation paid in April.
- C. Tax Sharing payment to Lewiston was paid in April.

Investments

This section contains an investment schedule as of April 30th as well as a comparison of the investments between April and the prior month. Currently the City's funds are earning an average interest rate of .22%.

Respectfully submitted,



Jill M Eastman
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - CITY GENERAL FUND, WC AND UNEMPLOYMENT FUND (NOT INCLUDING SCHOOL)
AS OF April 2012, March 2012, and June 2011

	UNAUDITED April 30 2012	UNAUDITED March 31 2012	Increase (Decrease)	AUDITED JUNE 30 2011
ASSETS				
CASH	\$ 16,621,258	\$ 21,019,503	\$ (4,398,245)	\$ 13,294,906
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	130,100	147,544	(17,444)	1,059,806
TAXES RECEIVABLE-CURRENT	2,150,961	3,317,235	(1,166,274)	114,898
DELINQUENT TAXES	501,385	504,087	(2,702)	440,748
TAX LIENS	452,161	501,358	(49,197)	1,264,200
NET DUE TO/FROM OTHER FUNDS	12,747,302	8,898,563	3,848,739	1,508,634
TOTAL ASSETS	\$ 32,603,167	\$ 34,388,290	\$ (1,785,123)	\$ 17,683,192
LIABILITIES & FUND BALANCES				
ACCOUNTS PAYABLE	\$ (1,189,883)	\$ (1,708,065)	518,182	\$ (1,314,860)
PAYROLL LIABILITIES	74,561	71,128	3,433	1,365
ACCRUED PAYROLL	10,214	10,214	0	(166,818)
STATE FEES PAYABLE	(61,707)	(55,241)	(6,466)	11,446
ESCROWED AMOUNTS	(69,250)	(69,250)	0	(64,250)
DEFERRED REVENUE	(2,883,241)	(4,099,764)	1,216,523	(1,598,154)
TOTAL LIABILITIES	\$ (4,119,306)	\$ (5,850,978)	\$ 1,731,672	\$ (3,131,271)
FUND BALANCE - UNASSIGNED	\$ (28,125,654)	\$ (28,179,105)	53,451	\$ (14,102,463)
FUND BALANCE - RESTRICTED FOR WORKERS COMP & UNEMPLOYMENT	776,017	776,017	-	684,766
FUND BALANCE - RESTRICTED	(1,134,224)	(1,134,224)	-	(1,134,224)
TOTAL FUND BALANCE	\$ (28,483,861)	\$ (28,537,312)	\$ 53,451	\$ (14,551,921)
TOTAL LIABILITIES AND FUND BALANCE	\$ (32,603,167)	\$ (34,388,290)	\$ 1,785,123	\$ (17,683,192)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
THROUGH April 30, 2012 VS April 30, 2011

REVENUE SOURCE	FY 2012 BUDGET	ACTUAL REVENUES THRU APR 2012	% OF BUDGET	FY 2011 BUDGET	ACTUAL REVENUES THRU APR 2011	% OF BUDGET	VARIANCE
TAXES							
PROPERTY TAX REVENUE-	\$ 41,053,952	\$ 38,795,476	94.50%	\$ 40,447,313	\$ 38,895,641	96.16%	\$ (100,165)
PRIOR YEAR REVENUE	\$ -	\$ 852,822		\$ -	\$ 674,111		\$ 178,711
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 488,573	\$ 369,692	75.67%	\$ 480,000	\$ 379,509	79.06%	\$ (9,817)
ALLOWANCE FOR ABATEMENT	\$ -	\$ -		\$ -	\$ -		\$ -
ALLOWANCE FOR UNCOLLECTIBLE TAXES	\$ -	\$ -		\$ -	\$ -		\$ -
EXCISE	\$ 2,719,000	\$ 2,481,273	91.26%	\$ 2,806,000	\$ 2,440,944	86.99%	\$ 40,329
PENALTIES & INTEREST	\$ 140,000	\$ 113,323	80.94%	\$ 220,000	\$ 120,763	54.89%	\$ (7,440)
TOTAL TAXES	\$ 44,401,525	\$ 42,612,585	95.97%	\$ 43,953,313	\$ 42,510,968	96.72%	\$ 101,617
LICENSES AND PERMITS							
BUSINESS	\$ 30,000	\$ 51,881	172.94%	\$ 42,800	\$ 28,856	67.42%	\$ 23,025
NON-BUSINESS	\$ 268,400	\$ 245,288	91.39%	\$ 260,300	\$ 270,854	104.05%	\$ (25,566)
TOTAL LICENSES	\$ 298,400	\$ 297,169	99.59%	\$ 303,100	\$ 299,710	98.88%	\$ (2,541)
INTERGOVERNMENTAL ASSISTANCE							
STATE-LOCAL ROAD ASSISTANCE	\$ 378,000	\$ 346,048	91.55%	\$ 378,000	\$ 331,455	87.69%	\$ 14,593
STATE REVENUE SHARING	\$ 2,400,000	\$ 1,944,572	81.02%	\$ 2,421,593	\$ 2,039,363	84.22%	\$ (94,791)
WELFARE REIMBURSEMENT	\$ 44,955	\$ 41,164	91.57%	\$ 44,955	\$ 41,741	92.85%	\$ (578)
OTHER STATE AID	\$ 20,000	\$ 22,615	113.07%	\$ 19,000	\$ 22,214	116.92%	\$ 401
FEMA REIMBURSEMENT	\$ -	\$ -		\$ -	\$ 19,473		\$ (19,473)
CITY OF LEWISTON	\$ 158,362	\$ (3,698)	-2.34%	\$ 160,235	\$ -	0.00%	\$ (3,698)
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 3,001,317	\$ 2,350,700	78.32%	\$ 3,023,783	\$ 2,454,246	81.16%	\$ (103,546)
CHARGE FOR SERVICES							
GENERAL GOVERNMENT	\$ 135,090	\$ 109,238	80.86%	\$ 140,360	\$ 104,686	74.58%	\$ 4,552
PUBLIC SAFETY	\$ 206,545	\$ 74,053	35.85%	\$ 77,800	\$ 62,248	80.01%	\$ 11,805
EMS TRANSPORT	\$ -	\$ -		\$ 17,000	\$ -	0.00%	\$ -
EMS AGREEMENT	\$ 100,000	\$ 80,500	80.50%	\$ 100,000	\$ 102,400	102.40%	\$ (21,900)
TOTAL CHARGE FOR SERVICES	\$ 441,635	\$ 263,791	59.73%	\$ 335,160	\$ 269,334	80.36%	\$ (5,543)
FINES							
PARKING TICKETS & MISC FINES	\$ 55,000	\$ 31,308	56.92%	\$ 55,000	\$ 34,622	62.95%	\$ (3,314)
MISCELLANEOUS							
INVESTMENT INCOME	\$ 60,000	\$ 49,769	82.95%	\$ 70,000	\$ 46,797	66.85%	\$ 2,972
INTEREST-BOND PROCEEDS	\$ 2,000	\$ -	0.00%	\$ 15,000	\$ 15,000	100.00%	\$ (15,000)
RENTS	\$ 122,000	\$ 121,827	99.86%	\$ 122,000	\$ 122,077	100.06%	\$ (250)
UNCLASSIFIED	\$ 7,340	\$ 15,277	208.13%	\$ 22,947	\$ 11,996	52.28%	\$ 3,281
SALE OF RECYCLABLES	\$ -	\$ 15,097		\$ -	\$ 63,170		\$ (48,073)
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 40,911		\$ 40,000	\$ 48,203	120.51%	\$ (7,292)
SALE OF PROPERTY	\$ 20,000	\$ 2,255	11.28%	\$ 50,000	\$ 433,150	866.30%	\$ (430,895)
RECREATION PROGRAMS/ARENA	\$ 33,275	\$ 393	1.18%	\$ 38,489	\$ -	0.00%	\$ 393
MMWAC HOST FEES	\$ 197,400	\$ 166,840	84.52%	\$ 197,500	\$ 164,180	83.13%	\$ 2,660
9-1-1 DEBT SERVICE REIMBURSEMENT	\$ 98,318	\$ -	0.00%	\$ 161,233	\$ -	0.00%	\$ -
TRANSFER IN: TIF	\$ 324,212	\$ -	0.00%	\$ 407,374	\$ -	0.00%	\$ -
ENERGY EFFICIENCY	\$ 2,600	\$ 1,326	51.02%	\$ 4,000	\$ 1,665	41.63%	\$ (339)
CDBG	\$ 8,000	\$ 6,670	83.38%	\$ 8,000	\$ 6,670	83.38%	\$ -
UTILITY REIMBURSEMENT	\$ 37,500	\$ 22,164	59.10%	\$ 28,642	\$ 28,225	98.54%	\$ (6,061)
CITY FUND BALANCE CONTRIBUTION	\$ 1,050,000	\$ -	0.00%	\$ 700,000	\$ -	0.00%	\$ -
TOTAL MISCELLANEOUS	\$ 1,962,645	\$ 442,529	22.55%	\$ 1,865,185	\$ 941,133	50.46%	\$ (498,604)
TOTAL GENERAL FUND REVENUES	\$ 50,160,522	\$ 45,998,081	91.70%	\$ 49,535,541	\$ 46,510,013	93.89%	\$ (511,932)
SCHOOL REVENUES							
EDUCATION SUBSIDY	\$ 17,942,071	\$ 14,145,615	78.84%	\$ 16,213,174	\$ 13,510,978	83.33%	\$ 634,637
EDUCATION	\$ 1,358,724	\$ 1,005,144	73.98%	\$ 3,051,517	\$ 2,828,593	92.69%	\$ (1,823,449)
SCHOOL FUND BALANCE CONTRIBUTION	\$ 855,251	\$ -	0.00%	\$ 172,103	\$ -	0.00%	\$ -
TOTAL SCHOOL	\$ 20,156,046	\$ 15,150,759	75.17%	\$ 19,436,794	\$ 16,339,571	84.07%	\$ (1,188,812)
GRAND TOTAL REVENUES	\$ 70,316,568	\$ 61,148,840	86.96%	\$ 68,972,335	\$ 62,849,584	91.12%	\$ (1,700,744)

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
THROUGH April 30, 2012 VS April 30, 2011

