

August 8, 2023, Meeting Minutes

1. **ROLL CALL:**
2. **MINUTES: MOTION** to pause on reviewing minutes because they were just received before the meeting: Evan Cyr; **SECOND:** Toni Ferraro (?). **VOTE:** 7-0-0
3. **PUBLIC HEARING / ZONING TEXT AMENDMENT/ PETITION:** *Consider a proposed text change to Sec. 60-548B-Front Setback, Principal for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2013. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance or Zoning Map. This item was tabled at the July 11, 2023, meeting.*

Eric Cousens presents staff report and recommends that the Planning Board not recommend the text change as presented in the petition.

David Trask asks if Auburn has obtained a legal o-pinion about the petition language. Eric Cousens answers that legal has reviewed the language that staff will present in the next item, and we do not believe anu text change would apply retroactively.

MOTION to open public comment: David Trask; **SECOND:** Evan Cyr. **VOTE:** 7-0-0.

Jeffrey Harmon of 34 Vista Drive sites Maine law requiring consistency and prohibiting retroactivity, and states that measuring the setbacks as staff interprets would be contradictory to Form Based Code.

Stephen Beal of 575 Johnson Road reiterates that Maine law prohibits retroactivity and reminds the Board that there is an ongoing legal proceeding that may render any decision the Board makes invalid or useless.

MOTION to close public comment: Evan Cyr; **SECOND** David Trask. **VOTE:** 7-0-0.

Discussion: Evan Cyr asks why retroactivity would apply, to which staff clarifies that they do not believe it would. Amanda Guerrette asks for a legal opinion, which staff confirms has been given on the language for Item #4.

MOTION to recommend that the Council not amend (*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023: Evan Cyr; **SECOND** David Trask. **VOTE:** 7-0-0.

4. PUBLIC HEARING/ FORM BASED CODE TEXT AMENDMENT: Consider a proposed text change for Sec. 60-548B, T-4.2B pursuant to Chapter 60, Article XVII, Division 2- Amendment to the zoning ordinance 1.) Sec. 60-54B Intent and Purpose, 2.) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout, 3.) Sec. 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade.

Eric Cousens presents staff recommended language and explains the differences between the current zone and staff's recommendations.

MOTION to open public comment: Evan Cyr; **SECOND:** Toni Ferraro

Ryan Smith of 14 Weaver Street brings up example of possible nonconforming homes taking a strict interpretation of the setback proposed clarification. He postulates that driveways would need to be at least 5 feet from garages. Raises concern about inconsistency and nonconformity.

Jeffrey Harmon of 34 Vista Drive believes that staff recommending clarifying language for T-4.2B shows that original interpretation of the ordinance language was wrong. States measuring setbacks from accessways contradicts the codified purpose of Form Based Code.

Stephen Beale of 575n Johnson Road warns that making a decision on T-4.2B language now will complicate an existing case in Superior Court. Does not recall a Petition, Planning Board, or Council initiating the item.

Jessica Klimek is the developer of Stable Ridge Apartments and believes that the language from staff only clarifies what staff has been acting on before the 555 Court Street Development, states that the Plaintiff's argument in the superior court case is because he is an abutter.

MOTION to close public comment: Evan Cyr; **SECOND:** David Trask **VOTE:** 7-0-0

Discussion: David Trask asks if there have been other issues folks have raised regarding the clarity of Form Based Code T-4.2B, to which Eric responds that there have been many conversations around small infill projects.

Amanda Guerrette asks if the city attorney has reviewed the initial approvals of Stable Ridge Apartments to which Eric Cousens responds that they do not review all projects, but they did review the language that staff is proposing for the clarifying text amendment, and that the interpretation staff seeks to clarify is clear in the Comprehensive Plan.

Riley Bergeron asks how this item was brought before us prompted by public comment. ERic Cousens reminds the Board that on July 11, the Board made a two-part motion to table the citizen petition and for staff to bring back additional changes for consideration applied to T-4.2B as needed.

Amanda Guerrette inquiries about what may happen to nonconforming homes. Eric Cousens answers that they are allowed to remain there but may have to be relocated if destruction crosses a certain threshold.

