



# **AUBURN PLANNING BOARD MEETING**

**October 14, 2014**

## **Agenda**

**6:00 P.M. - City Council Chambers (Auburn Hall)**

### **ROLL CALL**

### **MINUTES:**

Review and approval request of the September 9, 2014 Meeting Minutes

**PUBLIC HEARINGS:** None

### **OLD BUSINESS:**

1. Form Code Update- Alan Manoian- Economic Development Specialist
2. Continued discussion of revised Planning Board By-Laws and Procedures.

### **NEW BUSINESS:**

1. Presentation of Recreational Trails Grant Application for the Barker Mill Trail Extension and adoption of Resolution of Support.

### **MISCELLANEOUS:**

Discuss meeting date for the November Planning Board meeting, currently scheduled for Tuesday, November 11, 2014, which is Veteran's Day.

### **ADJOURNMENT**

# City of Auburn, Maine

*"Maine's City of Opportunity"*

Office of Planning & Development



## City of Auburn Planning Board Resolution

WHEREAS, it is the desire of the City of Auburn to develop a city wide, interconnected trail system and,

WHEREAS, the City's Trail System includes the Barker Mill Trail and it's connection to the New Auburn Greenway and Downtown Riverwalk, as well as other trails in Lewiston and the surrounding area, and

WHEREAS, completing and connecting the Barker Mill Trail to other trails is referenced in the adopted 2010 Comprehensive Plan, the City's Bike and Pedestrian Plan, the Androscoggin Valley Greenway plan and the New Auburn Village Center and Transportation Plan and

WHEREAS, the Auburn Planning Board has reviewed the proposed Barker Mill Trail Extension and finds it is consistent with applicable local plans and meets the requirements of the City of Auburn Zoning Ordinance.

THEREFORE, the Auburn Planning Board endorses and supports the Barker Mill Trail Extension project.

Signed this Day \_\_\_\_\_ 2014

By

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Robert Bowyer  
Chairman Auburn Planning Board



# Barker Mill Trail Extension

## Recreational Trails Grant

RECREATIONAL TRAILS GRANT

Presentation to  
Auburn Planning Board

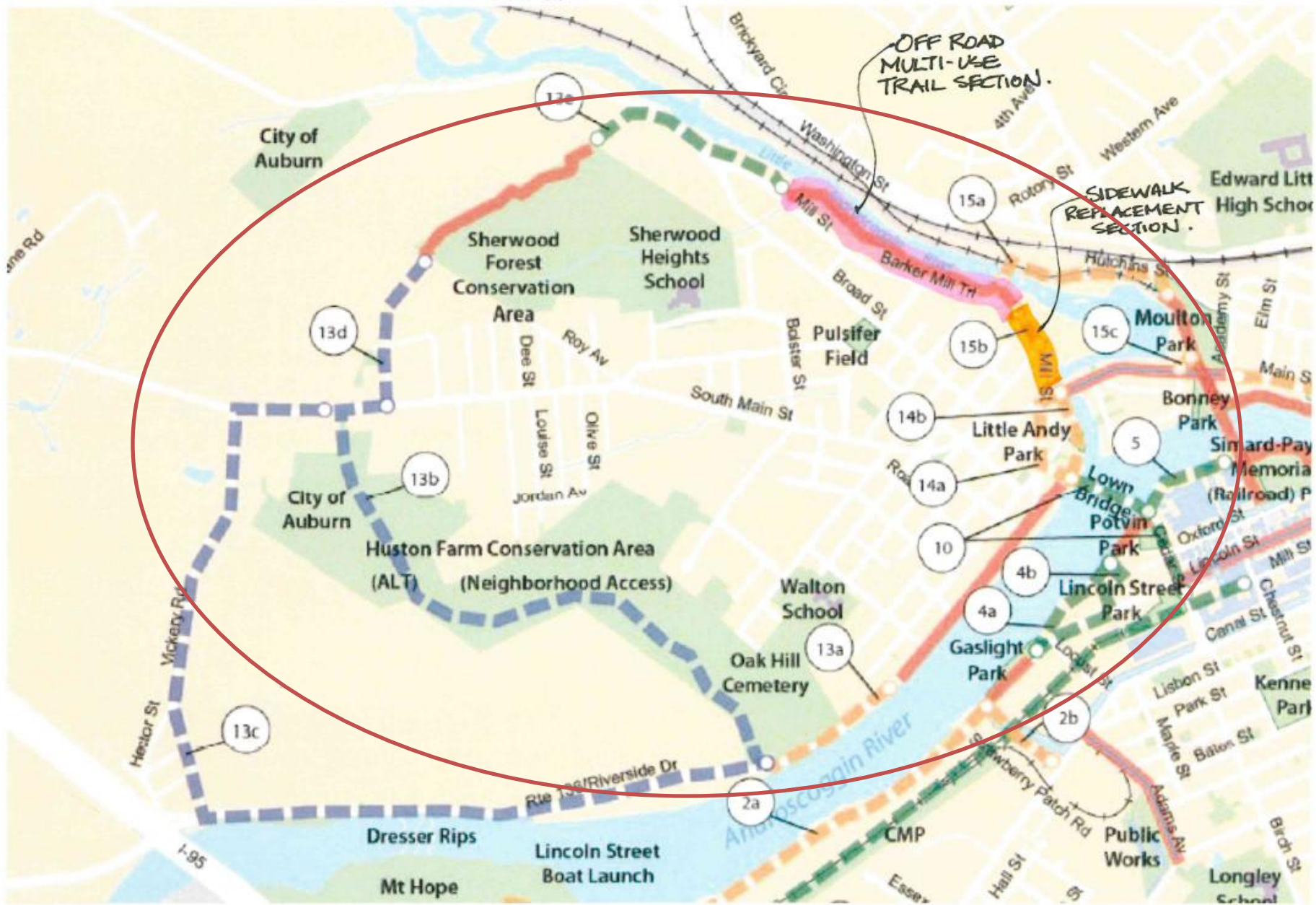
October 14, 2014

Figure 1: Little Andy Downtown Connector Location Map



The New Auburn Little Andy Connector Proposal from 2013.

# BARKER MILL GREENWAY TRAIL PROPOSAL



Proposed "loop" trail system connecting parks, trails, schools and open space.



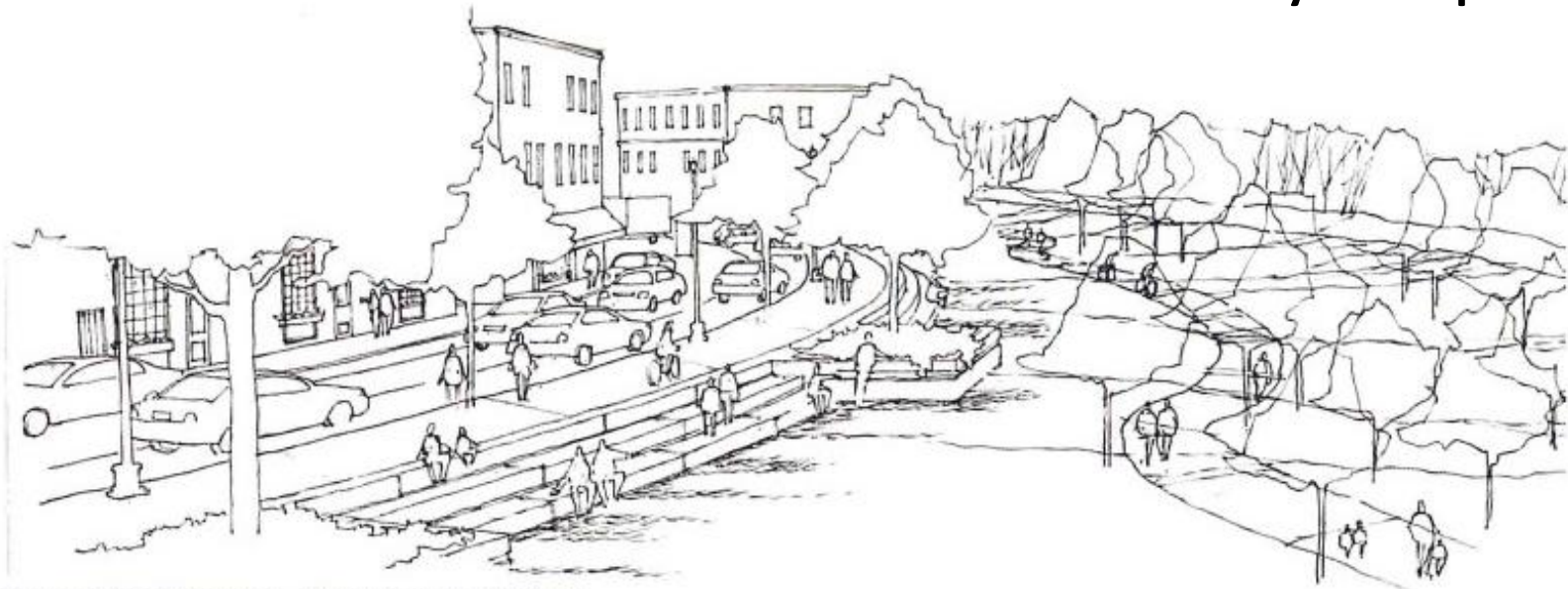
Figure 2: 2014 New Auburn Village Center Master Plan