DEPARTMENT	FY 2012 REVISED BUDGET	ACTUAL EXP THRU APR 2012	% OF BUDGET	FY 2011 BUDGET	ACTUAL EXP THRU APR 2011	% OF BUDGET	VARIANCE
ADMINISTRATION							
MAYOR AND COUNCIL	\$ 93,340	\$ 95,695	102.52%	\$ 103,340	\$ 90,953	88.01%	\$ 4,742
CITY MANAGER	\$ 280,915	\$ 298,536	106.27%	\$ 377,931	\$ 284,306	75.23%	\$ 14,230
ASSESSING SERVICES	\$ 188,906	\$ 146,011	77.29%	\$ 200,113	\$ 133,205	66.56%	\$ 12,806
CITY CLERK	\$ 137,422	\$ 117,709	85.66%	\$ 117,812	\$ 85,823	72.85%	\$ 31,886
FINANCIAL SERVICES	\$ 365,023	\$ 322,127	88.25%	\$ 368,730	\$ 283,910	77.00%	\$ 38,217
HUMAN RESOURCES	\$ 137,363	\$ 105,596	76.87%	\$ 138,602	\$ 105,386	76.03%	\$ 210
INFORMATION COMMUNICATION TECHNOLOGY	\$ 361,058	\$ 314,157	87.01%	\$ 330,216	\$ 240,110	72.71%	\$ 74,047
LEGAL SERVICES	\$ 84,284	\$ 62,752	74.45%	\$ 73,000	\$ 28,969	39.68%	\$ 33,783
CUSTOMER SERVICE	\$ 2,428	\$ 1,501	61.82%	\$ 2,000	\$ -	0.00%	\$ 1,501
TOTAL ADMINISTRATION	\$ 1,650,739	\$ 1,464,084	88.69%	\$ 1,711,744	\$ 1,252,662	73.18%	\$ 211,422
COMMUNITY SERVICES							
ENGINEERING	\$ 293,612	\$ 238,902	81.37%	\$ 383,196	\$ 206,368	53.85%	\$ 32,534
COMMUNITY PROGRAMS	\$ 12,650	\$ 11,550	91.30%	\$ 12,650	\$ 11,200	88.54%	\$ 350
PLANNING & PERMITTING	\$ 727,756	\$ 568,644	78.14%	\$ 709,023	\$ 562,496	79.33%	\$ 6,148
PARKS AND RECREATION	\$ 615,858	\$ 418,728	67.99%	\$ 606,333	\$ 411,629	67.89%	\$ 7,099
HEALTH & SOCIAL SERVICES	\$ 153,811	\$ 132,961	86.44%	\$ 152,252	\$ 129,952	85.35%	\$ 3,009
PUBLIC LIBRARY	\$ 929,407	\$ 774,506	83.33%	\$ 919,407	\$ 766,173	83.33%	\$ 8,333
TOTAL COMMUNITY SERVICES	\$ 2,733,094	\$ 2,145,291	78.49%	\$ 2,782,861	\$ 2,087,818	75.02%	\$ 57,473
FISCAL SERVICES							
DEBT SERVICE	\$ 6,810,550	\$ 6,999,884	102.78%	\$ 6,816,314	\$ 6,773,011	99.36%	\$ 226,873
PROPERTY	\$ 680,137	\$ 522,568	76.83%	\$ 649,206	\$ 522,869	80.54%	\$ (301)
WORKERS COMPENSATION	\$ 451,890	\$ 219,256	48.52%	\$ 200,000	\$ 200,000	100.00%	\$ 19,256
WAGES & BENEFITS	\$ 4,209,929	\$ 3,315,082	78.74%	\$ 4,397,054	\$ 3,418,072	77.74%	\$ (102,990)
EMERGENCY RESERVE (10108062-670000)	\$ 328,608	\$ -	0.00%	\$ 336,336	\$ -	0.00%	\$ -
TOTAL FISCAL SERVICES	\$ 12,481,114	\$ 11,056,790	88.59%	\$ 12,398,910	\$ 10,913,952	88.02%	\$ 142,838
PUBLIC SAFETY							
EMERGENCY MGMT AGENCY	\$ 2,903	\$ -	0.00%	\$ 6,760	\$ -	0.00%	\$ -
FIRE DEPARTMENT	\$ 3,716,161	\$ 2,998,355	80.68%	\$ 3,549,341	\$ 2,903,581	81.81%	\$ 94,774
POLICE DEPARTMENT	\$ 3,315,380	\$ 2,656,684	80.13%	\$ 3,253,880	\$ 2,512,551	77.22%	\$ 144,133
TOTAL PUBLIC SAFETY	\$ 7,034,444	\$ 5,655,039	80.39%	\$ 6,809,981	\$ 5,416,132	79.53%	\$ 238,907
PUBLIC WORKS							
PUBLIC WORKS DEPARTMENT	\$ 4,682,884	\$ 3,290,453	70.27%	\$ 4,458,060	\$ 3,321,474	74.50%	\$ (31,021)
WATER AND SEWER	\$ 558,835	\$ 418,194	74.83%	\$ 526,252	\$ 528,775	100.48%	\$ (110,581)
TOTAL PUBLIC WORKS	\$ 5,241,719	\$ 3,708,647	70.75%	\$ 4,984,312	\$ 3,850,249	77.25%	\$ (141,602)
INTERGOVERNMENTAL PROGRAMS							
AUBURN-LEWISTON AIRPORT	\$ 106,750	\$ 106,750	100.00%	\$ 139,250	\$ 111,750	80.25%	\$ (5,000)
E911 COMMUNICATION CENTER	\$ 968,347	\$ 968,347	100.00%	\$ 927,500	\$ 927,500	100.00%	\$ 40,847
LATC-PUBLIC TRANSIT	\$ 207,779	\$ 155,834	75.00%	\$ 176,362	\$ 97,500	55.28%	\$ 58,334
LAEGC-ECONOMIC COUNCIL	\$ 160,687	\$ 120,515	75.00%	\$ 167,487	\$ 125,615	75.00%	\$ (5,100)
L-A ARTS	\$ 20,160	\$ 20,160	100.00%	\$ 20,161	\$ 15,120	75.00%	\$ 5,040
TAX SHARING	\$ 288,593	\$ 284,985	98.75%	\$ 293,939	\$ 41,070	13.97%	\$ 243,915
TOTAL INTERGOVERNMENTAL	\$ 1,752,316	\$ 1,656,591	94.54%	\$ 1,724,699	\$ 1,318,555	76.45%	\$ 338,036
COUNTY TAX							
TIF (10108058-580000)	\$ 1,925,561	\$ 1,925,560	100.00%	\$ 1,892,352	\$ 1,892,352	100.00%	\$ 33,208
OVERLAY	\$ 2,619,142	\$ 2,619,142	100.00%	\$ 2,500,000	\$ -	0.00%	\$ 2,619,142
	\$ 301,604	\$ -	0.00%	\$ -	\$ -	0.00%	\$ -
TOTAL CITY DEPARTMENTS	\$ 35,739,733	\$ 30,231,144	84.59%	\$ 34,804,859	\$ 26,731,720	76.80%	\$ 3,499,424
EDUCATION DEPARTMENT	\$ 34,705,246	\$ 33,644,914	96.94%	\$ 34,167,476	\$ 25,589,278	74.89%	\$ 8,055,636
TOTAL GENERAL FUND EXPENDITURES	\$ 70,444,979	\$ 63,876,058	90.68%	\$ 68,972,335	\$ 52,320,998	75.86%	#####

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF April 30, 2012**

INVESTMENT	FUND	BALANCE	BALANCE April 30, 2012	INTEREST RATE	WEIGHTED AVG YIELD
BANKNORTH MNY MKT	24-1242924 GENERAL FUND	\$ 55,189.57	\$ 55,189.57	0.20%	
BANKNORTH MNY MKT	24-1745910 GF-WORKERS COMP	\$ 49,181.05	\$ 49,181.05	0.10%	
BANKNORTH MNY MKT	24-1745944 GF-UNEMPLOYMENT	\$ 66,727.85	\$ 66,727.85	0.20%	
BANKNORTH CD	7033 GF-UNEMPLOYMENT	\$ 102,404.84	\$ 102,404.84	2.64%	
BANKNORTH MNY MKT	24-1809302 SPECIAL REVENUE	\$ 52,421.25	\$ 52,421.25	0.20%	
BANKNORTH MNY MKT	24-1745902 SR-PERMIT PARKING	\$ 197,478.83	\$ 197,478.83	0.20%	
BANKNORTH MNY MKT	24-1745895 SR-TIF	\$ 54,648.60	\$ 54,648.60	0.20%	
BANKNORTH MNY MKT	24-1746819 CAPITAL PROJECTS	\$ 14,061,364.33	\$ 14,061,364.33	0.20%	
BANKNORTH MNY MKT	24-1746877 SCHOOL	\$ 120,384.47	\$ 120,384.47	0.20%	
BANKNORTH CD	6895 SCHOOL CAPITAL PROJECTS	\$ 33,148.77	\$ 33,148.77	2.96%	
BANKNORTH MNY MKT	242-6181513 SCHOOL	\$ 985,277.00	\$ 985,277.00	0.20%	
BANKNORTH MNY MKT	24-1745928 ICE ARENA	\$ 47,098.14	\$ 47,098.14	0.10%	
GRAND TOTAL		\$ 15,825,324.70	\$ 15,825,324.70		0.22%



Proclamation

By
Mayor Jonathan P. LaBonté
of
Auburn, Maine

- WHEREAS,** the safety and security of the citizens of the **State of Maine, Androscoggin County,** and the **City of Auburn** and surrounding areas are vitally important; and
- WHEREAS,** a large percentage of our citizens regularly drive or ride in motor vehicles on our roadways; and
- WHEREAS,** the use of seat belts in passenger vehicles saved an estimated 12,546 lives in 2010; and
- WHEREAS,** regular seat belt use is the single most effective way to protect people and to reduce fatalities in motor vehicle crashes;
- WHEREAS,** the use of seat belts is supported by the laws of the **State of Maine** and the **City of Auburn;** and
- WHEREAS,** May 21 through June 3, 2012, has been selected as the national *Click It or Ticket* mobilization enforcement period;
- WHEREAS,** across the country law enforcement officers will actively be participating in the mobilization to ensure all motor vehicle occupants are buckled up day and night to reduce the risk of injury and death caused in traffic crashes;
- AND WHEREAS,** increased enforcement of seat belt laws coupled with publicity has proven to be an effective method to increase seat belt use rates and decrease fatal crashes;

NOW, THEREFORE, I, Jonathan P. LaBonté, Mayor of the City of Auburn do hereby proclaim and announce May 21 to June 3, 2012, as the *Click It or Ticket* Mobilization in the **State of Maine,** in **Androscoggin County,** in the **City of Auburn,** and urge all citizens to always wear seat belts when driving or riding on our roadways.

IN WITNESS WHEREOF, I have hereunto set my hand on behalf of the **State of Maine, Androscoggin County,** and the **City of Auburn.**



Jonathan P. LaBonté, Mayor,
City of Auburn

[Date]



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: May 21, 2012

Order 29-05212012

Author: Susan Clements-Dallaire, Acting City Clerk

Subject: Appointing Clinton Deschene as City Manager

Information: The City of Auburn agrees to employ Clinton E. Deschene as City Manager of the City of Auburn beginning on June 18, 2012.

Financial:

Action Requested at this Meeting: Recommend passage

Previous Meetings and History:

Attachments:

- City of Auburn Employment Agreement
- Order

**CITY OF AUBURN
EMPLOYMENT AGREEMENT**

This Agreement is made and entered into this day of May, 2012 by and between the City of Auburn, a municipal corporation duly organized and existing under the laws of the State of Maine (hereinafter "City"), by and through its City Council (hereinafter "Council"), and Clinton E. Deschene (hereinafter "City Manager").

RECITALS:

1. The City Council desires to employ the services of Clinton E. Deschene as Manager of the City of Auburn.
2. Clinton E. Deschene desires to accept employment as the Manager of the City of Auburn.
3. The parties desire to enter into this Agreement to establish the terms and conditions of Employment, as negotiated and agreed to by the parties.

NOW, THEREFORE, in recognition of the foregoing Recitals and in consideration of the mutual promises and covenants hereinafter set forth, the parties hereto agree as follows:

Section 1. Duties

The City hereby agrees to employ Clinton E. Deschene as City Manager of the City of Auburn to perform the functions and duties set forth in applicable state statutes, including but not limited to 30-A MRSA ss 2636, and the City Charter and Code of Ordinances, as the same now exist or may be amended, and such other legally permissible and proper duties and functions as the law may impose or the Council may assign. The City Manager agrees to well and faithfully serve the City in said capacity and to devote his time, attention and energies to the performance of his duties hereunder to the best of his ability.

Section 2. Term

A. The term of this Agreement shall be for three (3) years commencing on June 18, 2012 and shall continue until June 17, 2015 unless terminated pursuant to the terms of this Agreement or unless a specific term is provided for by a subsequent amendment to this Agreement. The Agreement shall automatically be renewed on its anniversary date for a three (3) year term unless the City gives notice at ninety (90) days before the expiration date, that the Agreement will not be renewed. In the event the Agreement is not renewed, all compensation, benefits and requirements of the Agreement shall remain in effect until the expiration of the term of the Agreement and the City shall provide a severance package of three (3) months salary and health insurance benefits, at the Manager's then current rate of pay, unless the Manager voluntarily resigns.

B. The Manager's first day of work will be June 18, 2012.

Section 3. Termination and Severance Pay

A. If the Council terminates the agreement without cause and with 30 days notice, the City shall provide a minimum severance package of six (6) months salary, at the Manager's then current rate of pay, in a lump sum payment. In addition, the City shall continue to pay the health insurance premium for the coverage provided in this Agreement for a period of six (6) months from the date of termination of the Agreement. Any other accrued benefits will be paid up to and including the 30 day notice.

B. The City Manager may be removed or suspended from office for cause pursuant to the provisions of 30-A MRSA ss 2633 and Article 6 Section 6.5 of the City Charter, or such authority as may be in effect at the time of suspension or removal. If the City Manager is removed for cause, he shall not be entitled to any severance pay or benefits, except for accumulated vacation time.

C. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the City Manager to resign at any time from his position with the City. Provided however, that in the event of resignation without a prior 30 day written notice, the City Manager shall forfeit accumulated vacation. The foregoing provision may be waived by the City Council, at its sole discretion, for good cause shown.

Section 4. Performance Evaluation

The City Council shall provide the City Manager with periodic opportunities to discuss Council-Manager relations and the performance of the City Manager. As a minimum, the Council shall conduct a goal setting and evaluation session with the City Manager once every six (6) months and shall also conduct an employment evaluation prior to the first 6 month anniversary and an annual evaluation at the first year anniversary and every twelve (12) months, thereafter. The Council may elect to have other periodic evaluations if it so chooses.