Evan Cyr asked for clarification on public comment, about whether there does in fact need to be at least five feet of grass between driveways and garages. Staff clarify that there us some flexibility on the language.

Riley Bergeron asks if this is at all applies past decisions, and Eric Cousens confirms that this zone change would clarify existing language and hopefully reduce future litigation.

Amanda questions feasibility of creating new zone. Eric Cousens explains the mechanisms for the Board to pursue this change.

MOTION: I make a motion to recommend that the City Council approve the proposed ordinance amendment(attached), including amendments to:

- 1) Sec. 60-548B- 1. Intent and Purpose "setback",
- 2) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout for commercial and multi-family and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.
- 3) Sec. 548B.2, Building Frontages T4.2B Table as shown on the attached Ordinance Amendment Document.
- 4) Amendment to the note (*) in the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal - Where a private shared access drive is provided serving more than one structure (minimizing

access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area.

(As shown in the attached Ordinance Amendment Document): David Trask; **SECOND:** Evan Cyr

5. **PUBLIC HEARING / ZONING MAP AMENDMENT / T-4.2B AREA A1: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road.**

Eric Cousens presents changes in Area A1 from July 11, and details how Form Based Code allows some flexibility as LD 2003 is implemented.

Discussion about reason for extending zone recommendation down Broad Street to south of Witham Rd including increasing density to the Washington Street corridor creating the possibility to extend water and sewer to the area and build future possible road connection.

Evan Cyr asks how this sewer and water connection would pass the active rail line, to which staff responds that it might run along Hackett Road.

Staff will share sewer study with Board.

MOTION to open public comment: Evan (?); **SECOND:** Stacey LeBlanc. **VOTE:** 7-0-0.

Mike Adler of 82 Loring Ave. states that it is not Auburn's responsibility to provide housing, sites concern about small setbacks from other houses. He also believes this zone change is deceiving and asks the city to leave the neighborhood alone.

Ed Barrow speaks on behalf of the Skelton family who owns the parcels south of Witham Road along Broad Street. Asks Board to keep A1 maps as they are and offer favorable recommendation.

MOTION: to close public comment: Evan Cyr; **SECOND:** David Trask. **VOTE:** 7-0-0.

Discussion covers that LD 2003 will necessarily bring change to the area, and that some Board members, notable Evan Cyr and David Trask, feel that the T-4.2B proposal along Broad Street should be down South Main Street past Vickery Road instead. Staff specifies that this was proposed as a start, and we can add South Main Street in future zone changes

Discussion about timeframe for possible new turnpike exit and connection corridor. Staff states that the funding concept was approved last week, and we may have a feasibility study scope soon. It could still be decades before this development.

MOTION to recommends amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment has been and is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road as shown on the attached map (A1): Paul Jaques; **SECOND:** Darren Finnegan. **VOTE:** 5-2-0.

6. **PUBLIC HEARING / ZONING MAP AMENDMENT / T-4.2B AREA A2: *Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets.***

Katherine Cook presents differences between "Area A" as presented July 11, 2023, and Area A2, discussion of why this area was split where it was.

MOTION to open public comment: Evan Cyr; **SECOND:** Riley Bergeron. **VOTE:** 7-0-0.

Dee Chapman of 49 Vivian Street asks if the city is obligated to implement LD 2003. Asks for Area A2 to be removed from the proposal. States that the city should care more about people who grew up in Auburn and live in the neighborhood than people from out of town.

References car crash in Sanford that killed two pedestrians. States that people from out of town will not respect their neighborhood.

Ryan Smith of 14 Weaver Street sites page 5 of LD 2003 guidance and says multifamily homes will only be allowed where they are currently allowed. Asks the Board to table this item and hold a workshop. Believes there are too many notifications that the city sends out. Is concerned about public safety.

Pam Rousseau of 745 West Auburn Ave states that the Planning Board needs to air on the side of caution when making decisions.

MOTION to close public comment: David Trask; **SECOND:** Evan Cyr. **VOTE:** 7-0-0.

Discussion: David Trask asks about traffic concern. Staff answers that this is being addressed and will be addressed in future development reviews. By showing the State that we are aligning with their goals, the city is more likely to gain access to funding for infrastructure improvements.