# New Auburn Village Center Master Plan



**Figure 54: Riverway – Existing Conditions**

## **New Auburn Greenway Concept**



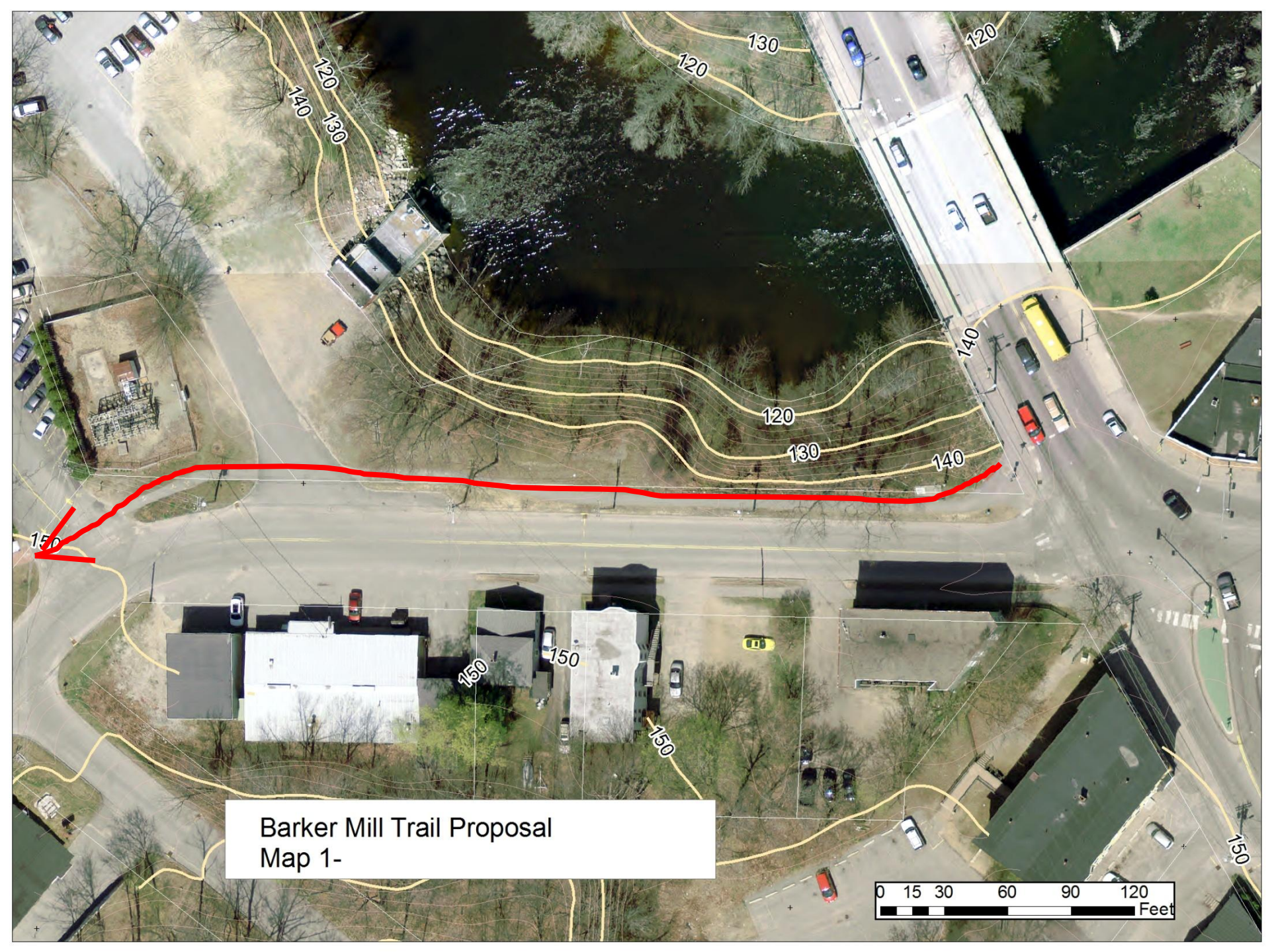
**Figure 55: Riverway – Proposed Conditions**



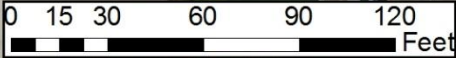
Figure 13: 2014 Master Plan Transportation Phasing

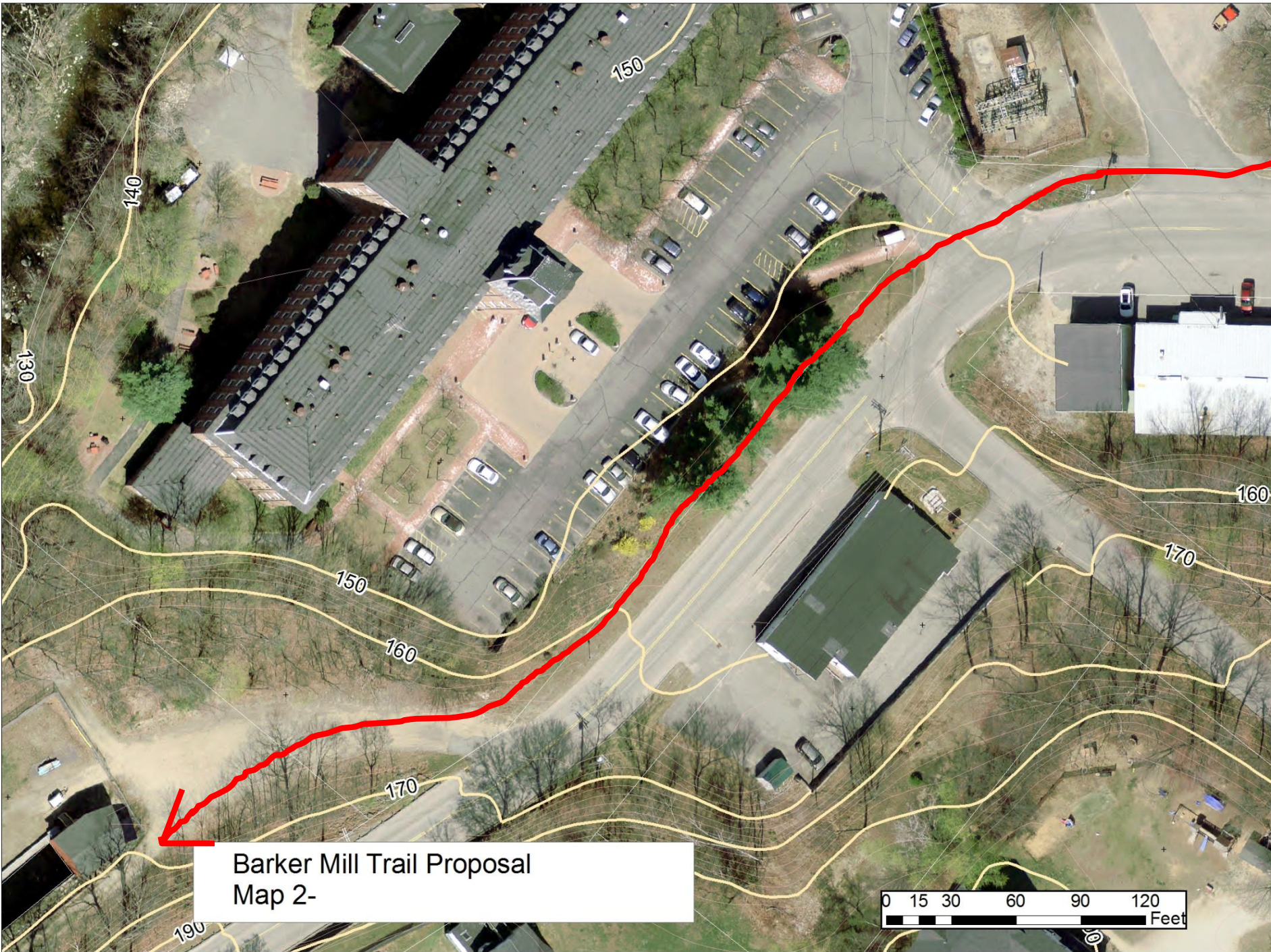
### New Auburn Village Center Plan Phasing