Section 5. Salary and Fringe Benefits

A. The parties acknowledge and agree that the City Manager position is a salaried position. The City Manager's gross salary shall be \$94,000 per year commencing on June 18, 2012. The salary, subject to satisfactory performance, will be adjusted to \$97,000 at the six (6) month anniversary and \$99,000 on the first year anniversary. Thereafter, the parties agree that the Manager's salary review shall be annually on the anniversary date of the Agreement. The salary hereunder shall be payable at the same time and in the same manner as other employees of the City.

B. The City agrees to pay the City Manager an additional 8 % of base salary to the International City Management Association Retirement Corporation as deferred compensation, said amount on behalf of the City Manager. The City shall also pay the employer share of Social Security Taxes for the City Manager's accrual of Social Security retirement benefits.

C. The City shall pay 85% of the cost of the health insurance plan offered by the City to its employees, currently the Maine Municipal Employees Health Trust Comprehensive Point of Service (POS-C) plan. The cost shall include coverage for the employee's spouse and any dependents. The City may adjust its share of the cost of insurance plans in the future based on the amount paid for other city employees.

D. The City Manager shall have fifteen days (15) accumulated vacation when starting

work and receive 1.25 days accumulation per month thereafter. Vacation accumulation shall not exceed 30 days at any given time, except upon the written request of the City Manager 30 days prior to, and with approval of the City Council.

E. The City Manager shall also receive all other benefits as the City provides to its other employees.

Section 6. Automobile Allowance and Expenses

A. The City Manager shall receive \$400 per month for mileage expenses and \$70 per month for use of a personal cell phone. The mileage allowance shall represent compensation for both local and out of town mileage expenses.

B. The City shall pay the professional dues of the City Manager in the Maine Town and City Management Association and the International City Management Association. In addition, the City shall pay all reasonable costs associated with the City Manager's attendance at the MTCMA Managers' Institute and the ICMA Annual Conference.

Section 7. Residency

A. The City Council expects the City Manager to live in Auburn. The Manager has six (6) months from the date of this agreement to fulfill this requirement. This requirement may be extended beyond six (6) months by majority vote of the City Council.

B. The City agrees to pay for the cost of moving expenses up to a maximum amount of \$5,000 and subject to submission of actual invoices.

Section 8. General Provisions

A. The text herein, as well as any laws or ordinances referenced herein, shall constitute the entire agreement between the parties.

B. This Agreement may only be amended or modified in writing.

C. The parties acknowledge and agree that this Agreement was freely negotiated and entered into, and that in the event of a conflict between the provisions hereof and the provisions of any law or ordinance, the provisions of this Agreement shall prevail.

D. If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, the remainder of this Agreement, or portion thereof, shall not be affected thereby, and shall remain in full force and effect.

E. Except as expressly stated or otherwise provided for in this Agreement, the City Manager shall be governed by the same customs, practices and policies governing other employees of the City.

IN WITNESS WHEREOF, the City of Auburn has caused this Agreement to be duly signed and executed on its behalf by the Mayor and Clinton E. Deschene has signed and executed this Agreement, in duplicate counterparts, as of the day and year first above written.

CITY OF AUBURN

Date: _____

By: _____

Jonathan P. Labonté
Its Mayor

Date: _____

By: _____

Clinton E. Deschene

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 29-05212012

ORDERED, that Clinton E. Deschene be and hereby is appointed by the Auburn City Council as City Manager of Auburn and that Mayor Jonathan LaBonte is hereby authorized to execute an employment contract with Mr. Deschene.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: May 21, 2012

Ordinance 03-05212012

Author: Eric Cousens, City Planner / Director of Planning and Permitting

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

Information: Staff discussed this item with the Council at the April 30, 2012 workshop and was asked for additional information. Additional information is attached and staff will be available for discussion and listening to public comments at the meeting.

Financial: None

Action Requested at this Meeting: Public comment and recommend passage of first reading.

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

Attachments:

- Memo to City Council from Eric Cousens dated May 16, 2012
- Parcels Greater than 100 acres Map
- Prospect Hill and Fox Ridge Map
- LostValley and Martindale Map
- REC SURVEY from Dan Bilodeau
- Neighbors of Martindale proposed additions and edits dated 11/2/11
- RR PUD Ordinance Proposal Final PB recommended language dated 12.11

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

To: Auburn City Council

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

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

Date: May 16, 2012

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

Maine PUD Ordinance Examples:

Gardiner Maine :

http://www.gardinermaine.com/Public_Documents/GardinerME_Code/t31c7s3203P

This ordinance allows for increased residential density in exchange for recreational or open space, but does not allow for commercial uses in residential areas.

Bangor Maine :

<http://ecode360.com/6891784?highlight=planned#6891784>

See 165-69. Allows for Planned Group Development but not the commercial and residential mix currently proposed in Auburn.

Portland Maine :

<http://www.portlandmaine.gov/citycode/chapter014.pdf>

See Section 14-145.13. Purpose. Allows for mixed residential, commercial and recreation /open space development. Inns are limited to not more than 50 rooms in Residential Island Zone.

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

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

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

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

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

Road Classification:

HIGHWAYS AND ROADS

Classification

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

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

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

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

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

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

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

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

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

Additional Attachments:

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

Town/City	contact info	major recreational attraction	zoning	acres	water/sewer
Auburn	GIS	Lost Valley	LDCR/AG&RP	194	private/private
Auburn	GIS	Martindale Country Club	RR	214	public/public
Auburn	GIS	Prospect Hill	RR	110	public/public?
Auburn	GIS	Fox Ridge Golf Club	RR/AG&RP	195	private/private
Auburn	GIS	Pine Acres Golf Course/Roy's	LDCR/AG&RP	54	private/private
Auburn	GIS	Dragon Field Disc Golf	LDCR	45	private/private
Minot	Arlin Saunders (TM)	Hemonds Moto-X Park	Village District	35	private/private
Minot	345-3305	2.7 miles hiking trails	Residential District	n/a	n/a
Poland	Sue Therriault (Ass)	Poland Spring Resort-hotel/golf/driving/disc	Village	186	private/private
Poland	998-4601	Poland Preservation Park	Historical	5	n/a
Poland	Niki Pratt (CIO)	Summit Springs Golf-cottages	Residential	78	private/private
Poland	Scott Segal (Rec)	Fairlawn Golf	Farm & Forest	398	private/private
Poland	998-4650	Poland Spring Driving Range	Historical	180	n/a
Mc. Falls	Nick Richard (CIO)	Harvest Hill Farms	highway commercial	200	private/private
Mc. Falls	345-2871	Wolf Run Racing/Disc Golf	Downtown Business 3	17	public/public
Lewiston	Susan Ricker (Ass)	Casino (proposed) Bates Mill # 5	Mill	5	pubic/public

Lewiston	513-3122	Apple Valley Golf Course	Rural	50	private/private
Oxford	Rodney Smith (CIO)	Oxford Plains Speedway	Mixed use	30	public/private
Oxford	539-4431	4 Seasons Resort Casino (April 2012)	Mixed use	100	public/private
Oxford		Oxford County Fairgrounds	Mixed use	55	public/private
Leeds	Jennifer 524-5171	Spring Brook Golf Club	Commercial	183	private/private
Saco	Kendi (Ass)	Saco Bay Trails(charitable)	Resource Protection	11	public/public
Saco		Funtown Splashtown USA	Amusement	34	public/public
Saco		Deep Brook Golf Course	Resource Protection	83	private/private
Saco		Aquaboggan Waterpark	Amusement	40	public/public
Saco		Monkey Trunks (zipline/disc golf/climbing)	Resource Protection	15	public/public
Old Orchard Bch	Bill DiDonato (Ass)	Palace Playland	Downtown D#1	4	public/public
Old Orchard Bch	934-5714 ext 212	Dune Grass Country Club (condo subdiv)	Planned mixed use	166	public/public
Old Orchard Bch		Old Orchard Beach	Beach	3.7 miles	public/public
Old Orchard Bch		Ocean Park (Baptist private community)	Res 3/Neighbrhd	250 (est)	public/public
Old Orchard Bch		Salvation Army (camp meeting house)	Res 2	6 (est)	public/public
York Beach	Rick Mace (Ass)	York's Wild Kingdom	Rt 1 #1	59	public/public
York Beach	363-1005	York Beach	Beach	2 miles	public/public
York Beach		Ledges Golf Course	Residential	257	private/private

York Beach			York Golf and Tennis	Residential	185	public/private
York Beach			Cape Nedick Golf	Residential	247	private/private
Rumford	Rachel (Ass)	364.4576	Black Mountain of Maine	none	595	private/private
Greenwood	Kim	875-2773	Mount Abrams	none	500	private/private
Denmark	Bill	452-2356	Shawnee Peak (also in Bridgton)	unknown	??	private/private
Bridgton	Dawn Taft (Ass)		Shawnee Peak (also in Denmark) PUD	none	882	private/private
Bridgton		647-8786	Bridgton Highlands Country Club (subdv)	none	99	private/private
Jay		897-6785	Spruce Mountain	none		private/private
W. Farmington	Mark Caldwell (Ass)		Titcomb Mountain	Farm & Forest	197	private/private
Farmington		778-6538	Frankland County Fair Grounds	Village Residential	59	public/public
Farmington			Bonney Woods (community trails)	Village Residential	65	available
Camden	Beth	236-3353	Camden Snow Bowl	Rural Recreational	73	private/private
Skowhegan	Lisa (Ass)	474-6903	Eaton Mountain	none	99	private/private
Skowhegan			Loon Cove Golf	none	29	private/private
Skowhegan			Lake George Regional Park	none	133	private/private
Skowhegan			Run of the River (Kennebec Rvr) proposed			n/a

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

DRAFT VERSION: DIVISION_10_PLANNED_UNIT_DEVELOPMENTS Draft tracking workshop
amendments 11 2 11 AND SUGGESTED AMENDMENTS FROM THE BEECH HILL ROAD
NEIGHBORHOOD FROM 11 15 11

DIVISION 10. - PLANNED UNIT DEVELOPMENTS

Subdivision I. - In General
Subdivision II. - Types
Subdivision III. - Application Procedure

Subdivision I. - In General

Sec. 60-359. - Purpose.
Sec. 60-360. - Scope.
Sec. 60-361. - General standards.
Secs. 60-362—60-380. - Reserved.

Sec. 60-359. - Purpose.

1. The purpose of this section is to provide for a greater variety and choice of design for urban and suburban living, to gain efficiencies, to coordinate design development efforts, to conserve and make available open space, to utilize new technologies for land development and to offer a flexible alternative to conventional land control regulations. This section should not be used as a device for circumventing the city's development regulations and This section shall be employed only in instances where there is greater benefit to be derived from its use for the community and impacted local neighborhood than there is harm.. does not entitle an applicant to the maximum development density nor is the applicant entitled to approval of a special exception.. This section shall may only only be employed in instances where there is truly some greater benefit to be derived from its use for the local impacted neighborhood and the community than there is projected harm to be sustained. and for the developer. The type and amount of development permitted shall be based on the Planning Board's evaluation of the development proposal and the purposes, standards and provisions set forth in this Division and will only be permitted after . a Neighborhood Impact Study has been conducted, and the results of that study reviewed by the Planning Board and shared with the public with opportunity for input and questions..

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

Sec. 60-360. - Scope.

- (a) Application for a planned unit development may be made for land located where public sewer is presently available or will be made available by the developer prior to certificates of occupancy being issued. Onsite Wastewater Option?
- (b) The dimensional requirements stated in individual zoning districts and signs as stated in Article V of this

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

Chapter may be increased or decreased by the Planning Board as they apply to planned unit developments, except the front yard setback from all public streets shall not be reduced. The dimensional requirements and provision of signs shall be controlled by the standards sets forth in Sec. 60-359 Purpose and Sec 60-361 General Standards.

- (c) Coordination with subdivision regulations.
- (1) If a plan review is required under division 4 of article XVI Subdivision of this chapter, it shall be accomplished simultaneously with the review of the planned unit development plan under this division of this zoning chapter.
 - (2) The final development plan shall be submitted in a form that is in accordance with the requirements of division 4 of article XVI Subdivision of this chapter relative to final plans where applicable.
 - (3) Requirements of this division of this zoning chapter and those of division 4 of article XVI of this chapter shall apply to all planned unit developments.

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

Sec. 60-361. - General standards.