Evan Cyr notes that the fire station is local to that street, and he has never experienced public safety being a problem in this neighborhood.

Toni Ferraro asks what is allowed currently versus what may be allowed later. Staff described LD 2003 and the densities that the state law will mandate.

Discussion that if we removed 37 Loring from the zone change, that would be spot zoning.

Stacey LeBlanc is not comfortable supporting the zone change.

MOTION to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map: Evan Cyr; **SECOND:** Paul Jacques. **VOTE:** 3-4-0

MOTION to not recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open

Space zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map: David Trask; **SECOND:** Toni Ferraro. **VOTE:** 4-3-0

7. **PUBLIC HEARING / ZONING MAP AMENDMENTS / T-4.2B AREA B1 & B2: Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Vickery Road.**

Katherine presents map showing changes since Area B map of 7/11/2023. Discussion around reasoning for showing a "strip" attaching area B1 to A1. Dave Trask states his preference is to have the T-4.2B zone follow the parcel lot lines south of what is shown on the presented map.

MOTION to open public comment: David Trask; **SECOND:** Evan Cyr. **VOTE:** 7-0-0

Pam Rousseau of 745 West Auburn Road says this zoning map proposal seems odd.

Kate Mahoney of 225 Vickery Road asks why the lots are proposed to be split zoned, and what the plan for extending water down to Vickery is.

Kathy Shaw of 1200 Sopers Mill Road comments that she does not think the city does and should endorse strip zoning.

MOTION to close public comment: Evan Cyr; **SECOND:** Riley Bergeron. **VOTE:** 7-0-0

Discussion includes water and sewer considerations and plans and strip zoning concerns.

Evan Cyr believes we should table this item to come up with alternative maps.

Planning Board gives direction to extend proposed map down South Main Street to the turnpike.

MOTION to table this hearing to a date uncertain and ask staff to present workshop materials on the possibly six** options that were considered at the staff level, an option that would bring the lot line of the zoning to the rear of the lot lines and bisect one of the parcels as was described by Eric and an option that represents what is shaded right now with staff feedback on

the implications of each of those along with any information that's relevant regarding the feasibility studies with water and sewer: Evan Cyr; **SECOND:** David Trask. **VOTE:** 6-1-0

Eric notes that four of the six options are strip zones, so staff will bring back the two described in the motion for the next regularly scheduled planning board meeting.

8. **PUBLIC HEARING / ZONING MAP AMENDMENTS / T-4.2B AREA C:** *Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Poland, Rodman, Manley and Hotel Roads.*

Eric Cousens presents map changes since 7/11/2023

MOTION to open public comment David Trask; **SECOND:** Evan Cyr. **VOTE:** 7-0-0.

Pam Rousseau of 745 West Auburn Road asks that maps include road names.

Discussion: Amanda Guerrette asks weather this zone change will increase people's tax value. Staff answers that the zone change alone will not cause taxable value to change, but they anticipate it will over time because the zone is more dynamic.

MOTION to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Poland, Rodman, Manley and Hotel Roads and is shown on attached map Area C: Evan Cyr; **SECOND:** Riley Bergeron. **VOTE:** 7-0-0.

9. **PUBLIC HEARING / ZONING MAP AMENDMENT / T4.2B AREA D:** *Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is*

pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near Northern Avenue, North River Road and Bradman Streets.

Katherine Cook presents differences in present map since the last meeting.

MOTION to open public comment: David Trask; **SECOND:** Evan Cyr. **VOTE:** 7-0-0.

MOTION to close public comment: Evan Cyr; **SECOND:** Toni Ferraro. **VOTE:** 7-0-0.

MOTION to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Northern Avenue, North River Road and Bradman Streets shown on attached map D; Evan Cyr; **SECOND:** Paul Jacques. **VOTE:** 7-0-0.

10. PUBLIC HEARING / AGRP TEXT AMENDMENT (Proposal B1) PLANNING BOARD PROPOSED CHANGES NUMBERS ONE THROUGH EIGHT: *Consider zoning text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.*

Eric Cousens presents amendments 1-8, reviews their implications.