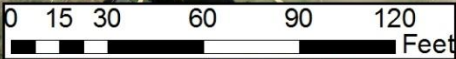


Barker Mill Trail Proposal  
Map 1-





Barker Mill Trail Proposal  
Map 2-





Start of Barker Mill Trail Extension-  
Corner of South Main and Mill Street

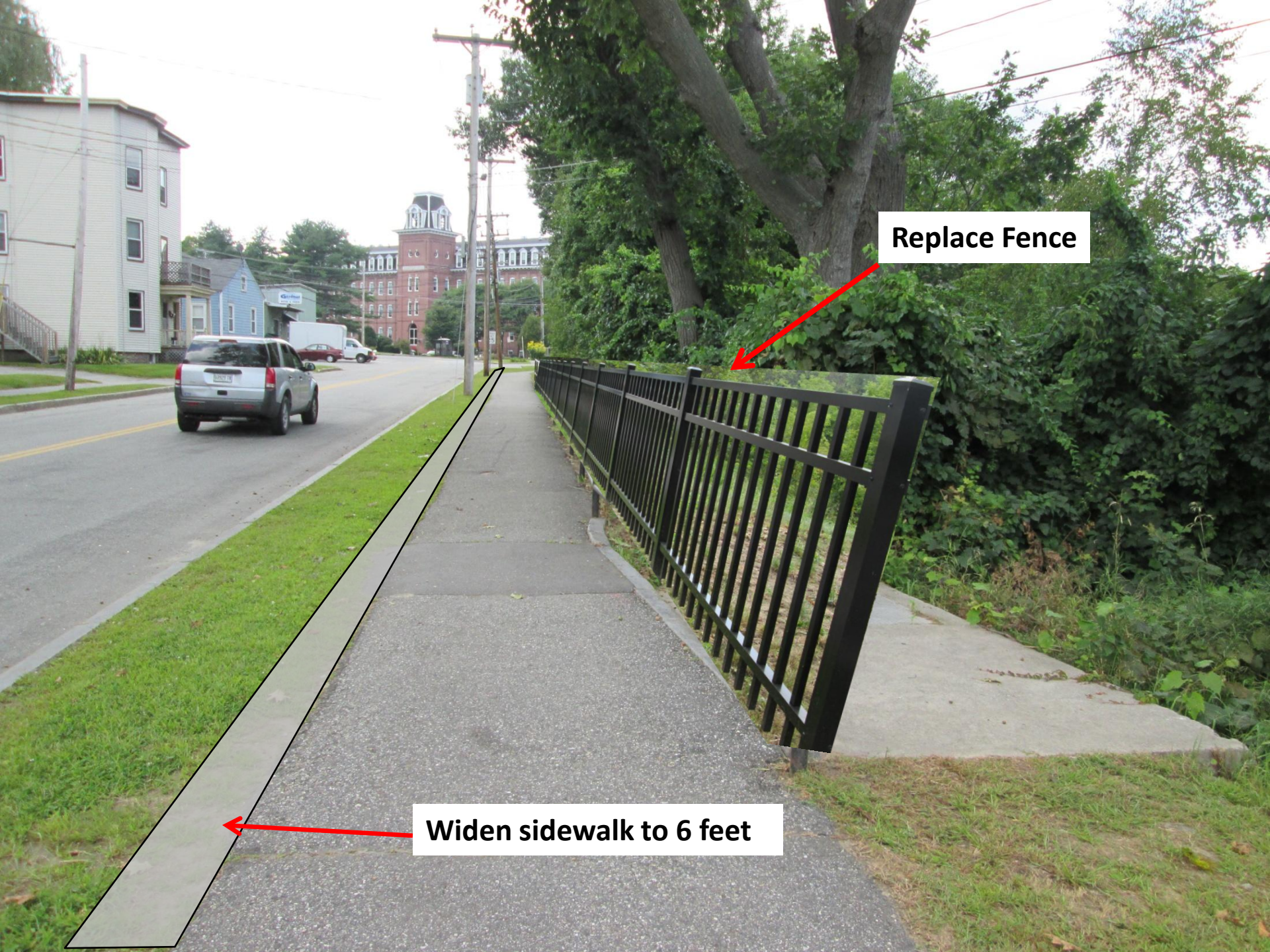


**Widen sidewalk to 6 feet**

**Replace Fence**



**Widen sidewalk to 6 feet**

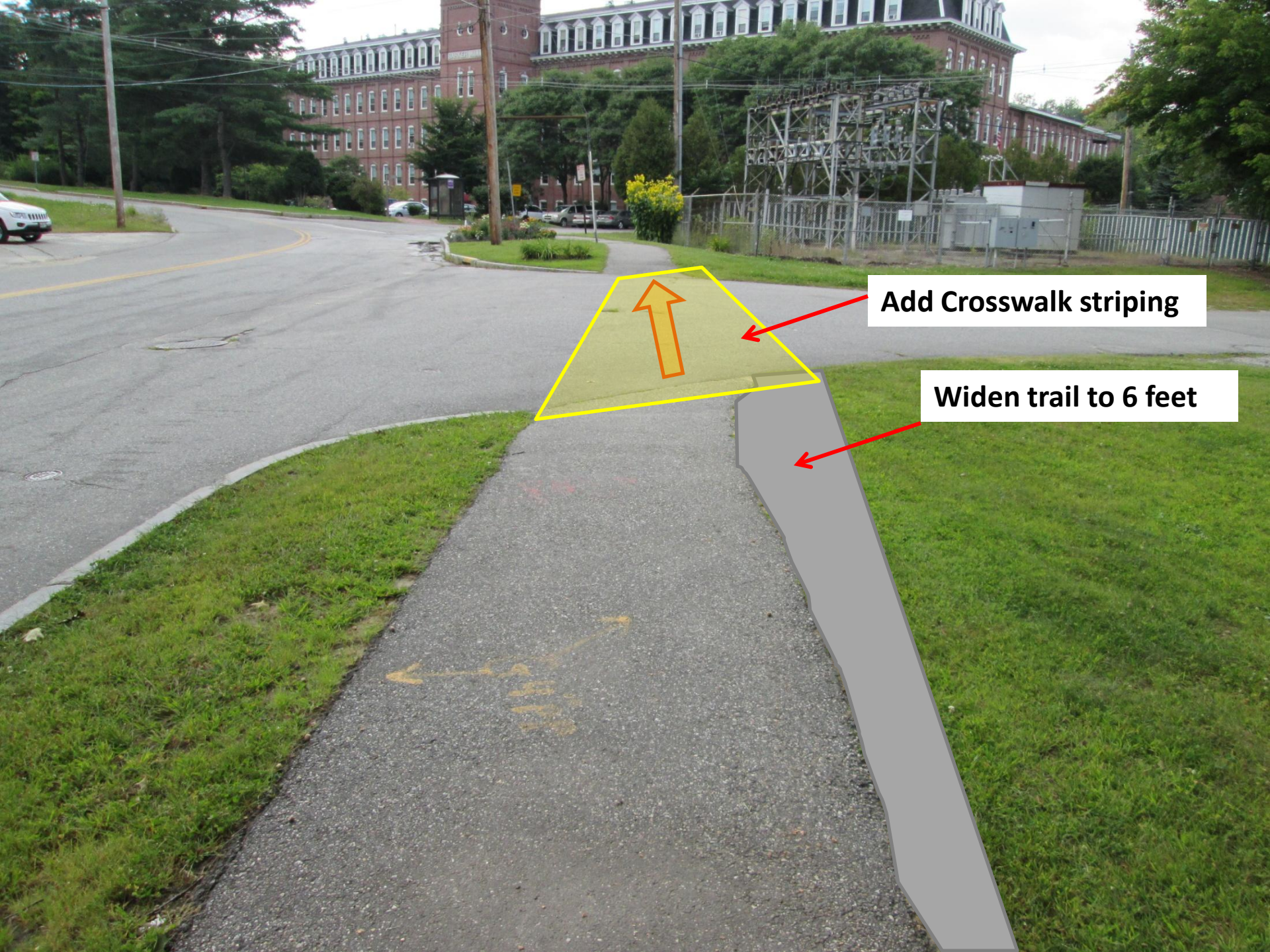




**Sitting area with  
benches to view river.**

**Clear limbs for sitting area  
view of Little Andy.**





**Add Crosswalk striping**

**Widen trail to 6 feet**



**Divert or fix Penstock leak**

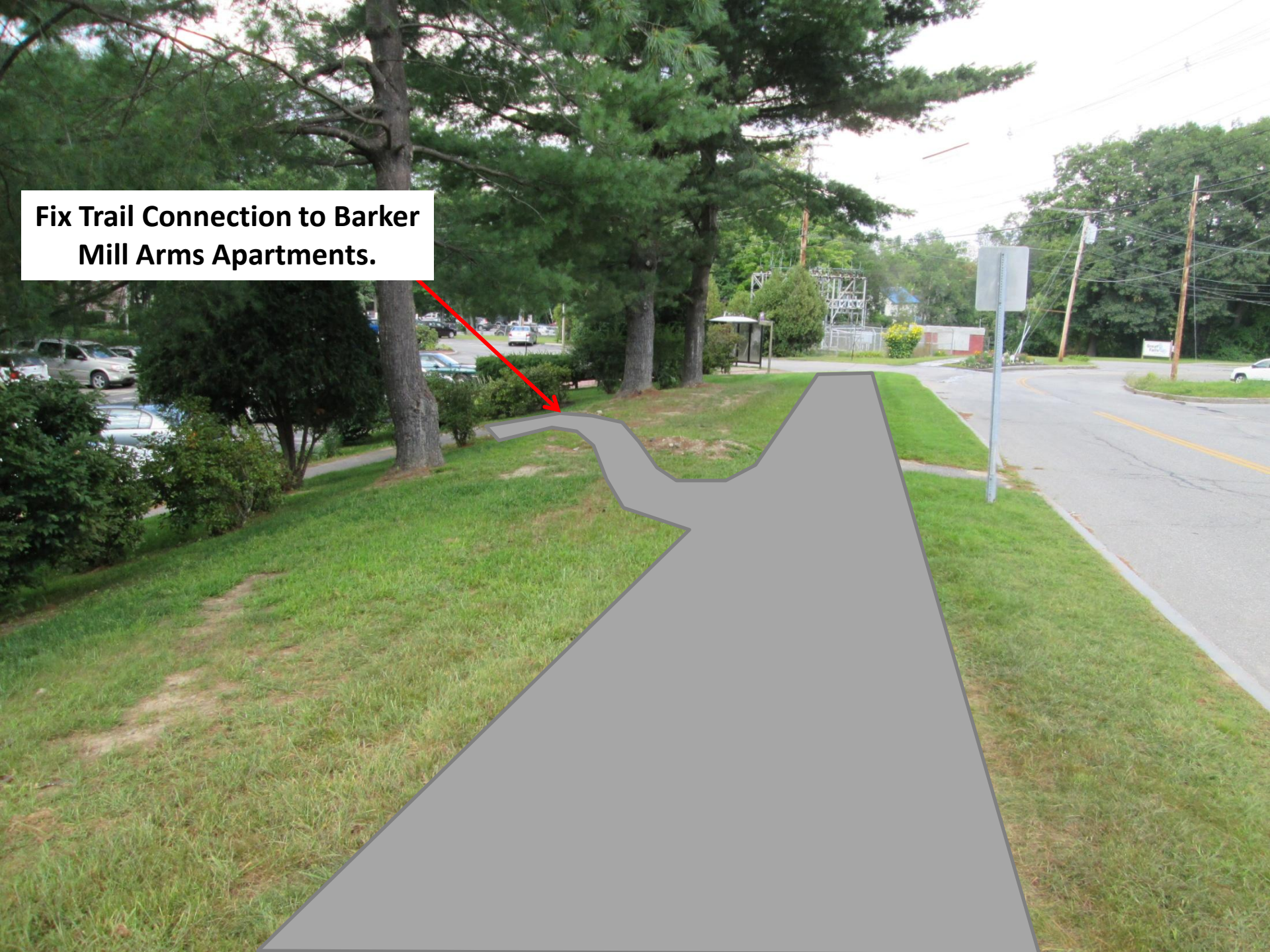
**Widen trail to 6 feet**



**New trail construction**



**Fix Trail Connection to Barker  
Mill Arms Apartments.**





**NO PARKING  
THIS**

**Parking Area and Beginning  
of Barker Mill Trail**

**New Trail**

A gravel path leads from the foreground towards a red barn and a fenced-in area. A red arrow points from a text box to a specific spot on the path. The path is bordered by dense green trees on the left and a grassy area with a fence on the right.

**Trail extension connects to  
Barker Mill Trail here.**

**Trailhead and Parking Area**

# Grant Summary

**Budget-** Maximum award is \$35,000 from State plus 20% (\$8,750) local match = \$43,750 total maximum award

Preliminary Budget is	\$38,852
with 10% contingency	<u>\$ 3,885</u>
TOTAL PROPOSED	\$42,737

STATE SHARE (80%) -	\$34,189.60
LOCAL SHARE (20%) -	<u>\$ 8,547.40</u>
TOTAL GRANT-	\$42,737.00

**Timeframe-** Grant is due November 14, 2014  
Anticipated construction time- 1 month (Spring 2015)  
Work must be completed in 2 years.

# DRAFT

## Downtown Auburn & New Auburn Form-Based Code Building Development Standards (9/2014) (T6, T6.1, T5)

Great Falls Metro (GFM) - (T6)



Centered and radiating out from the (east side) of the intersection of Turner St. and Hampshire St., the **GFM** is characterized by its prominence as the most intensely urban street type in Downtown Auburn, the City of Auburn, and the Lewiston/Auburn region. With a maximum building height of twelve (12) stories, and a minimum building height of six (6) stories, the GFM Street Type is designed to function and live as the City of Auburn's social, cultural and economic (central square). "Great Falls Square", provides a vibrant metropolitan focal point and a visually identifiable urbane center for professional enterprise, institutional service, and metropolitan commerce. The upper stories of GFM commercial buildings and office towers shall accommodate high concentrations of mixed-use tenants including residents, management & educational professionals, medical professionals, technology & innovation firms, metropolitan universities and colleges, as well as, clients, students, patients, business associates, visitors, and guests. The ground-level stories of GFM buildings/towers shall form a contextual fabric of street-level commercial spaces functionally designed to accommodate larger-scale retail/specialty stores, fine dining restaurants, distinctive cafes, galleries, creative co-work spaces, studios, innovation centers, and evening social gathering places, all architecturally relating to the pedestrian and addressing the sidewalk of the primary street. The high intensity of the GFM urban street form shall generate strong gravitational pull, dynamic interaction, information exchange, and constant socio-economic encounter within a new and prominent Downtown Auburn central square.

## **1. Building Height**

- a. The height of the principal building is measured in stories.
- b. Each principal building shall be at least 6 stories in height, but no greater than 12 stories in height, except as otherwise provided on the Downtown Auburn/New Auburn Regulating Plan.
- c. An attic story shall not count against the maximum story height.

## **2. Parking Structure Height**

Where a parking structure is within 40 feet of any principal building, that portion of the structure shall not exceed 4 stories in height.

## **3. Ground Story Height: Commerce Uses**

- a. The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk.
- b. The ground story shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.
- c. The maximum story height for the ground story is 20 feet.

## **4. Ground Story Height: Residential Units**

- a. The finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the required building line.
- b. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum floor to floor story height of 17 feet.

## **5. Upper Story Height**

- a. The maximum floor-to-floor story height for stories other than the ground story is 12 feet.
- b. At least 80% of each upper story shall have an interior clear height (floor to ceiling) of at least 9 feet.

## **6. Mezzanines**

Mezzanines having a floor area greater than 1/3 of the floor area of the story in which the mezzanine is situated shall be counted as full stories.

## **7. Street Wall Height**

- a. A street wall not less than 4 feet in height or greater than 6 feet in height shall be required along any required building line frontage that is not otherwise occupied by the principal building on the lot.
- b. The height of the street wall shall be measured from the adjacent public sidewalk or, when not adjacent to a sidewalk, from the ground elevation once construction is complete.