The following provisions apply to all planned unit development districts:

- (1) The dimensional requirements as stated in individual zoning districts shall apply within the PUD but may be increased or decreased due to individual site characteristics as determined by the Planning Board to promote the purposes set forth in section 60-359 of this chapter.
- (2) The Planning Board may increase or decrease the required number of off-street parking spaces as stated in Article V of this chapter in consideration of the following factors:
 - a. The probable number of cars owned by occupants of dwellings in the planned unit development;
 - b. The parking needs of any nonresidential uses;
 - c. Varying time periods of use, and whatever joint use of common parking areas is proposed.
- (3) Whenever the number of off-street parking spaces is reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change.
- (4) A PUD involving residential uses shall reserve an amount of land equal to that required by section 60-1637 to be held as open space for the mutual use of the residents of the PUD. Land reserved to satisfy the open space requirement shall be:
 - a. Administered through a homeowner's association; or
 - b. Dedicated to and accepted by the city for public use; or
 - c. Land occupied by a major recreational use adjacent to a PUD-RR; or
 - d. Managed by a non-profit organization or land trust deemed capable of management by the Planning Board; or
 - e. A combination of a, b, c and/or d above.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

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

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

1. That the proposed development is not surrounded by more than five (5) private residences or would directly negatively impact more than five (5) residences.

2. That the off-site impacts of the proposed development has an appropriate relationship to the surrounding area and will not have an unreasonable impact on the livability, comfort and character of the existing residences in the neighborhood or on the neighborhood as a whole. ; will not have an unreasonable adverse impact on the livability, character or economic value of existing development in the vicinity of the site

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

3. Adequate open space has been provided with consideration given to potential environmental impact, preservation of natural features including trees and drainage areas, topographic features, recreation and views.

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

5. Excessive noise, lights, music, large gatherings or other disruptive or offensive conditions which interfere with the normal use and enjoyment of neighbors' homes and the neighborhood will not be permitted.

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

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

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

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

9. Preservation of historically or architecturally significant buildings or places, if any;

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

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

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

Secs. 60-362—60-380. - Reserved.

Subdivision II. - Types

Sec. 60-381. - Definitions.

Sec. 60-382. - PUDs established.

Sec. 60-383. - Zoning map indication.

Sec. 60-384. - Permitting.

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

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

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

Sec. 60-388. - Planned Unit Development-Industrial (PUD-I).

Secs. 60-389—60-417. - Reserved.

Sec. 60-381. - Definitions.

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

Planned includes plans, plats or any combination thereof.

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

Sec. 60-382. - PUDs established.

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

- (1) PUD-R Planned Unit Development: Residential in LDCR, RR, SR, UR, MFS, MFU, GB and CB.
- (2) PUD-RR Planned Unit Development: Recreation/Residential in AG/RP, LDCR, RR, SR, UR, and GB.
- (3) PUD-C Planned Unit Development: Commercial in GB and CB.
- (4) PUD-I Planned Unit Development: Industrial in ID.

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

Sec. 60-383. - Zoning map indication.

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

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

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

Sec. 60-384. - Permitting.

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

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

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

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

- (1) Uses permitted by right or permitted by special exception in the residential districts noted in this section and the underlying zoning district.
- (2) Commercial uses may be permitted in the PUD-R district if the planned unit development contains 20 or more dwelling units. Such commercial uses shall be subject to the following requirements:
 - a. Such uses including parking shall be included as an integral part of the PUD and shall not occupy more than five percent of the total area of the PUD. Commercial uses in any development shall not be open to use prior to issuance of the certificates of occupancy for 50 percent of the dwelling units.
 - b. Except as stated in division 10 of article IV of this chapter all restrictions applicable to the NB district are applicable to the commercial center in the PUD-R district.
 - c. Such establishments shall be located, designed and operated primarily to serve the needs of the persons within the planned development. These buildings shall be architecturally compatible with the dwellings they serve using similar materials, geometry, topographic relationships, color and lighting to minimize its effect on the environment of existing or future residential uses adjacent to them.
 - d. Sign.
 1. Any part of the sign for a commercial use shall not project above the eaves or protrude from the face of the building more than 12 inches. A commercial use shall have not more than one sign for every street frontage. Any free standing signs may not exceed 20 feet in height and must have a minimum setback of 25 feet. Portable flashing and moving signs are not permitted. All emblems, shields or logos are considered part of the total allowable sign area.
 2. A residential subdivision may have one sign for each newly created entry to the subdivision, not to exceed 40 square feet in size.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

- (3) The total number of dwelling units permitted in the PUD-R district shall be determined by dividing the total project acreage (not including public rights-of-way) by the area required per unit in the underlying zoning district or as approved by the Planning Board pursuant to the standards in the underlying zoning district.
- (4) If common open space remaining is offered to the city and is acceptable to the city, such dedication shall not be considered as partial or total fulfillment of park and open space dedication.
- (5) Upon review of a PUD-R proposal, the Planning Board may authorize up to a 20 percent increase in density over that otherwise allowed in the underlying district if the following criteria are met:
 - a. *Architecture.* Utilization of existing topography, recognition of the character of the area reflected in materials and layout.
 - b. *Siting.* Preservation of unique natural features, separation of pedestrian and vehicular circulation and integration of open space.
 - c. *Design.* A unified cohesive development, focal points for orientation and interaction, variety of scale.
 - d. *Landscaping.* The compatibility with natural landscape, the separation of individual units for privacy.
 - e. *Convenient.* A convenient well-defined access.
 - f. *Compatibility.* Compatibility with the adopted comprehensive plan and/or plans approved by City boards and departments for school service area and size of buildings, park system, police and fire protection standards and other facilities public or private.

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

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

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

Any major recreation use containing one hundred (100) acres or more are, with the exception of recreation uses surrounded by five(5) or more private residences or potentially directly impacting more than five (5) residences may be developed as a Planned Unit Development: Recreation/Residential- PUD-RR. Within a PUD-RR the following uses and densities may be permitted subject to the approval of the Planning Board.

Comment [MBJ1]: IN place of numbers of residences, an objective measurement of neighborhood density might be appropriate.

- (1) Uses permitted by right or permitted by special exception in the underlying zoning district.
- (2) Attached single-family dwellings with direct access to the outside at ground level may be permitted, provided that they are approved as part of a Planned Unit Development and as a Subdivision under Sec.60-359 and Sec. 60-1359 of this chapter.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

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

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

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

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

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

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

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

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

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

Sec. 60-388. - Planned Unit Development-Industrial (PUD-I).

The PUD-I district is created to provide for the development of planned industrial areas. It is intended to promote the grouping of industrial uses and to group these uses in such a manner that they provide well planned parking

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

and access, landscaped open areas and harmonious relationships between structures. Any industrial area over five acres may be developed as a PUD-I district. Uses permitted in the underlying zoning district are permitted in the PUD-I district.

Secs. 60-3889—60-417. - Reserved.

Subdivision III. - Application Procedure

Sec. 60-418. - Compliance.
Sec. 60-419. - Submission and review.
Sec. 60-420. - Final development plan.
Secs. 60-421—60-438. - Reserved.

Sec. 60-418. - Compliance.

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

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

Sec. 60-419. - Submission and review.

- (a) An applicant shall make application for the approval of the planned unit development to the planning department. The applicant shall present his completed application and fee, in the amount provided in the city fee schedule, along with the development plan outline as specified in this division.
- (b) The development plan outline shall include both the site plan map and a written statement of procedures. The plan shall indicate sufficient areas surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining existing and proposed uses.
- (c) The site plan must contain the following information:
 - (1) All site plans shall conform to the provisions as contained in division 2 of article XVI of this chapter;
 - (2) The type and character of proposed development to include general architectural design, types of building materials to be used and, when appropriate, the proposed number of dwelling units per acre;
 - (3) The proposed location and size of public uses including schools, parks, playgrounds, swimming pools and other common open spaces.
- (d) The written statement to accompany the development plan outline map must contain the following information:
 - (1) A brief description of unique project design needs that make the planned unit approach advantageous to the city and developer;
 - (2) An anticipated schedule of development and a conceptual phase plan where the developer intends to phase the declaration of portions of the development;

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

- (3) Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common areas.
- (e) The number of copies of the written statement must be consistent with the provisions of section 60-1300
- (f) The applicant may be requested to submit any other information or exhibits deemed pertinent in evaluating the proposed planned unit development.

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

Sec. 60-420. - Final development plan.

- (a) The final development plan shall be submitted in accordance with section 60-419 of the municipal code relative to final plans.
- (b) The Planning Board shall approve the final development plan if it is in substantial compliance with the approved preliminary development plan. The final development plan shall be recorded as if it were a final subdivision plan except in the case of a phased development which shall follow the standards of subsection (c) of this section.
- (c) For phased developments the final development plan shall be kept on file in the planning and permitting office. The developer shall provide a phase plan and letter of intent to declare a phase for review and approval by the director of planning and permitting prior to recording at the registry of deeds. The director shall consider the following standards before approving a phased plan for recording:
 - (1) The remaining undeveloped land/phases shall be considered as one lot for frontage purposes. The phase plan shall provide the required frontage for the remaining land/phases.
 - (2) Common open space, roadway improvements and/or access to utilities may be completed without opening a phase provided that the director determines that the work is necessary or beneficial to an open phase of the development or to the city.
 - (3) The phased plan must be determined by the director of planning and permitting to be consistent with and progress towards completion of the long term final development plan.
- (d) From time to time the Planning Board shall compare the actual development accomplished in the planned unit development with the approved development schedule. If the owner of property in the PUD has failed to meet the approved development schedule without cause, the Planning Board may initiate proceedings. The Planning Board, for good cause shown by the property owner, may extend the limits of the development schedule.
- (e) The Planning Board may require adequate assurance in a form consistent in a form acceptable to the Planning Board, that the common open space shown in the final development plan shall be provided and developed.
- (f) Final development plan contents:
 - (1) The final development plan shall contain the information provided on the preliminary development plan and any additional information requested by the Planning Board and must be submitted within one year following the approval of the preliminary development plan unless written request is made for an extension of up to one year and approved by the Planning Board.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

- (2) The final development plan, with supplemental information in report form, shall be prepared in conformity with the provisions of section 60-419
 - (3) Copies of any special agreements, conveyances, deed restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit development and any of its common area must accompany the final development plan.
 - (4) The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development.
- (g) Control of planned unit development following completion.
- (1) The Planning Board shall review and take action on the completed final plan.
 - (2) After final approval has been granted the use of the land and the construction, modification or alteration of any building or structure within the planned development shall be governed by the approved final development plan rather than by any other provisions of this zoning chapter.
 - (3) After final approval, no changes may be made in the approved final development plan except upon application to the appropriate agency under the following procedures:
 - a. Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the Planning Board if they are consistent with the purposes and intent of the final plan. No change authorized by this division may decrease or increase the dimension of any building or structure by more than ten percent.
 - b. Any uses not authorized by the approved final plan, but allowable in the PUD as a permitted principal, accessory, or special use under the provisions of the underlying zoning district in which the planned development is located may be authorized by the planning director and added to the final development plan provided that such an addition does not adversely impact the approved development plan.
 - c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or amendments thereof approved under subsection (g)(3)a and b of this section.
 - d. Changes in use of common open spaces may be authorized by an amendment to the final development plan under subsection (g)(3)a and b of this section.
 - e. All other changes in the final development plan must be made by the Planning Board under the procedures authorized by this chapter. No changes may be made in the final development plan unless found to be required for:
 1. Continued successful functioning of the planned unit development;
 2. By changes in conditions that have occurred since the final plan was approved; or
 3. By changes in the development of the community.

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

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

provisions against any changes permitted in this division are expressly reserved.

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

Secs. 60-421—60-438. - Reserved.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE I. - IN GENERAL

Sec. 60-2. - Definitions.

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

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

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

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

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

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

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

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

Major Recreational uses of land means permanent use of at least 100 acres of outdoor space which are intended or designed for public use including limited to ski areas with at least 2 lifts and/or public and or private golf courses with a minimum of 18 holes.

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

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

(Ord. of 9-21-2009, § 2.2)

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

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

DIVISION 10. - PLANNED UNIT DEVELOPMENTS

Subdivision I. - In General
Subdivision II. - Types
Subdivision III. - Application Procedure

Subdivision I. - In General

Sec. 60-359. - Purpose.
Sec. 60-360. - Scope.
Sec. 60-361. - General standards.
Secs. 60-362—60-380. - Reserved.

Sec. 60-359. - Purpose.

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

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

Sec. 60-360. - Scope.

- (a) Application for a planned unit development may be made for land located where public sewer is presently available or will be made available by the developer prior to certificates of occupancy being issued, in all zoning districts except agriculture and resource protection districts.
- (b) The requirements for setback, lot width, lot depth, lot area, street frontage and percentage of lot coverage stated in individual zoning classifications shall be subject to negotiation as they apply to planned unit developments, except the front yard setback from all dedicated rights of way shall not be reduced. In specific cases, the requirements for off-street parking stated in article V of this chapter and minimum area as stated in individual zoning classifications may be reduced. These requirements shall be controlled by the criteria and standards of this division and as shown on the approved planned unit development plan.