MOTION to open public comment: Evan Cyr; **SECOND** David Trask. **VOTE:** 7-0-0

Joe Gray of Soper's Mill Road speaks against the amendment adding 400 ft. As the maximum depth to add residential development because of their lot constraints on Fickett Road as active farmers. Believes 400 ft limit is arbitrary and doesn't work for different lots.

Stephen Beale of 575 Johnson Road is a member of the citizen AGRP zone group, speaks in support of proposal B1, Amendments 1-8. He has no comment on Joe Gray's concern about the 400 ft limitation, and urges planning board to consider adding an absolute minimum lot size of 20,000 sq. Ft. To conform with the state plumbing code.

Kathy Shaw of 1200 Soper's Mill Road is part of the citizen AGRP zone group, and generally is in favor of the amendments but asks the Planning Board to reconsider the 400 ft limitation in siting housing. She explains that they will want to site their farm operation and store closer to the road and there are site limitations limiting them from building housing less than 400 ft. From the front property line.

MOTION to open public comment: Evan Cyr; **SECOND** David Trask. **VOTE:** 7-0-0

Discussion around whether there is a variance or waiver process for front setback for cases like what was presented in public comment, and clarification on the minimum lot size. Staff says that it is unclear if there is an appropriate variance process, and that 20,000 square feet is the minimum lot size for unsewered lots in all zones of the city.

MOTION to close public comment: Evan Cyr; **SECOND** Toni Ferraro. **VOTE:** 7-0-0

MOTION to recommend approval of the text amendment #1-5 and 7-8 as numbered on the staff report to chapter 60 article 14 article 4 division 2 agriculture resource protection district the text amendments were proposed at the June 6, 2023, planning board meeting and follow the passage of ordinance number 10-0620203 on July 10th, 2023, the proposed text changes are attached: Evan Cyr; **SECOND** Riley Bergeron. **VOTE:** 7-0-0

9:04 p.m. MOTION: that we do move forward with items number eleven and twelve, and not to last any greater than 9:30: Evan Cyr, **SECOND:** Toni Ferraro

11. PUBLIC HEARING / AGRP TEXT AMENDMENT (Proposal B3) PLANNING BOARD PROPOSED CHANGE NUMBER NINE: *Consider a zoning text amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing and agriculture operations in the AGRP zone and the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.*

MOTION to open public comment: Evan Cyr; **SECOND** Toni Ferraro. **VOTE:** 7-0-0

Pam Rousseau of 735 West Auburn Road asks for clarification about how this motion interacts with the other AGROP zone text amendments.

MOTION to close public comment: Evan Cyr; **SECOND** David Trask. **VOTE:** 7-0-0.

Discussion: David Trask gives reason he proposed this amendment as concern for water quality.

MOTION to recommend that the City Council should not approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting, and follow the City Council's passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.: Riley Bergeron;
SECOND Paul Jacques. **VOTE:** 6-1-0

AMEND MOTION to include the discussion under number 4 staff recommendation on the staff report to constitute the findings in recommending now: Evan Cyr; **SECOND:** Riley Bergeron.
VOTE: 6-1-0

VOTE: on amended motion: 6-1-0.

12. **PUBLIC HEARING / AGRP TEXT AMENDMENT (Proposal B2) PLANNING BOARD PROPOSED CHANGE NUMBER TEN:** *Consider zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.*

MOTION to open public comment: Evan Cyr; **SECOND:** David Trask. **VOTE:** 7-0-0

Joe Gray asks for clarification from staff on use of the term "land." Staff verifies that one can still build on land not in tree growth.

Stephen Beale from 575 Johnson Road points out that removing a parcel from Tree Growth imposes significant monetary penalties. Does not feel that adding an additional penalty is necessary.

MOTION to close public comment: Evan Cyr; **SECOND: David Trask.** **VOTE:** 7-0-0.

I make this motion based on the findings that the language in this motion disparately affects landowners and disadvantages landowners who are already choosing to use land in the way it was intended to be used in the zone: Evan Cyr; **SECOND:** Riley Bergeron. **VOTE:** 7-0-0

13. **PUBLIC COMMENT:**

14. **MISCELLANEOUS:**

- a. Upcoming Agenda Items

15. **ADJOURNMENT: MOTION** to adjourn: Evan Cyr; **SECOND:** Darren Finnegan. **VOTE:** 7-0-0.