## **8. Other**

(Reserved)

## **9. Street Façade**

- a. On each lot the building façade shall be built to the required building line for at least 80% of the required building line length.
- b. The building façade shall be built to the required building line (RBL) within 30 feet of a block corner.
- c. These portions of the building façade (the required minimum build-to) may include jogs of not more than 18 inches in depth except as otherwise provided to allow bay windows, shopfronts, and balconies.

## **10. Buildable Area**

- a. Buildings may occupy the portion of the lot specified by these building envelope standards.
- b. A contiguous open area equal to at least 5% of the total buildable area shall be preserved on every lot. Such contiguous open area may be located anywhere behind the parking setback, at grade.



c. No part of any building, except overhanging eaves, awnings, or balconies shall occupy the remaining lot area.

### **11. Side Lot Setbacks**

The principal building shall be setback at least 5 feet from the shared lot line, unless sharing a common wall with an adjacent building.

### **12. Garage and Parking**

a. Garage entries or driveways shall be located at least 75 feet away from any block corner or another garage entry on the same block, unless otherwise designated on the Downtown Auburn/New Auburn Regulating Plan.

b. Garage entries shall have a maximum clear height of 16 feet, and a maximum clear width of 24 feet.

c. Vehicle parking areas on private property shall be located behind the parking setback line, except where parking is provided below grade.

d. These requirements are not applicable to on-street parking.

e. The parking setback line shall be 30 feet from the designated required building line.

### **13. Alleys**

There is no required setback from alleys. On lots having no alley access, there shall be a minimum setback of 10 feet from the rear lot line.

### **14. Corner Lots**

Corner lots shall satisfy the code requirements for the full required building line length – unless otherwise specified in this code.

### **15. Un-built Required Building Line and Common Lot Line Treatment**

a. A street wall shall be required along any required building line frontage that is not otherwise occupied by a building. The street wall shall be located not more than 8 inches behind the required building line.

b. Privacy fences may be constructed along that portion of a common lot line not otherwise occupied by a building.

### **15. Frontage Widths**

There is no minimum lot width. Although there are no individual side lot setbacks, no building may exceed \_\_\_\_\_ feet of continuous attached building frontage. A gap of 10 feet to 20 feet is required between each such attached structure.

### **1. Windows and Doors**

a. Blank lengths of wall exceeding 20 linear feet are prohibited on all required building lines.

b. Windows and Doors on the ground story facades shall comprise at least 60%, but not more than 90%, of the facade area (measured as a percentage of the facade between floor levels).

c. Windows and Doors on the upper story facades shall comprise at least 20%, but no more than 60%, of the facade area per story (measured as a percentage of the facade between floor levels).

### **2. Building Projections**

a. Balconies and stoops shall not project closer than 5 feet to a common lot line.

b. No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops, and shopfronts as specified by the code, shall encroach beyond the Required Building Line.

c. Awnings shall project a minimum of 4 feet and a maximum of within 1 foot of back of curb (where there are no street trees) or 1 foot into the tree lawn (where there are street trees.)

c. Awnings that project over the sidewalk portion of a street-space shall maintain a clear height of at least 10 feet except as otherwise provided for signs, street lighting and similar appurtenances.

d. Awnings may have supporting posts at their outer edge provided that they:

- f. Have a minimum of 8 feet clear width between the facade and the support posts or columns of the awnings.
- g. Provide for a continuous public access easement at least 5 feet wide running adjacent and parallel to the sidewalk cover columns/posts

**3. Doors/Entries**

Functioning entry door(s) shall be provided along ground story facades at intervals not greater than 60 linear feet.

**4. Street Walls**

A vehicle entry gate no wider than 18 feet or a pedestrian entry gate no wider than 6 feet shall be permitted within any required street wall.

**5. Ground Story**

The ground story shall house commerce or residential uses. See Height specifications above for specific requirements unique to each use.

**6. Upper Stories**

The upper stories shall house residential or commerce uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use. No commerce use is permitted above a residential use. Additional habitable space is permitted within the roof where the roof is configured as an attic story.

**7. Permitted Uses**

- a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in \_\_\_\_\_.
- b. Commerce uses shall be considered to encompass all of the Commercial use categories, and all of the Civic use categories except passenger terminals and social service institutions, as defined in \_\_\_\_\_.
- c. Use Standards as stated in Section \_\_\_\_\_ shall be applicable.

## Great Falls Metro-H - (T6.1)



Centered and radiating out from the (west side) of the intersection of Turner St. and Hampshire St., the **GFM-H**, (“H” designating “Hill”) functions to form a compatible street-type with the GFM on the (east side) of the Turner St. and Hampshire St. intersection and is designed to accommodate the significant rise in slope westward along Hampshire Street. Both the GFM and the GFM-H are characterized by their prominence as the most intensely urban street types in Downtown Auburn, the City of Auburn, and the Lewiston/Auburn region. With a maximum building height of twelve (8) stories, and a minimum building height of six (4) stories, the GFM-H Street Type is designed to function and live as the City of Auburn’s social, cultural and economic (central square). “Great Falls Square”, provides a vibrant metropolitan focal point and a visually identifiable urbane center for professional enterprise, institutional service, and metropolitan commerce. The upper stories of GFM-H commercial buildings and office towers shall accommodate high concentrations of mixed-use tenants including residents, management & educational professionals, medical professionals, technology & innovation firms, metropolitan universities and colleges, as well as, clients, students, patients, business associates, visitors, and guests. The ground-level stories of GFM-H buildings/towers shall form a contextual fabric of street-level commercial spaces functionally designed to accommodate larger-scale retail/specialty stores, fine dining restaurants, distinctive cafes, galleries, creative co-work spaces, studios, innovation centers, and evening social gathering places, all architecturally relating to the pedestrian and addressing the sidewalk of the primary street. The high intensity of the GFM-H urban street form shall generate strong gravitational pull, dynamic interaction, information exchange, and constant socio-economic encounter within a new and prominent Downtown Auburn central square.

### 1. Building Height

- a. The height of the principal building is measured in stories.
- b. Each principal building shall be at least 4 stories in height, but no greater than 8 stories in height, except as otherwise provided on the Downtown Auburn/New Auburn Regulating Plan.
- c. An attic story shall not count against the maximum story height.

### 2. Parking Structure Height

Where a parking structure is within 40 feet of any principal building, that portion of the structure shall not exceed **4 stories** in height.

### **3. Ground Story Height: Commerce Uses**

- a. The ground story finished floor elevation shall be equal to, or greater than the exterior sidewalk elevation in front of the building, to a maximum finished floor elevation of 18 inches above the sidewalk.
- b. The ground story shall have at least 12 feet of clear interior height (floor to ceiling) contiguous to the required building line frontage for a minimum depth of at least 25 feet.
- c. The maximum story height for the ground story is 20 feet.

### **4. Ground Story Height: Residential Units**

- a. The finished floor elevation shall be no less than 3 feet and no more than 7 feet above the exterior sidewalk elevation at the required building line.
- b. The first story shall have an interior clear height (floor to ceiling) of at least 9 feet and a maximum floor to floor story height of 17 feet.

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- a. The maximum floor-to-floor story height for stories other than the ground story is 12 feet.
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### **8. Other**

(Reserved)

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c. Use Standards as stated in Section \_\_\_\_\_ shall be applicable.

## Downtown Center (DC) - (T5)



Centered and radiating out from the intersection of Court St. and Turner St., and the intersection of Court St. and Minot Ave., the DC is characterized by a more human-scale and traditional street type in terms of urban intensity, and in architectural relation to the GFM Street Type. With maximum building heights of six (6) stories, and minimum building heights of three (3) stories, the DC Street Type is designed to function and live as the “everyday local business” corridor of Downtown Auburn. The upper stories of DC commercial buildings/blocks shall accommodate professional offices, residential units, creative co-work spaces, working studios, and educational halls. The ground-level stories of DC Street Type shall form a contextual fabric of street-level commercial spaces functionally designed to accommodate local-scale retail/specialty stores, local restaurants & eateries, distinctive cafes, galleries, creative co-work spaces, studios, innovation centers, and evening social gathering places, all architecturally relating to the pedestrian and addressing the sidewalk of the primary street.

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- d. Awnings may have supporting posts at their outer edge provided that they:
  - f. Have a minimum of 8 feet clear width between the facade and the support posts or columns of the awnings.
  - g. Provide for a continuous public access easement at least 5 feet wide running adjacent and parallel to the sidewalk cover columns/posts

#### **3. Doors/Entries**

Functioning entry door(s) shall be provided along ground story facades at intervals not greater than 60 linear feet.