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

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

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

(c) Coordination with subdivision regulations.

- (1) ~~It is the intent of this division that if~~ a plan review is required under division 4 of article XVI Subdivision of this chapter, ~~that it shall~~ be accomplished simultaneously with the review of the planned unit development plan under this division of this zoning chapter.
- (2) The final development plan shall be submitted in a form that is in accordance with the requirements of division 4 of article XVI Subdivision of this chapter relative to final plans where applicable.
- (3) Requirements of this division of this zoning chapter and those of division 4 of article XVI of this chapter shall apply to all planned unit developments.

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

Sec. 60-361. - General standards.

The following provisions apply to all planned unit development districts:

- (1) ~~The setback, lot width and lot coverage~~dimensional requirements as stated in individual zoning ~~classification districts shall apply within the PUD but may be reduced-increased or decreased due to individual site limitations-characteristics as determined by the planning-board~~Planning Board to promote the purposes set forth in section 60-359 of this chapter.
- (2) ~~The number of off street parking spaces in each planned unit development may not be less than the requirements as stated in article V of this chapter except that the~~The planning board~~Planning Board may increase or decrease the required number of off-street parking spaces as stated in Article V of this chapter in consideration of the following factors:~~
 - a. ~~Probably~~The probable number of cars owned by occupants of dwellings in the planned unit development;
 - b. ~~The~~ Parking needs of any ~~non dwelling~~nonresidential uses;
 - c. Varying time periods of use, and whatever joint use of common parking areas is proposed.
- (3) Whenever the number of off-street parking spaces ~~are~~is reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change.
- (4) ~~In any~~A PUD involving residential uses ~~that receives a density bonus and has lot sizes that are reduced below the minimum required within the residential district, shall reserve an amount of land equal to that created through the reduction in required lot sizes, required by section 60-1367 to be held as open space for the mutual use of the residents of the PUD. This shall be accomplished by either~~Land reserved to satisfy the open space requirement shall be:
 - a. ~~The land shall be a~~Administered through a homeowner's association; or
 - b. ~~The land shall be d~~Dedicated to and accepted by the city for public ~~use-use; or~~

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

- c. Land occupied by a major recreational use adjacent to a PUD-RR; or
 - d. Managed by a non-profit organization or land trust deemed capable of management by the Planning Board; or
 - e. A combination of a, b, c and/or d above.
- (5) All of the requirements of the city code of ordinances applicable to the zoning district not addressed in this division, shall apply.
- (6) Before granting approval of the final development plans, the ~~city Planning Board must be satisfied~~find that said ~~plan plan~~incorporates ~~addresses~~ addresses each of the following criteria or that one or more of the criteria are not applicable to the proposed development and/or that a practical substitute to one or more of the criteria has been achieved; or can demonstrate that:
- a. ~~One or more of the criteria are not applicable; or~~
 - b. ~~A practical substitute has been achieved for each of these elements consistent with the public interest:~~
 - 1. ~~There~~ The proposed development has is an appropriate relationship to the surrounding area;
 - 2. Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and control of noise and exhaust ~~control~~. Proper circulation in parking areas is designed for safety, convenience, separation and screening;
 - 3. ~~Functional Adequate open space has been provided in terms of~~ with consideration given optimum preservation to preservation of natural features including trees and drainage areas, topographic features, recreation, and views, density relief and convenience of functions;
 - 4. Privacy in terms of needs of individuals, families and neighbors;
 - 5. Pedestrian and bicycle traffic in terms of safety, separation, convenience and; access points ~~of destination and attractiveness;~~
 - 6. Building types in terms of appropriateness to density, site relationship and bulk;
 - 7. Building design in terms of orientation, spacing, ~~materials, color and texture~~ character, storage, signs and lighting;
 - 8. Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any;
 - 9. ~~Maintenance, suitability and effect on the neighborhood;~~ Preservation of historically or architecturally significant buildings or places, if any;
 - 10. There is public sewer available to the lot or will be made available by the developer prior to certificates of occupancy being issued.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

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

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

Secs. 60-362—60-380. - Reserved.

Subdivision II. - Types

Sec. 60-381. - Definitions.

Sec. 60-382. - PUDs established.

Sec. 60-383. - Zoning map indication.

Sec. 60-384. - Permitting.

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

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

Sec. 60-387. - Planned Unit Development-Commercial (PUD-IC).

Sec. 60-388. - Planned Unit Development-Industrial (PUD-I).

Secs. 60-389—60-417. - Reserved.

Sec. 60-381. - Definitions.

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

Planned includes plans, plats or any combination thereof.

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

Sec. 60-382. - PUDs established.

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

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

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

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

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

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

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

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

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

Sec. 60-383. - Zoning map indication.

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

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

Sec. 60-384. - Permitting.

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

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

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

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

- (1) Uses permitted by right or permitted by special exception in the residential districts noted in ~~this section~~ this section and the underlying zoning district.
- (2) Commercial uses may be permitted in the PUD-R district if the planned unit development contains 20 or more dwelling units. Such commercial ~~centers~~ uses shall be subject to the following requirements:
 - a. Such ~~centers~~ uses including parking shall be included as an integral part of the PUD and shall not occupy more than five percent of the total area of the PUD. Commercial uses in any development shall not be open to use prior to issuance of the certificates of occupancy for 50 percent of the dwelling units.
 - b. Except as stated in division 10 of article IV of this chapter all restrictions applicable to the NB district are applicable to the commercial center in the PUD-R district.
 - c. Such establishments shall be located, designed and operated primarily to serve the needs of the persons within the planned development. These buildings shall be architecturally compatible with the dwellings they serve using similar materials, geometry, topographic relationships, color and lighting to minimize its effect on the environment of existing or future residential uses adjacent to

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

them#.

d. Sign.

1. Any part of the sign for a commercial use shall not project above the eaves or protrude from the face of the building more than 12 inches. A ~~premise-commercial use~~ shall have not more than one sign for every street frontage. ~~All~~ Any free standing signs may not exceed 20 feet in height and must have a minimum setback of 25 feet. Portable flashing and moving signs are not permitted. All emblems, shields or logos are considered part of the total allowable sign area.
 2. A ~~R~~ residential subdivision may have one sign for each newly created entry to the subdivision, not to exceed 40 square feet in size.
- (3) The total number of dwellings units permitted in the PUD-R district shall be determined by dividing the total project acreage (not including public rights-of-way) by the area required per unit in ~~that the~~ the underlying zoning district or as approved by the city Planning Board pursuant to section 60-361(3) the standards in the underlying zoning district.
- (4) If common open space remaining is offered to the city and is acceptable to the city, such dedication ~~shall~~ may not be considered as partial or total fulfillment of park and open space dedication.
- (5) Upon review of a PUD-R proposal, ~~if special circumstances exist in regard to land usability, topographical characteristics, or natural assets of the site to be preserved, the city Planning Board may authorize up to a 20 percent increase in density over the that otherwise allowed in the underlying district requirement if the following criteria are met:~~
- a. *Architecture.* Utilization of existing topography, recognition of the character of the area reflected in materials and layout.
 - b. *Siting.* Preservation of unique natural features, separation of pedestrian and vehicular circulation and integration of open space.
 - c. *Design.* A unified cohesive development, focal points (~~cluster of seating, art forms, water feature~~) for orientation and interaction, variety of scale.
 - d. *Landscaping.* The compatibility with natural landscape, the separation of individual units for privacy.
 - e. *Convenient.* A convenient well-defined access.
 - f. *Compatibility.* ~~The~~ Compatibility with ultimate the adopted comprehensive plan and/or plans approved by City boards and departments for school service area and size of buildings, park system, police and fire protection standards and other facilities public or private.
- (6) All planned unit developments containing residential units shall comply with all city zoning and subdivision regulations.

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

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

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

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

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

- (1) Uses permitted by right or permitted by special exception in the underlying zoning district.
- (2) Attached single-family dwellings with direct access to the outside at ground level may be permitted, provided that they are approved as part of a Planned Unit Development and as a Subdivision under Sec.60-359 and Sec. 60-1359 of this chapter.
- (3) Hotels or motels adjacent to an existing major recreation use or a major recreation use if construction of the major recreational use is complete and open for use, provided that they are approved by the Planning Board as a Site Plan and as a Special Exception under Sec.60-1276 and Sec.60-1335 of this chapter. The size and scale of a hotel, motel, or accessory commercial uses shall be determined by the Planning Board at the time of PUD and/or Special Exception review. In making their determination, the Planning Board shall consider the appropriate relationship of the hotel, motel or accessory buildings and structures to the major recreation use and the surrounding neighborhood in terms of bulk, location or operation of proposed buildings and structures, traffic impact, access management, parking requirements, internal circulation, vehicular and pedestrian connections to adjacent property, external lighting, landscaping, signage using the standards of Sec.60-385(2)d as a guide, provisions for water and public sewer, and the preservation of scenic and natural beauty to the extent possible.
- (4) Accessory commercial uses provided that they are approved as a Site Plan and as a Special Exception under Sec. 60-1276 and Sec. 60-1335. Building and structures shall be architecturally compatible using similar materials, topographic relationships, color and lighting, landscaping, and signage to minimize its effect on the environment of existing or future recreation and residential uses adjacent to it.
- (5) The total number of dwelling units permitted in the PUD-RR district shall be determined by dividing the total project acreage including the major recreational use (not including public rights-of-way) by the area required per unit in that zoning district or as approved by the Planning Board pursuant to section 60-361(4).
- (6) The requirements of a Planned Unit Development, Sec. 60-361(4) and as a Subdivision, Sec.60-1367 to provide recreation and/or open space may be satisfied by the principal recreation, entertainment, and social uses of the adjacent major recreation use.
- (7) Access to the property shall be located on an arterial or collector street to minimize congestion or unsafe conditions and unreasonable deterioration of the local road system. Access to individual house lots shall be from an internal street system to retain the character of the area.
- (8) The requirements of this chapter applicable to the underlying district or districts, not addressed in this section, shall apply.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

Sec. 60-3876. - Planned Unit Development-Commercial (PUD-C).

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

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

Sec. 60-3878. - Planned Unit Development-Industrial (PUD-I).

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

Secs. 60-3898—60-417. - Reserved.

Subdivision III. - Application Procedure

Sec. 60-418. - Compliance.

Sec. 60-419. - Submission and review.

Sec. 60-420. - Final development plan.

Secs. 60-421—60-438. - Reserved.

Sec. 60-418. - Compliance.

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

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

Sec. 60-419. - Submission and review.

- (a) An applicant shall make application for the approval of the planned unit development to the planning department. The applicant shall present his completed application and fee, in the amount provided in the city fee schedule, along with the development plan outline as specified in this division.
- (b) The development plan outline shall include both the site plan map and a written statement of procedures. The plan shall indicate sufficient areas surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining existing and proposed uses.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

- (c) The site plan must contain the following information:
 - (1) All site plans shall conform to the provisions as contained in division 2 of article XVI of this chapter;
 - (2) The type and character of proposed development to include general architectural design, types of building materials to be used and, when appropriate, the proposed number of dwelling units per acre;
 - (3) The proposed location and size of public uses including schools, parks, playgrounds, swimming pools and other common open spaces.
- (d) The written statement to accompany the development plan outline map must contain the following information:
 - (1) A brief description of unique project design needs that make the planned unit approach advantageous to the city and developer;
 - (2) An anticipated schedule of development and a conceptual phase plan where the developer intends to phase the declaration of portions of the development;
 - (3) Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common areas.
- (e) The number of copies of the written statement must be consistent with the provisions of section 60-1300
- (f) The applicant may be requested to submit any other information or exhibits deemed pertinent in evaluating the proposed planned unit development.

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

Sec. 60-420. - Final development plan.

- (a) The final development plan shall be submitted in accordance with section 60-419 of the municipal code relative to final plans.
- (b) The ~~planning board~~ Planning Board shall approve the final development plan if it is in substantial compliance with the approved preliminary development plan. The final development plan shall be recorded as if it were a final subdivision plan except in the case of a phased development which shall follow the standards of subsection (c) of this section.
- (c) For phased developments the final development plan shall be kept on file in the planning and permitting office. The developer shall provide a phase plan and letter of intent to declare a phase for review and approval by the director of planning and permitting prior to recording at the registry of deeds. The director shall consider the following standards before approving a phased plan for recording:
 - (1) The remaining undeveloped land/phases shall be considered as one lot for frontage purposes. The phase plan shall provide the required frontage for the remaining land/phases.
 - (2) Common open space, roadway improvements and/or access to utilities may be completed without opening a phase provided that the director determines that the work is necessary or beneficial to an open phase of the development or to the city.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

- (3) The phased plan must be determined by the director of planning and permitting to be consistent with and progress towards completion of the long term final development plan.
- (d) From time to time the ~~planning board~~ Planning Board shall compare the actual development accomplished in the planned unit development with the approved development schedule. If the owner of property in the PUD has failed to meet the approved development schedule without cause, the ~~planning board~~ Planning Board may initiate proceedings. The ~~planning board~~ Planning Board, for good cause shown by the property owner, may extend the limits of the development schedule.
- (e) The ~~planning board~~ Planning Board may require adequate assurance in a form consistent in a form acceptable to the ~~planning board~~ Planning Board, that the common open space shown in the final development plan shall be provided and developed.
- (f) Final development plan contents:
- (1) The final development plan shall contain the information provided on the preliminary development plan or any logical part thereof and any additional information requested by the Planning Board, and must be submitted within one year following the approval of the preliminary development plan unless written request is made for an extension of up to one year and approved by the ~~planning board~~ Planning Board.
 - (2) The final development plan, with supplemental information in report form, shall be prepared in conformity with the provisions of section 60-419
 - (3) Copies of any special agreements, conveyances, deed restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit development and any of its common area must accompany the final development plan.
 - (4) The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development.
- (g) Control of planned unit development following completion.
- (1) The ~~planning board~~ Planning Board shall review and take action on the competed final plan.
 - (2) After final approval has been granted the use of the land and the construction, modification or alteration of any building or structure within the planned development shall be governed by the approved final development plan rather than by any other provisions of this zoning chapter.
 - (3) After final approval, no changes may be made in the approved final development plan except upon application to the appropriate agency under the following procedures:
 - a. Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the ~~planning board~~ Planning Board if they are consistent with the purposes and intent of the final plan. No change authorized by this division may decrease or increase the dimension of any building or structure by more than ten percent.
 - b. Any uses not authorized by the approved final plan, but allowable in the PUD as a permitted principale, accessory, or special use under the provisions of the underlying zoning district in which the planned development is located may be authorized by the planning director and added to the final development plan provided that such an addition does not adversely impact the approved development plan.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

- c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or amendments thereof approved under subsection (g)(3)a and b of this section.
- d. Changes in use of common open spaces may be authorized by an amendment to the final development plan under subsection (g)(3)a and b of this section.
- e. All other changes in the final development plan must be made by the ~~planning board~~Planning Board under the procedures authorized by this chapter. No changes may be made in the final development plan unless found to be required for:
 - 1. Continued successful functioning of the planned unit development;
 - 2. By changes in conditions that have occurred since the final plan was approved; or
 - 3. By changes in the development of the community.

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

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

Secs. 60-421—60-438. - Reserved.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE I. – IN GENERAL

Sec. 60-2. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

(Ord. of 9-21-2009, § 2.2)

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDINANCE 03-05212012

ORDERED, that the Code of Ordinances be and hereby is amended as follows;*

*See attached

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

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

DIVISION 10. - PLANNED UNIT DEVELOPMENTS

Subdivision I. - In General
Subdivision II. - Types
Subdivision III. - Application Procedure

Subdivision I. - In General

Sec. 60-359. - Purpose.
Sec. 60-360. - Scope.
Sec. 60-361. - General standards.
Secs. 60-362—60-380. - Reserved.

Sec. 60-359. - Purpose.

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

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

Sec. 60-360. - Scope.

- (a) Application for a planned unit development may be made for land located where public sewer is presently available or will be made available by the developer prior to certificates of occupancy being issued, ~~in all zoning districts except agriculture and resource protection districts.~~
- (b) ~~The requirements for setback, lot width, lot depth, lot area, street frontage and percentage of lot coverage stated in individual zoning classifications shall be subject to negotiation as they apply to planned unit developments, except the front yard setback from all dedicated rights-of-way shall not be reduced. In specific cases, the requirements for off-street parking stated in article V of this chapter and minimum area as stated in individual zoning classifications may be reduced. These requirements shall be controlled by the criteria and standards of this division and as shown on the approved planned unit development plan.~~

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

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

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

(c) Coordination with subdivision regulations.

- (1) ~~It is the intent of this division that~~ If a plan review is required under division 4 of article XVI Subdivision of this chapter, ~~that it shall~~ be accomplished simultaneously with the review of the planned unit development plan under this division of this zoning chapter.
- (2) The final development plan shall be submitted in a form that is in accordance with the requirements of division 4 of article XVI Subdivision of this chapter relative to final plans where applicable.
- (3) Requirements of this division of this zoning chapter and those of division 4 of article XVI of this chapter shall apply to all planned unit developments.

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

Sec. 60-361. - General standards.

The following provisions apply to all planned unit development districts:

- (1) ~~The setback, lot width and lot coverage~~ dimensional requirements as stated in individual zoning ~~classification districts shall apply within the PUD but may be reduced-increased or decreased due to individual site limitations-characteristics as determined by the planning board~~ Planning Board to promote the purposes set forth in section 60-359 of this chapter.
- (2) ~~The number of off street parking spaces in each planned unit development may not be less than the requirements as stated in article V of this chapter except that the~~ The planning board Planning Board may increase or decrease the required number of off-street parking spaces as stated in Article V of this chapter in consideration of the following factors:
 - a. ~~Probably~~ The probable number of cars owned by occupants of dwellings in the planned unit development;
 - b. ~~The~~ Parking needs of any ~~non~~ dwellling-nonresidential uses;
 - c. Varying time periods of use, and whatever joint use of common parking areas is proposed.
- (3) Whenever the number of off-street parking spaces ~~are~~ is reduced because of the nature of the occupancy, the city shall obtain assurance that the nature of the occupancy will not change.
- (4) ~~In any~~ A PUD involving residential uses that receives a density bonus and has lot sizes that are reduced below the minimum required within the residential district, shall reserve an amount of land equal to that ~~created through the reduction in required lot sizes, required by section 60-1367 to be held as open space for the mutual use of the residents of the PUD. This shall be accomplished by either~~ Land reserved to satisfy the open space requirement shall be:
 - a. ~~The land shall be a~~ Administered through a homeowner's association; or
 - b. ~~The land shall be d~~ Dedicated to and accepted by the city for public ~~use-use;~~ use; or

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

- c. Land occupied by a major recreational use adjacent to a PUD-RR; or
 - d. Managed by a non-profit organization or land trust deemed capable of management by the Planning Board; or
 - e. A combination of a, b, c and/or d above.
- (5) All of the requirements of the city code of ordinances applicable to the zoning district not addressed in this division, shall apply.
- (6) Before granting approval of the final development plans, the ~~city Planning Board must be satisfied~~ find that said ~~plan~~ plan ~~incorporates~~ addresses each of the following criteria or that one or more of the criteria are not applicable to the proposed development and/or that a practical substitute to one or more of the criteria has been achieved; or can demonstrate that:
- a. ~~One or more of the criteria are not applicable; or~~
 - b. ~~A practical substitute has been achieved for each of these elements consistent with the public interest:~~
 - 1. ~~There~~ The proposed development has is an appropriate relationship to the surrounding area;
 - 2. Circulation, in terms of internal street circulation system, is designed for the type of traffic generated, safety, separation from living areas, convenience, access and control of noise and exhaust ~~control~~. Proper circulation in parking areas is designed for safety, convenience, separation and screening;:-
 - 3. ~~Functional~~ Adequate open space has been provided ~~in terms of~~ with consideration given optimum preservation to preservation of natural features including trees and drainage areas, topographic features, recreation, and views, ~~density relief and convenience of functions;:-~~
 - 4. Privacy in terms of needs of individuals, families and neighbors;
 - 5. Pedestrian and bicycle traffic in terms of safety, separation, convenience and, access points ~~of destination and attractiveness;~~
 - 6. Building types in terms of appropriateness to density, site relationship and bulk;
 - 7. Building design in terms of orientation, spacing, ~~materials, color and texture~~ character, storage, signs and lighting;
 - 8. Landscaping of total site in terms of purpose such as screening, ornamental types used, and materials uses, if any;
 - 9. ~~Maintenance, suitability and effect on the neighborhood;~~ Preservation of historically or architecturally significant buildings or places, if any;
 - 10. There is public sewer available to the lot or will be made available by the developer prior to certificates of occupancy being issued.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

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

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

Secs. 60-362—60-380. - Reserved.

Subdivision II. - Types

Sec. 60-381. - Definitions.

Sec. 60-382. - PUDs established.

Sec. 60-383. - Zoning map indication.

Sec. 60-384. - Permitting.

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

Sec. 60-386. - ~~Planned Unit Development-Commercial (PUD-C);~~ **Planned Unit Development: Recreation/Residential (PUD-RR)**

Sec. 60-387. - Planned Unit Development-Commercial (PUD-IC).

Sec. 60-388. - Planned Unit Development-Industrial (PUD-I).

Secs. 60-389—60-417. - Reserved.

Sec. 60-381. - Definitions.

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

Planned includes plans, plats or any combination thereof.

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

Sec. 60-382. - PUDs established.

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

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

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

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

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

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

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

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

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

Sec. 60-383. - Zoning map indication.

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

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

Sec. 60-384. - Permitting.

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

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

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

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

- (1) Uses permitted by right or permitted by special exception in the residential districts noted in ~~this section~~ this section and the underlying zoning district.
- (2) Commercial uses may be permitted in the PUD-R district if the planned unit development contains 20 or more dwelling units. Such commercial ~~centers~~ uses shall be subject to the following requirements:
 - a. Such ~~centers~~ uses including parking shall be included as an integral part of the PUD and shall not occupy more than five percent of the total area of the PUD. Commercial uses in any development shall not be open to use prior to issuance of the certificates of occupancy for 50 percent of the dwelling units.
 - b. Except as stated in division 10 of article IV of this chapter all restrictions applicable to the NB district are applicable to the commercial center in the PUD-R district.
 - c. Such establishments shall be located, designed and operated primarily to serve the needs of the persons within the planned development. These buildings shall be architecturally compatible with the dwellings they serve using similar materials, geometry, topographic relationships, color and lighting to minimize its effect on the environment of existing or future residential uses adjacent to

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

them.

d. Sign.

1. Any part of the sign for a commercial use shall not project above the eaves or protrude from the face of the building more than 12 inches. A ~~premise-commercial use~~ shall have not more than one sign for every street frontage. ~~All~~ Any free standing signs may not exceed 20 feet in height and must have a minimum setback of 25 feet. Portable flashing and moving signs are not permitted. All emblems, shields or logos are considered part of the total allowable sign area.
 2. A ~~R~~residential subdivision may have one sign for each newly created entry to the subdivision, not to exceed 40 square feet in size.
- (3) The total number of dwellings units permitted in the PUD-R district shall be determined by dividing the total project acreage (not including public rights-of-way) by the area required per unit in ~~that the~~ the underlying zoning district or as approved by the city Planning Board pursuant to section 60-361(3) the standards in the underlying zoning district.
- (4) If common open space remaining is offered to the city and is acceptable to the city, such dedication ~~shall~~ may not be considered as partial or total fulfillment of park and open space dedication.
- (5) Upon review of a PUD-R proposal, ~~if special circumstances exist in regard to land usability, topographical characteristics, or natural assets of the site to be preserved, the city Planning Board may authorize up to a 20 percent increase in density over the that otherwise allowed in the underlying district requirement if the following criteria are met:~~
- a. *Architecture.* Utilization of existing topography, recognition of the character of the area reflected in materials and layout.
 - b. *Siting.* Preservation of unique natural features, separation of pedestrian and vehicular circulation and integration of open space.
 - c. *Design.* A unified cohesive development, focal points (~~cluster of seating, art forms, water feature~~) for orientation and interaction, variety of scale.
 - d. *Landscaping.* The compatibility with natural landscape, the separation of individual units for privacy.
 - e. *Convenient.* A convenient well-defined access.
 - f. *Compatibility.* ~~The~~ Compatibility with ultimate the adopted comprehensive plan and/or plans approved by City boards and departments for school service area and size of buildings, park system, police and fire protection standards and other facilities public or private.
- (6) All planned unit developments containing residential units shall comply with all city zoning and subdivision regulations.