#### **4. Street Walls**

A vehicle entry gate no wider than 18 feet or a pedestrian entry gate no wider than 6 feet shall be permitted within any required street wall.

#### **5. Ground Story**

The ground story shall house commerce or residential uses. See Height specifications above for specific requirements unique to each use.

## **6. Upper Stories**

The upper stories shall house residential or commerce uses. No restaurant or retail sales uses shall be allowed in upper stories unless they are second story extensions equal to or less than the area of the ground story use. No commerce use is permitted above a residential use.

Additional habitable space is permitted within the roof where the roof is configured as an attic story.

## **7. Permitted Uses**

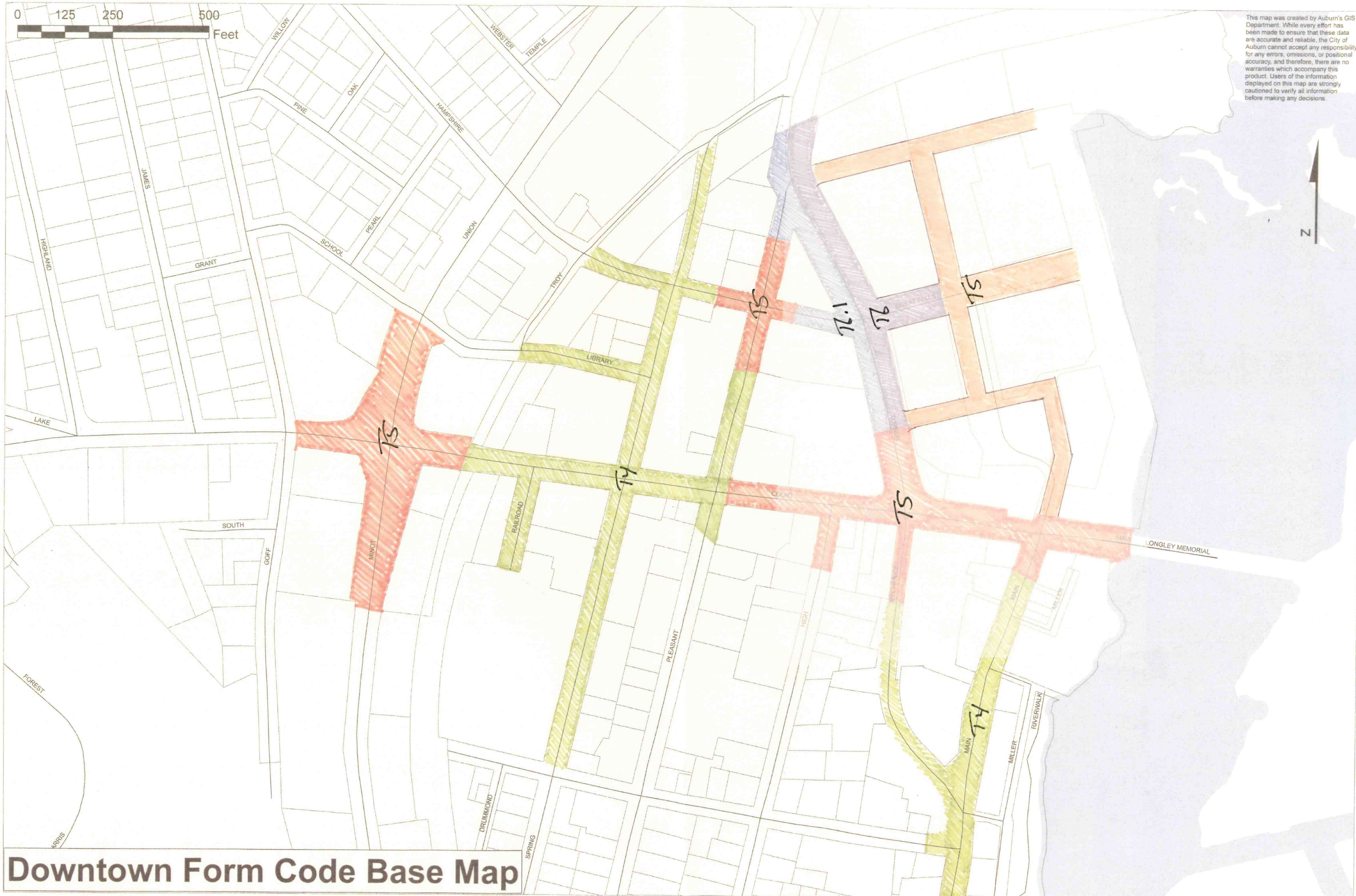
a. Residential uses shall be considered to encompass all of the Residential use categories, as defined in \_\_\_\_\_.

b. Commerce uses shall be considered to encompass all of the Commercial use categories, and all of the Civic use categories except passenger terminals and social service institutions, as defined in \_\_\_\_\_.

c. Use Standards as stated in Section \_\_\_\_\_ shall be applicable.

0 125 250 500 Feet

This map was created by Auburn's GIS Department. While every effort has been made to ensure that these data are accurate and reliable, the City of Auburn cannot accept any responsibility for any errors, omissions, or positional accuracy, and therefore, there are no warranties which accompany this product. Users of the information displayed on this map are strongly cautioned to verify all information before making any decisions.



# Downtown Form Code Base Map

May 14, 2002

**CITY OF AUBURN  
PLANNING BOARD  
BY-LAWS**

**ARTICLE I. Objectives**

The objectives and purpose of the Planning Board of the City of Auburn, Maine, are those set forth in the Auburn City Charter, those powers and duties delegated to the Planning Board by the City Council in Chapter 60 of the Auburn City Ordinances and those objectives and powers set forth in Maine Revised Statutes.

**ARTICLE II. Planning Board Makeup**

- (a) The membership and composition of the Planning Board shall be defined in the City of Auburn Code of Ordinances under Chapter 2, Article V, Division 4, Section 2-466.
- (b) Rules regarding the appointment of Planning Board members shall be defined in the City of Auburn Code of Ordinances under Chapter 2, Article V, Division 4, Section 2-466. In addition, Planning Board members shall serve for no more than three consecutive terms.
- (c) Attendance at all Planning Board meetings (Public Hearings and Workshops) shall not drop below 50% within a 12 month period. If attendance does drop below this level, the Planning Board Chairperson may forward a recommendation to the City Council to remove that Board member.
- (d) If situations occur that does not allow a Board member to attend a meeting, a call to the Planning and Development staff is required in order to be considered for an excused absence.
- (e) The Planning Board Chairperson may forward a recommendation to the City Council to remove a single Board member for cause at any time given that such action is taken under the consensus of the Board.

### **ARTICLE III. Officers and Their Duties**

- (a) The Officers and their Duties of the Planning Board shall be defined in the City of Auburn Code of Ordinances under Chapter 2, Article V, Division 4, Section 2-467.
- (b) The Chairperson shall preside at all meetings and hearings of the Planning Board and shall have the duties normally conferred by parliamentary usage as written in "Roberts Rules of Order."
- (c)
- (d) The Chairperson shall have the privilege of discussing all matters before the Board and to vote thereon.

### **ARTICLE IV. Election of Officers**

- (a) Officers shall be nominated from the floor and elected at the regular February meeting.
- (b) If more than one member is nominated for the same position, then the Board shall vote by private ballot
- (c) A candidate receiving a majority vote of the membership of the Planning Board present at the meeting shall be declared elected and shall serve one year or until his/her successor shall take office.
- (d) Vacancies in offices shall be filled at the first possible regular meeting after the occurrence of the vacancy in the manner described in the previous Sections of this Article.

### **ARTICLE V. Planning Board Submissions**

- (a) In order to be placed on the Planning Board agenda, an application, petition or amendment must satisfy the conditions contained in Chapter 60 of the City of Auburn Code of Ordinances. The Planning and Development Staff shall notify the applicant of any deficiency within 5 working days of submission.
- (b) All revised plans and documents must be submitted to the Planning and Permitting Services Department at least ten (10) days prior to the meeting.
- (c) Additional applicant communications to the Board must be submitted to the Planning and Permitting Services Department no later than the end of day Wednesday before the Planning Board meeting.

- (d) The Board may nonetheless, in accordance with state and local law and at it's own discretion, consider an application, petition or amendment that fails to meet sections (a) through (c), if the Board finds initially that failure to satisfy this Article was justified or due to excusable error or neglect.

## **ARTICLE VI. Meetings**

- (a) Meetings will be held on the second Tuesday of each month at 6:00 p.m. at the Auburn City Building provided that the Board, by resolution, may vote to hold its meeting on any other day in the month, or at any other place, or at any other time of day or upon confirmation of a majority of the Board members, the Department of Planning and Permitting Services may schedule a meeting for a different day, or place or time.
- (b) The basis for meeting a quorum, as well as taking acting by voting, shall be defined in the City of Auburn Code of Ordinances under Chapter 2, Article V, Division 4, Section 2-469. In addition, a tie vote shall be considered final action by the Board and an application, petition or proposed amendment shall be deemed denied if the Board's final action results in a tie vote. Voting shall be by roll call where requested by any member except on unanimous vote. A record of the roll call vote shall be kept as part of the record.
- (c) Special meetings may be called by the Chairperson. Special meetings shall be called by the Chairperson when requested to do so by four of the members of the Board. The notice of such a meeting shall specify the purposes for which it is called and no other business shall be considered except by unanimous consent if all Board members are present. The Staff Secretary shall notify all members of the Board at least two (2) days in advance of such special meeting.
- (d) No new agenda items will begin after 9:00 p.m. except with the unanimous consent of all Board Members present.
- (e) If during the course of a Planning Board meeting it becomes apparent that the Board will not reach certain agenda items, the Board, prior to or after the 9:00 p.m. cut-off may postpone items or portions of items to the next scheduled meeting of the Board by majority vote of members present at the meeting.
- (f) If seven regular Planning Board Members are not present, then the Associate Board Members will take the place of the absent members for voting purposes in an alternating manner. The participating Associate Member(s) will have full voting privileges

## ARTICLE VII. Order of Business

- (a) The normal order of business for the Board shall be as follows:
- A. Roll Call
  - B. Approval of Minutes
  - C. Public Hearings
  - D. Old Business
  - E. New Business
  - F. Miscellaneous
  - G. Adjournment
- (b) The normal order of business may be altered by consent of the Board.

## ARTICLE VIII. Public Hearings

- (a) In addition to those required by law, the Board may, at its discretion, hold public hearings when it decides that such hearings will be in the public interest.
- (b) Notice of all public hearings shall be in accordance with State law and local ordinances.

(The following is from Chairman Bowyer's draft Policies and Procedures)

### **PUBLIC HEARING**

#### Notification to Interested Parties

- Post legal notice, as required by State law and City Ordinance
- Send legal notice to abutters, neighbors within a reasonable distance (greater than minimum required by law), to identified community/neighborhood groups, to City Councilors, city departments boards or committees, other public agencies that might be interested/affected. (Does the Board have the authority to do this?)
- In addition to the legal notice, create and send an explanation, in English, of the proposal and its potential effects. Advise recipients more information will be available, shortly before the hearing, on the City of Auburn/Planning Board web site that will have staff analysis, relevant documents or data submitted by applicant and PB's Policies And Procedures for conduct of public hearing

- (c) Preparation for the Public Hearing- All the information, plans, reports and the like that may be presented or used at the public hearing shall be available by the close of business on the Friday preceding the hearing. The objective is to provide time for the staff, the Board and the public to have a reasonable time period to review and analyze all the material. No last minute information, plan, report or the like may be submitted on the day of, or at the public hearing. It will not be admitted in the hearing or considered because it has not been available to be reviewed by the staff, the Board or the public.

The staff shall post the staff report, and other relevant material, on the City of Auburn/Planning Board web site by the close of business on the Friday preceding the hearing. The staff may also, at the same time, post material submitted by the petitioner/applicant, such as a summary of the proposal or any accompanying documentation. The staff shall include the title and a brief description of all the documentation submitted by the petitioner/applicant and indicate it is available for inspection in the offices of the Planning and Permitting Department during business hours.

Similarly, if members of the public have prepared written material or reports about a petition or application, they may submit it to be included in the material to be posted.

If the applicant or members of the public have written material to be posted, they should coordinate with the staff and submit the material in a compatible electronic format.

These Policies and Procedures will be posted on the web site so that the applicant/petitioner and the public will be aware how the hearing will be conducted.

- (d) Conduct of the Public Hearing

- 1. Status of Board Members:** Any regular Board member may want to recuse him/her self from acting on the application/petition because of a conflict of interest or personal reason. Any member who does shall surrender his/her seat and either leave the chamber or sit in the back of the room. Such member shall not communicate with other members of the Board who are acting on an application/petition and shall not address the Board if they are a party at interest who is potentially affected by the application/petition.

In the case where a member does not have a conflict of interest, as defined by ([Maine Revised Statutes, Title 1, Chapter 25 and M.R.S.A. Section 2605, Chapter 30-A, Conflict of and Auburn Code of Ordinances-, Chapter 2 – Administration, Article III, Officers and Employees, Division 2, Ethics and Conflicts of Interest](#)) but believes he/she may have the appearance of a conflict, the member shall state the situation and the remaining regular members of the Board shall vote whether they believe a conflict does exist and the member should sit or not.



One Associate member shall be selected to hear and act upon the application/petition for each regular member who is absent or recuses him/her self. Sitting in a public hearing shall be alternated between the two Associate members.

In the case where a hearing is continued to a subsequent meeting and all of the members who sat on the original hearing are not present, a regular member who was absent at the earlier hearing may sit on the continued meeting provided he/she certifies that he/she has familiarized themselves with the testimony and proceedings of the previous hearing.

**2. Staff Report:** A member of the staff shall present the report prepared by the staff or any other relevant information. Board members may ask questions and seek clarification of the application/petition, potential impacts of the development, if approved, provisions of the Zoning Ordinance or of other applicable regulations and laws. It is not appropriate, at this time, for Board members to comment on the merits of the application/petition and whether it should be approved or not. Those comments should be reserved until after the presentation by the applicant and testimony given by the public.

**3. Participation by the Public:** A public hearing is an open meeting as described in ([M.R.S.A., Title 1, Section 403 and Auburn Code of Ordinances-, Chapter 2 – Administration, Article V, Boards, Commissions and Committees, Divisions 4, Planning Board](#)) The public is entitled to listen to the proceedings. The public is invited to participate in the proceedings at times designated herein. An open meeting does not mean the public is allowed to participate in an ongoing dialogue with the Board or the staff throughout the meeting.

The applicant, any member of the public, or any public official addressing the Board shall use the microphones in the chamber. They shall first give their name and address and if representing and speaking in behalf of another party shall so state. All public hearings are recorded to be available for the record. If a person does not use the microphone their comments may not be recorded.

Any member of the public or any public official addressing the Board shall be limited in speaking to five minutes. At the Chair's discretion, an additional five minutes may be granted. A speaker should not repeat, at length, arguments or points made by previous speakers. They should briefly state their agreement or support for those positions. Reading of prepared speeches is not encouraged. The Board welcomes submittal of prepared written statements that will be included in the record.

In the interests of an orderly public hearing all persons speaking shall seek recognition from the chair and shall not speak directly to Board members, staff or other members of the public except as the Chair may direct. Board

members and staff shall also seek recognition from the chair before speaking to other persons.

The objective of the hearing is to hear testimony. There will be time for dialogue and debate on the merits of the application/petition later.

**4. Presentation by the Petitioner/Applicant** After the presentation of the staff report and questions about it from the Board, the applicant shall make the case for approval of the application/petition and any analysis of the potential impacts of the proposed development. The applicant shall be prepared to respond to questions from the Board or the staff.

In the case of a petition to amend the Zoning Ordinance or the Zoning Map, everyone should be aware that the potential impacts are not limited to the property of the petitioner but would be applicable to all properties in the city in the same zoning district classification. Similarly everyone should be aware that approval of the petition does not limit the extent of development to a specific proposal described by the petitioner. A change of zoning district designation, or the text of the Zoning Ordinance, entitles the petitioner, or all property owners in the same zoning district classification elsewhere in the city to the full development potential described for that zoning district classification. Other uses or a more intensive development, different than a petitioner's specific proposal, may be authorized in that zoning district classification.

**5. Public Comment:** After presentation by the application/petition and questions from the Board and planning staff, the public is invited to speak. Any person may speak; it is not limited to nearby neighbors or to residents of Auburn. All people who speak are required to use the microphones provided and give their name and address.

Any person who speaks may support, or oppose, the application/petition or ask questions of the staff, the Board or the applicant

This part of the hearing is not intended to be a debate, dialogue or rebuttal between the speaker and the Board or staff. Primarily the Board will listen to the testimony but may ask questions of the speaker for clarification of his/her position.

Speakers are requested to not restate, at length, points made by previous speakers. They should refer to them briefly to underscore those points.