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

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

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

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

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

- (1) Uses permitted by right or permitted by special exception in the underlying zoning district.
- (2) Attached single-family dwellings with direct access to the outside at ground level may be permitted, provided that they are approved as part of a Planned Unit Development and as a Subdivision under Sec.60-359 and Sec. 60-1359 of this chapter.
- (3) Hotels or motels adjacent to an existing major recreation use or a major recreation use if construction of the major recreational use is complete and open for use, provided that they are approved by the Planning Board as a Site Plan and as a Special Exception under Sec.60-1276 and Sec.60-1335 of this chapter. The size and scale of a hotel, motel, or accessory commercial uses shall be determined by the Planning Board at the time of PUD and/or Special Exception review. In making their determination, the Planning Board shall consider the appropriate relationship of the hotel, motel or accessory buildings and structures to the major recreation use and the surrounding neighborhood in terms of bulk, location or operation of proposed buildings and structures, traffic impact, access management, parking requirements, internal circulation, vehicular and pedestrian connections to adjacent property, external lighting, landscaping, signage using the standards of Sec.60-385(2)d as a guide, provisions for water and public sewer, and the preservation of scenic and natural beauty to the extent possible.
- (4) Accessory commercial uses provided that they are approved as a Site Plan and as a Special Exception under Sec. 60-1276 and Sec. 60-1335. Building and structures shall be architecturally compatible using similar materials, topographic relationships, color and lighting, landscaping, and signage to minimize its effect on the environment of existing or future recreation and residential uses adjacent to it.
- (5) The total number of dwelling units permitted in the PUD-RR district shall be determined by dividing the total project acreage including the major recreational use (not including public rights-of-way) by the area required per unit in that zoning district or as approved by the Planning Board pursuant to section 60-361(4).
- (6) The requirements of a Planned Unit Development, Sec. 60-361(4) and as a Subdivision, Sec.60-1367 to provide recreation and/or open space may be satisfied by the principal recreation, entertainment, and social uses of the adjacent major recreation use.
- (7) Access to the property shall be located on an arterial or collector street to minimize congestion or unsafe conditions and unreasonable deterioration of the local road system. Access to individual house lots shall be from an internal street system to retain the character of the area.
- (8) The requirements of this chapter applicable to the underlying district or districts, not addressed in this section, shall apply.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

Sec. 60-3876. - Planned Unit Development-Commercial (PUD-C).

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

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

Sec. 60-3878. - Planned Unit Development-Industrial (PUD-I).

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

Secs. 60-3898—60-417. - Reserved.

Subdivision III. - Application Procedure

Sec. 60-418. - Compliance.

Sec. 60-419. - Submission and review.

Sec. 60-420. - Final development plan.

Secs. 60-421—60-438. - Reserved.

Sec. 60-418. - Compliance.

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

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

Sec. 60-419. - Submission and review.

- (a) An applicant shall make application for the approval of the planned unit development to the planning department. The applicant shall present his completed application and fee, in the amount provided in the city fee schedule, along with the development plan outline as specified in this division.
- (b) The development plan outline shall include both the site plan map and a written statement of procedures. The plan shall indicate sufficient areas surrounding the proposed planned unit development to demonstrate the relationship of the planned unit development to adjoining existing and proposed uses.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

- (c) The site plan must contain the following information:
- (1) All site plans shall conform to the provisions as contained in division 2 of article XVI of this chapter;
 - (2) The type and character of proposed development to include general architectural design, types of building materials to be used and, when appropriate, the proposed number of dwelling units per acre;
 - (3) The proposed location and size of public uses including schools, parks, playgrounds, swimming pools and other common open spaces.
- (d) The written statement to accompany the development plan outline map must contain the following information:
- (1) A brief description of unique project design needs that make the planned unit approach advantageous to the city and developer;
 - (2) An anticipated schedule of development and a conceptual phase plan where the developer intends to phase the declaration of portions of the development;
 - (3) Proposed agreements, provisions or covenants which govern the use, maintenance and continued protection of the PUD and any of its common areas.
- (e) The number of copies of the written statement must be consistent with the provisions of section 60-1300
- (f) The applicant may be requested to submit any other information or exhibits deemed pertinent in evaluating the proposed planned unit development.

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

Sec. 60-420. - Final development plan.

- (a) The final development plan shall be submitted in accordance with section 60-419 of the municipal code relative to final plans.
- (b) The ~~planning board~~Planning Board shall approve the final development plan if it is in substantial compliance with the approved preliminary development plan. The final development plan shall be recorded as if it were a final subdivision plan except in the case of a phased development which shall follow the standards of subsection (c) of this section.
- (c) For phased developments the final development plan shall be kept on file in the planning and permitting office. The developer shall provide a phase plan and letter of intent to declare a phase for review and approval by the director of planning and permitting prior to recording at the registry of deeds. The director shall consider the following standards before approving a phased plan for recording:
- (1) The remaining undeveloped land/phases shall be considered as one lot for frontage purposes. The phase plan shall provide the required frontage for the remaining land/phases.
 - (2) Common open space, roadway improvements and/or access to utilities may be completed without opening a phase provided that the director determines that the work is necessary or beneficial to an open phase of the development or to the city.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

- (3) The phased plan must be determined by the director of planning and permitting to be consistent with and progress towards completion of the long term final development plan.
- (d) From time to time the ~~planning board~~ Planning Board shall compare the actual development accomplished in the planned unit development with the approved development schedule. If the owner of property in the PUD has failed to meet the approved development schedule without cause, the ~~planning board~~ Planning Board may initiate proceedings. The ~~planning board~~ Planning Board, for good cause shown by the property owner, may extend the limits of the development schedule.
- (e) The ~~planning board~~ Planning Board may require adequate assurance in a form consistent in a form acceptable to the ~~planning board~~ Planning Board, that the common open space shown in the final development plan shall be provided and developed.
- (f) Final development plan contents:
- (1) The final development plan shall contain the information provided on the preliminary development plan or any logical part thereof and any additional information requested by the Planning Board; and must be submitted within one year following the approval of the preliminary development plan unless written request is made for an extension of up to one year and approved by the ~~planning board~~ Planning Board.
 - (2) The final development plan, with supplemental information in report form, shall be prepared in conformity with the provisions of section 60-419
 - (3) Copies of any special agreements, conveyances, deed restrictions, or covenants, which will govern the use, maintenance and continued protection of the planned unit development and any of its common area must accompany the final development plan.
 - (4) The applicant may submit any other information or exhibits he deems pertinent in evaluating his proposed planned unit development.
- (g) Control of planned unit development following completion.
- (1) The ~~planning board~~ Planning Board shall review and take action on the competed final plan.
 - (2) After final approval has been granted the use of the land and the construction, modification or alteration of any building or structure within the planned development shall be governed by the approved final development plan rather than by any other provisions of this zoning chapter.
 - (3) After final approval, no changes may be made in the approved final development plan except upon application to the appropriate agency under the following procedures:
 - a. Any minor extension, alteration, or modification of existing buildings or structures may be authorized by the ~~planning board~~ Planning Board if they are consistent with the purposes and intent of the final plan. No change authorized by this division may decrease or increase the dimension of any building or structure by more than ten percent.
 - b. Any uses not authorized by the approved final plan, but allowable in the PUD as a permitted principale, accessory, or special use under the provisions of the underlying zoning district in which the planned development is located may be authorized by the planning director and added to the final development plan provided that such an addition does not adversely impact the approved development plan.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

- c. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan or amendments thereof approved under subsection (g)(3)a and b of this section.
- d. Changes in use of common open spaces may be authorized by an amendment to the final development plan under subsection (g)(3)a and b of this section.
- e. All other changes in the final development plan must be made by the ~~planning board~~Planning Board under the procedures authorized by this chapter. No changes may be made in the final development plan unless found to be required for:
 - 1. Continued successful functioning of the planned unit development;
 - 2. By changes in conditions that have occurred since the final plan was approved; or
 - 3. By changes in the development of the community.

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

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

Secs. 60-421—60-438. - Reserved.

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 10. - PLANNED UNIT DEVELOPMENTS

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE I. – IN GENERAL

Sec. 60-2. - Definitions.

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

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

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

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

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

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

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

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

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

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

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

(Ord. of 9-21-2009, § 2.2)



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: May 21, 2012

Order 30-05212012

Author: Susan Clements-Dallaire, Acting City Clerk

Subject: Setting time for opening polls for the June Primary Election

Information: State law requires the Municipal Officers to set the time to open the polls for each election. Polls will open at 7:00 A.M. in Auburn for the June 12, 2012 Primary Election.

Financial: N/A

Action Requested at this Meeting: Recommend passage.

Previous Meetings and History: N/A

Attachments:

- Order 30-05212012



Tizz E.H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four

Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER #30-05212012

ORDERED, that the City Council hereby sets the time for opening the polls at 7:00 A.M. for the June 12, 2012 Primary Election.



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: May 21, 2012

Order 31-05212012

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

Subject: Transfer of Forfeiture Asset – Carleton Dixon.

Information: An application for forfeiture has been completed and submitted to the courts, requesting the forfeiture of \$5,000. The funds were obtained as a result of the arrest of Carleton Edward Dixon who was arrested on January 25, 2012 for Unlawful Trafficking in Schedule Drugs (Z) (17A 1103.1 A Class D). Officer Tyler Ham was the arresting officer in this case.

Financial: The State of Maine, Office of the Attorney General, seeks to transfer \$5,000.00 U.S. Currency, to the Auburn Police Department.

Action Requested at this Meeting: Vote accept transfer of \$5,000.00 in U.S. Currency.

Previous Meetings and History: n/a

Attachments:

- Memo to Interim City Manager Gerrish from Chief Crowell 5/12/12
- City Council Order 31-05212012
- Acceptance document to be signed by Acting City Clerk



Auburn Police Department



Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Office Manager

To: Donald Gerrish, Interim City Manager
From: Phillip L. Crowell, Jr., Chief of Police
Date: May 12, 2012
Re: Criminal Forfeiture Funds

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

- **Superior Court Criminal Docket No. CR-12-298 – Carleton Dixon - \$5,000**

An application for forfeiture has been completed and submitted to the courts, requesting the forfeiture of \$5,000.

The funds were obtained as a result of the arrest of Carleton Edward Dixon who was arrested on January 25, 2012 for Unlawful Trafficking in Schedule Drugs (Z) (17A 1103.1 A Class D). Officer Tyler Ham was the arresting officer in this case.



Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four

Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 31-05212012

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Carleton Dixon), or any portion thereof (\$5,000.00 U.S. Currency) 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(s) in Rem (Carleton Dixon), or any portion thereof (\$5,000.00 U.S. Currency), pursuant to 15 M.R.S.A. § 5824(3) §5826(6) by vote of the Auburn municipal legislative body on or about May 21, 2012.

STATE OF MAINE
Androscoggin, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-12-298

State of Maine	}	
	}	Municipality of Auburn
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Carleton Dixon	}	
Defendant;	}	
	}	
And	}	
	}	
\$5,000.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES 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) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, 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(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about

Dated: _____

Municipal Officer
Auburn, Maine
(Impress municipal legislative body seal here)



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: May 21, 2012

Order 32-05212012

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

Subject: Transfer of Forfeiture Asset – Nicholas Weekes.

Information: In October 2011, an Auburn police officer conducted a traffic stop for a motor vehicle violation pursuant to Title 29-A. The officer detected a very strong odor of burnt marijuana emanating from the vehicle. Upon the officer's request, the operator relinquished a couple small bags of marijuana. While conducting a search of the operator, \$1,250.00 in US Currency wrapped in two elastic bands was located. A search of the vehicle also yielded a small bag of hashish. An Auburn Police K-9 trained in drug detection positively "hit" on both the money and the drugs. Subsequently, the operator of the vehicle was arrested on an outstanding warrant; operating a motor vehicle without a license; possession of Schedule X drugs and possession of a usable amount of marijuana.

Financial: The State of Maine, Office of the Attorney General, seeks to transfer \$1,250.00 U.S. Currency, to the Auburn Police Department.

Action Requested at this Meeting: Vote to accept transfer of \$1,250.00 in U.S. Currency.

Previous Meetings and History: n/a

Attachments:

- Memo to Interim City Manager Gerrish from Chief Crowell 5/12/12
- City Council Order 32-05212012
- Acceptance document to be signed by Acting City Clerk



Auburn Police Department



Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Office Manager

To: Donald Gerrish, Interim City Manager
From: Phillip L. Crowell, Jr., Chief of Police
Date: May 15, 2012
Re: Criminal Forfeiture Funds

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

- **District Court Criminal Docket No. CR-11-3056 – Nicholas Weekes - \$1,250**

In October 2011, an Auburn police officer conducted a traffic stop for a motor vehicle violation pursuant to Title 29-A. The officer detected a very strong odor of burnt marijuana emanating from the vehicle. Upon the officer's request, the operator relinquished a couple small bags of marijuana.