Speakers will be recognized in the order in which they come forward. The hearing is not arranged to hear all of the proponents and then all of the opponents, or vice versa.

It is not the practice of the Board to take a poll of those in favor and those opposed. The number of people with a particular position is not a factor; the strength of their arguments is what matters.

After all persons who want to speak have done so, the Board will move to close the public comment part of the hearing. After that motion discussion will be limited to Board members and staff.

**6. Discussion, Action by the Board:** After the presentation by the applicant and public comment, the Chair will call for a general discussion among the Board to gauge their perspective on the application/petition. Members may, through the chair, direct a question to the applicant for clarification. Also, members may think the application/petition might be acceptable if subjected to certain limiting conditions. Through the chair, the member may ask the applicant whether such condition is acceptable.

After general discussion, if it appears there is a consensus, a motion will be in order. After a motion is made and seconded, there will be discussion on the specific motion. Other members may suggest amendment to the original motion and ask the maker of the motion if it is acceptable.

Following parliamentary procedure the Board will decide, by vote, whether to approve, with or without conditions, disapprove or defer action on the application/petition. The vote of the Board on the motion constitutes the decision of the Board and for determining the timing of subsequent actions, such as appeals.

**7. Written Decision** After approval of a motion duly made and seconded, a written decision needs to be drafted. Given the complexity of some applications and the likelihood that the Board may want to attach limiting conditions, it would be challenging to produce a written decision instantaneously. The staff will prepare the draft of a written decision, incorporating the intent of the motion approved by the Board. The draft of the decision will then be circulated to members of the Board for their review. If the draft is considered acceptable by the members, the written decision will then be filed. If one or more members does not agree with the language of the draft prepared by the staff, they shall submit alternative language, that shall then be circulated to the Board for their additional review.

This procedure for subsequent review of the draft of a written decision is necessary because the alternative would be to schedule a review of the draft at the next scheduled meeting of the Board. That could result a delay of a month or more and would be unfair to all concerned.

(End of Chairman's Bowyer's Policies and Procedures)

## **ARTICLE IX. Jurisdiction and Duties**

- (a) The jurisdiction and duties of the Planning Board shall be defined in the City of Auburn Code of Ordinances under Chapter 2, Article V, Division 4, Section 2-475.

*Should we use this space to define "how" we are going to complete some of the tasks outlined in the ordinance?*

## **ARTICLE IX. Amendments**

These By-Laws may be amended by a majority vote of the membership of the Planning Board present, to include both Regular and Associate members of the Board, provided that a quorum, consisting of four members is met. An affirmative vote by at least four members shall be necessary to authorize any action to amend the By-Laws. at least three affirmative votes are required to amend these By-Laws. Any amendments must be submitted prior to the meeting.

PART II - CODE OF ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 4. PLANNING BOARD

**DIVISION 4. PLANNING BOARD**

Revised at 9/9/14 PB meeting

[Sec. 2-466. Membership: appointment, removal, terms, vacancies.](#)

[Sec. 2-467. Chairperson and vice-chairperson.](#)

[Sec. 2-468. Staff secretary: minutes, public records.](#)

[Sec. 2-469. Quorum and necessary vote.](#)

[Sec. 2-470. Meetings, hearings and procedures.](#)

[Sec. 2-471. Workshop or informational meetings.](#)

[Sec. 2-472. Record and decisions.](#)

[Sec. 2-473. Conflicts.](#)

[Sec. 2-474. Appeals.](#)

[Sec. 2-475. Jurisdiction and authority.](#)

[Sec. 2-476. Committees.](#)

[Secs. 2-477—2-482. Reserved.](#)

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

- (a) There shall be a planning board of seven regular and two associate members. Members of the planning board shall be residents of the city and shall not be officers or employees of the city. Persons appointed by the city council to serve on other boards, agencies, panels, and or commissions shall not serve concurrently on the planning board. Members shall serve without compensation.
- (b) Regular Members of the planning board shall be appointed by the city council for terms of three years. Such terms shall be staggered so that the term of not more than three members shall expire in any calendar year. Incumbent members of the planning board shall serve for the balance of their terms and thereafter until their successors are appointed.
- (c) The City Council shall appoint two associate members for a term of three years each. Such terms shall be staggered so that terms of not more than one associate member, expires in any calendar year. Associate members may participate in deliberations of the Planning Board but shall not vote unless temporarily acting in behalf of a regular member who is absent or has recused themselves.
- (ed) Permanent vacancies on the planning board shall be filled by the city council for the unexpired term of the former member.
- (de) Any member of the planning board may be removed for cause by the city council at any time; provided, however, that before removal such members shall be given an opportunity to be heard in his own defense at a public hearing before the city council.
- (f) The Planning Board may appoint a high school student advisory representative who is a high school student residing in Auburn for a one year term. The student advisory representative may participate in deliberations of the Planning Board but shall not be entitled to vote.

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

PART II - CODE OF ORDINANCES  
Chapter 2 - ADMINISTRATION  
ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 4. PLANNING BOARD

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

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

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

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

- (a) The ~~city planner~~ Director of Planning and Development shall designate a member of ~~his~~ their staff who shall serve as staff secretary of the planning board and attend all of its proceedings.
- (b) The staff secretary shall provide for the keeping of minutes of the proceedings of the planning board, noting the vote of each member on every question, or the member's absence or failure to vote, and shall maintain the permanent records and decisions of all planning board meetings, hearings, and proceedings and ~~a~~ll correspondence of the planning board.

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

**Sec. 2-469. Quorum and necessary vote.**

- (a) As to any matter requiring a public hearing, no business shall be transacted by the planning board without a quorum, consisting of four members, being present. The concurring vote of at least four members shall be necessary to authorize any action by the board. ~~If the requisite votes are not present the matter shall be tabled.~~
- (b) If less than a quorum is present, the hearing ~~may~~ shall be ~~adjourned~~ rescheduled. The staff secretary shall notify in writing all members of the date of the adjourned hearing and shall notify such other interested parties as may be directed in the vote of adjournment.

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

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

- (a) Regular meetings of the planning board shall be held at the call of the chairperson or as provided by rule of the board. Special meetings may be called by any four members of the planning board, or at the request of the city council. Testimony at any hearing may be required by the planning board to be given under oath.
- (b) The planning board shall adopt its own rules for the conduct of its business not inconsistent with this chapter and with state law. Such rules shall be filed with the staff secretary of the planning board and with the city clerk. Any rule so adopted that relates solely to the conduct of hearings, and that is not required by the city council, this chapter or state law, may ~~be~~ hbe waived by the chairperson upon good cause being shown.

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

PART II - CODE OF ORDINANCES  
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ARTICLE V. - BOARDS, COMMISSIONS AND COMMITTEES

DIVISION 4. PLANNING BOARD

**Sec. 2-471. Workshop or informational meetings.**

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

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

**Sec. 2-472. Record and decisions.**

- (a) The minutes of the staff secretary, and any transcript of the proceedings, and all exhibits, papers, applications and requests filed in any proceeding before the planning board and the decision of the board shall constitute the record.
- (b) Every final decision of the planning board and every recommendation of the planning board to the city council shall include written findings of fact, and shall specify the reason or reasons for such decision or recommendation.
- (c) The staff secretary shall mail notice of any decision of the board to the applicant or any designated interested parties within five business days of such decision.

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

**Sec. 2-473. Conflicts.**

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

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

**Sec. 2-474. Appeals.**

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

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

**Sec. 2-475. Jurisdiction and authority.**

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

- (1) To prepare and recommend to the city council a comprehensive plan.
- (2) To prepare and recommend to the city council changes in and amendments to the comprehensive plan as necessary.
- (3) To aid and assist the city council and departments and agencies of the city in implementing general plans and in planning, developing and completing specific planning related projects.

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DIVISION 4. PLANNING BOARD

- (4) To hear, review, and approve or deny applications for subdivision approval as provided in this Code.
- (5) To hear, review, and offer its recommendations to the city council on applications for zoning changes and amendments to, or revisions of, the city's zoning regulations, and to initiate recommendations for zoning changes and amendments to or revisions of the city's zoning regulations as necessary.
- (6) To review and offer its recommendations to the city council on public planning related projects.
- (7) To offer its recommendations to the city council with regard to the compatibility of the city manager's proposed capital improvements program with the comprehensive plan.
- (8) To make such investigations and compile maps and reports, and recommendations in connection therewith, relating to the planning and development of the city as it deems desirable.

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

**Sec. 2-476. Committees.**

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

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

**Secs. 2-477—2-482. Reserved.**