While conducting a search of the operator, \$1,250.00 in US Currency wrapped in two elastic bands was located. A search of the vehicle also yielded a small bag of hashish. An Auburn Police K-9 trained in drug detection positively "hit" on both the money and the drugs.

Subsequently, the operator of the vehicle was arrested on an outstanding warrant; operating a motor vehicle without a license; possession of Schedule X drugs and possession of a usable amount of marijuana.



Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four

Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 32-05212012

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Nicholas Weekes), or any portion thereof (\$1,250.00 U.S. Currency) 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(s) in Rem (Nicholas Weekes), or any portion thereof (\$1,250.00 U.S. Currency), pursuant to 15 M.R.S.A. § 5824(3) §5826(6) by vote of the Auburn municipal legislative body on or about May 21, 2012.

STATE OF MAINE
Androscoggin, ss

DISTRICT COURT
Criminal Action
Docket No. CR-11-3056

State of Maine	}	
	}	Municipality of Auburn
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Nicholas Weeks	}	
Defendant;	}	
	}	
And	}	
	}	
\$1,250.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES 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) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, 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(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about

Dated: _____

Municipal Officer
Auburn, Maine
(Impress municipal legislative body seal here)



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: May 21, 2012

Order 33-05212012

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

Subject: Transfer of Forfeiture Asset - Thomas Tardif.

Information: On July 2, 2011, officers received information from an anonymous caller that an underage drinking party was taking place at 155 Hotel Road. Following permission from the homeowners to search the premises, drugs and alcohol as well as a loaded .45mm Springfield automatic pistol were found. Thomas Tardif, the host of the party and owner of the pistol, was arrested and charged with furnishing a place for minors to consume alcohol and aggravated trafficking of Schedule Z Drug (Marijuana).

Financial: The State of Maine, Department of the Attorney General, seeks to transfer a .45mm Springfield automatic pistol, Serial # MG503259, to the Auburn Police Department.

Action Requested at this Meeting: Vote to accept transfer of .45mm Springfield automatic pistol.

Previous Meetings and History: n/a

Attachments:

- Memo to Interim City Manager Gerrish from Chief Crowell 5/12/12
- City Council Order 33-05212012
- Acceptance document to be signed by Acting City Clerk



Auburn Police Department



Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Office Manager

To: Donald Gerrish, Interim City Manager
From: Phillip L. Crowell, Jr., Chief of Police
Date: May 12, 2012
Re: Criminal Forfeiture Funds

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

- **Superior Court Criminal Docket No. CR-11-724 – Thomas Tardif**

On July 2, 2011, officers received information from an anonymous caller that an underage drinking party was taking place at 155 Hotel Road. Following permission from the homeowners to search the premises, drugs and alcohol as well as a loaded .45mm Springfield automatic pistol were found.

Thomas Tardif, the host of the party and owner of the pistol, was arrested and charged with furnishing a place for minors to consume alcohol and aggravated trafficking of Schedule Z Drug (Marijuana).



Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four

Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 33-05212012

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Thomas Tardif), or any portion thereof (one .45 Springfield automatic pistol, Serial #MG503259) 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(s) in Rem (Thomas Tardif), or any portion thereof (one .45 Springfield automatic pistol, Serial #MG503259), pursuant to 15 M.R.S.A. § 5824(3) §5826(6) by vote of the Auburn municipal legislative body on May 21, 2012.

STATE OF MAINE
Androscoggin, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-11-724

State of Maine	}	
	}	Municipality of Auburn
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Thomas Tardif	}	
Defendant;	}	
	}	
And	}	
	}	
One .45 Springfield automatic pistol,	}	
Serial # MG503259	}	
Defendant(s) In Rem	}	

NOW COMES 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) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, 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(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about

Dated: _____

Municipal Officer
Auburn, Maine
(Impress municipal legislative body seal here)



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: May 21, 2012

Order 34-05212012

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

Subject: Transfer of Forfeiture Asset – Calvin Tidswell.

Information: In November 2012, an Auburn police officer assigned to the Maine Drug Enforcement Agency was conducting an investigation regarding reported drug trafficking from a residence in the Chestnut Street Park area. Based on intelligence gathered, a search warrant was secured and executed at the residence. As a result, 72 prepackaged bags of marijuana ready for sale and distribution were located along with associated paraphernalia including two digital scales. In addition, \$1,425.00 in US Currency was located and seized. The suspect admitted to law enforcement that the money was proceeds from the sale of drugs.

Subsequently, the suspect was arrested and charged with Aggravated Trafficking in Schedule Drugs; Class C and Aggravated Furnishing in Scheduled Drugs; Class C. The charges were elevated to “aggravated” based on the close proximity of the residence to a posted “Safe Zone” as designated by the city in accordance with state law; Title 30-A; section 3253.

Financial: The State of Maine, Office of the Attorney General, seeks to transfer \$1,425.00 U.S. Currency, to the Auburn Police Department.

Action Requested at this Meeting: Vote to accept transfer of \$1,425.00 in U.S. Currency.

Previous Meetings and History: n/a

Attachments:

- Memo to Interim City Manager Gerrish from Chief Crowell 5/12/12
- City Council Order 34-05212012
- Acceptance document to be signed by Acting City Clerk



Auburn Police Department



Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Office Manager

To: Donald Gerrish, Interim City Manager
From: Phillip L. Crowell, Jr., Chief of Police
Date: May 12, 2012
Re: Criminal Forfeiture Funds

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

- **District Court Criminal Docket No. CR-11-1246 – Calvin Tidswell - \$1,425.00**

In November 2012, an Auburn police officer assigned to the Maine Drug Enforcement Agency was conducting an investigation regarding reported drug trafficking from a residence in the Chestnut Street Park area. Based on intelligence gathered, a search warrant was secured and executed at the residence. As a result, 72 prepackaged bags of marijuana ready for sale and distribution were located along with associated paraphernalia including two digital scales. In addition, \$1,425.00 in US Currency was located and seized. The suspect admitted to law enforcement that the money was proceeds from the sale of drugs.

Subsequently, the suspect was arrested and charged with Aggravated Trafficking in Schedule Drugs; Class C and Aggravated Furnishing in Scheduled Drugs; Class C. The charges were elevated to “aggravated” based on the close proximity of the residence to a posted “Safe Zone” as designated by the city in accordance with state law; Title 30-A; section 3253.



Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four

Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 34-05212012

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, does hereby grant approval pursuant to 15 M.R.S.A. §5824(3) & §5826(6) to the transfer of Defendant(s) in Rem (Calvin Tidswell), or any portion thereof (\$712.50 U.S. Currency) 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(s) in Rem (Calvin Tidswell), or any portion thereof (\$712.50 U.S. Currency), pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about May 21, 2012.

STATE OF MAINE
Androscoggin, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-11-1246

State of Maine	}	
	}	Municipality of Auburn
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Calvin Tidswell	}	
Defendant;	}	
	}	
And	}	
	}	
\$1,425.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES 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) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem (\$712.50 U.S. Currency), 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(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about

Dated: _____

Municipal Officer
Auburn, Maine
(Impress municipal legislative body seal here)



City Council Agenda Information Sheet

City of Auburn

Council Meeting Date: May 21, 2012

Order 35-05212012

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

Subject: Transfer of Forfeiture Asset – Nicholas Morrissette.

Information: Following up on suspicious activity, officers confirmed information that illegal drugs were being sold at a local residence. Officers made contact with the occupants. Consent to search the residence was voluntarily given to the officers. Drugs were located along with \$86,764 US Currency, a one ounce gold bar (approximate value-\$1,771.78) and two silver coins (approximate value-\$51.74). Suspect was arrested and charged with Aggravated Trafficking in Schedule W Drugs; Class A and Aggravated Trafficking in Schedule Z Drugs; Class C. The chargers were elevated to “aggravated” based on the close proximity of the residence to a posted “Safe Zone” as designated by the city in accordance with state law: Title 30-A; section 3253.

Financial: The State of Maine, Office of the Attorney General, seeks to transfer \$86,764.00 U.S. Currency, to the Auburn Police Department.

Action Requested at this Meeting: Vote to accept transfer of \$86,764.00 in U.S. Currency.

Previous Meetings and History: n/a

Attachments:

- Memo to Interim City Manager Gerrish from Chief Crowell 5/12/12
- City Council Order 35-05212012
- Acceptance document to be signed by Acting City Clerk



Auburn Police Department



Memorandum

Phillip L. Crowell
Chief of Police

Jason D. Moen
Deputy Chief

Rita P. Beaudry
Office Manager

To: Donald Gerrish, Interim City Manager
From: Phillip L. Crowell, Jr., Chief of Police
Date: May 12, 2012
Re: Criminal Forfeiture Funds

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

- **Superior Court Criminal Docket No. CR-12-198 – Nicholas Morrissette - \$86,764.00**

In February 2012, an Auburn police officer observed suspicious activity of a pedestrian in a downtown neighborhood in the immediate area of a residence suspected of drug trafficking. Acting on the officers training and experience he proceeded to investigate further by conducting a field interview with the individual.

Based on information gathered from the field interview along with previous intelligence officers later went to the residence suspected of drug trafficking and made contact with the occupants. Consent to search the residence was voluntarily given to the officers. The following illegal drugs were located in the residence as a result of the search, 136.0 grams of marijuana (some of which was pre-packaged and ready for sale and distribution); 2.9 grams of crack cocaine and 59 dosages/units of Ecstasy (MDMA) along with associated paraphernalia related to drug trafficking including but not limited to a digital scale and drug price list.

In addition, \$86,764.00 in US Currency was located. This money was seized as suspected proceeds from the sale and distribution of illegal drugs. Utilizing an Auburn Police Department K-9 trained in drug detection a controlled "sniff" of the money was conducted. The K-9 "hit" on the seized money. Also seized was a one ounce gold bar (approximate value; \$1,771.78) and two silver coins (approximate value; \$51.47), which is also suspected as proceeds from the sale and distribution of illegal drugs.

Subsequently, the suspect was arrested and charged with Aggravated Trafficking in Schedule W Drugs; Class A and Aggravated Trafficking in Schedule Z Drugs; Class C. The charges were elevated to "aggravated" based on the close proximity of the residence to a posted "Safe Zone" as designated by the city in accordance with state law; Title 30-A; section 3253.

Tizz E. H. Crowley, Ward One
Robert Hayes, Ward Two
Mary Lafontaine, Ward Three
David Young, Ward Four



Leroy Walker, Ward Five
Belinda Gerry, At Large
Joshua Shea, At Large

Jonathan LaBonte, Mayor

IN CITY COUNCIL

ORDER 35-05212012

ORDERED, that the municipality of Auburn, Maine, by and through its municipal officers, does hereby grant approval pursuant to 15 M.R.S.A. §5826(6) to the transfer of Defendant(s) in Rem (Nicholas Morrissette), or any portion thereof (\$86,764.00 U.S. Currency) 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(s) in Rem (Nicholas Morrissette), or any portion thereof (\$86,764.00 U.S. Currency), pursuant to 15 M.R.S.A. §5824(3) & § 5826(6) by vote of the Auburn municipal legislative body on or about May 21, 2012.

STATE OF MAINE
Androscoggin, ss

SUPERIOR COURT
Criminal Action
Docket No. CR-12-198

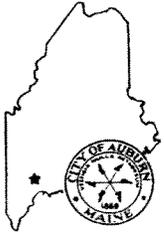
State of Maine	}	
	}	Municipality of Auburn
v.	}	Approval of Transfer
	}	15 M.R.S.A. §5824(3) & §5822(4)(A)
Nicholas Morrissette	}	
Defendant;	}	
	}	
And	}	
	}	
\$86,764.00 U.S. Currency	}	
Defendant(s) In Rem	}	

NOW COMES 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) & §5826(6) to the transfer of the above captioned Defendant(s) in Rem, 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(s) In Rem, or any portion thereof, pursuant to 15 M.R.S.A. § 5824(3) & §5826(6) by vote of the Auburn municipal legislative body on or about

Dated: _____

Municipal Officer
Auburn, Maine
(Impress municipal legislative body seal here)



City Council Information Sheet

City of Auburn

Council Meeting Date: May 21, 2012

Subject: Executive Session with possible action.

Information: Discussion about four real estate matters, pursuant to 1 M.R.S.A. §405(6)(C).

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

- A. Discussion of personnel issues
 - B. Discussion or consideration by a school board of suspension or expulsion
 - 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. Labor contracts
 - E. Contemplated litigation
 - 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 in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.
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