



AUBURN PLANNING BOARD MEETING

June 10, 2014

Agenda

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

ROLL CALL

MINUTES:

Approval request of the May 13, 2014 Meeting Minutes.

PUBLIC HEARINGS:

- 1) George Bouchles, an agent for B & M Builders, are seeking approval of minor subdivision plan and development review for a proposed three (3) lot subdivision, located at 325 Fairway Drive (PID # 170-004) pursuant to Chapter 60, Section 1360 of the City of Auburn Ordinances.
- 2) Final Joint Land Use Study for the Maine Army National Guard (MEARNG) Training Facility and Mount Apatite Recreation Area. Staff hopes to hear from members of the public regarding the plan. The JLUS draft report can be viewed at:
<http://www.auburnmaine.gov/Pages/Government/Data-Reports-Recommendations>.

OLD BUSINESS:

- 1) Continued discussion of Revised Planning Board By-Laws and Procedures.
- 2) Update on Ag Text Amendment
- 3) Status report on Form Code by Alan Manoian

MISCELLANEOUS:


- 1) Discuss Member Re-appointments

ADJOURNMENT

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

To: Auburn Planning Board
From: Douglas M. Greene, AICP, RLA; City Planner 
Date: June 4, 2014
RE: June 10, 2014 Planning Board Meeting

I wanted to give you an overview of the upcoming Planning Board meeting scheduled for Tuesday, June 10th.

First up will be a 3 lot subdivision plan featuring a dedication of open space and trails.

There will be a public hearing on the recommendations from the Joint Land Use Study for Mount Apatite. The Planning Board was given a presentation a year or so ago and this will be the wrap-up for the final recommendations from the committee.

Under Old Business, staff is bringing back for your consideration, more work on the Policies and Procedures. In your packet is the final draft of the Code of Ordinances pertaining to the Planning Board and the Planning Board By-Laws from 2002. Please review the by-laws to look for and correct any inconsistencies between the 2 documents. More work is needed on meeting procedures but that will be deferred to the next meeting.

Next, under Old Business, will be a quick update to the Planning Board on the Ag Text Amendment that you put so much time and effort into. At their June 2nd meeting, the Council turned down the Ag Text Amendment and directed the staff take a more holistic look at the Ag Zone. Included in your packet is a draft proposal for a comprehensive study of the Agricultural and Resource Protection Zone. Staff would like to discuss what kind of involvement the Planning Board would like to have.

Alan Manoian will be back to report on the status of the new Form Code efforts.

We look forward to seeing you on the 10th and please let us know if you wouldn't be able to attend.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

PLANNING BOARD STAFF REPORT

To: Auburn Planning Board

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

Re: Fairway Landing Subdivision, Lots 1-3

Date: June 10, 2014

- I. PROPOSAL- George Bouchles, an agent for B & M Builders, is seeking approval of minor subdivision plan and development review for a proposed three (3) lot subdivision, located at 325 Fairway Drive (PID # 170-004) pursuant to Chapter 60, Section 1360 of the City of Auburn Ordinances.

This 3 lot subdivision proposal is located in the Fairway Landing Subdivision. The majority of this subdivision was approved by the Planning Board on September 13, 1988, under the name Ridgewood Subdivision. In that plan was some difficult to develop land, which is now being proposed to create 3 lots out of. A house on the proposed lot 2 is currently under construction.

One of the major features of this 3 lot subdivision proposal is the disposition of the rear area of the property. The northern portion of the lots are bounded by the Little Androscoggin River with 1,150' of river frontage, has a 150' wide Central Maine Power utility parcel that separates another parcel of non-buildable area from lots 1-3 and an old abandoned railroad line, which is currently used by local residents as a walking trail. Two drainage easements are being relocated to better reflect existing drainage patterns and a 25 foot wide River Access Easement is being moved to another location and is being reduced to be 15 wide.

- II. DEPARTMENT REVIEW-
- a. Police- No Comments.
 - b. Auburn Water and Sewer- A letter from John Storer, Superintendent of the Auburn Water and Sewer District was received and indicated there were no concerns for water hookup. Sanitary sewer is not available and the lots will have septic systems.
 - c. Fire Department- No comments.

- d. Engineering- The Engineering Department reviewed the relocated drainage easements and did not have any problems.
- e. Planning Department- The Planning Department has been discussing this proposal for a number of months, which has been helpful in identifying and working through the following concerns:
 - Meeting lot width standards on a cul-de-sac for lot 3. (*See definition of Lot Line (Sec. 60-2, Lot Line (2) in Part III)*)
 - How to meet the condition of the September 1988 Planning Board approval of the Ridgewood Subdivision Pan to protect and create open space and pedestrian access to the abandoned rail line trail and Little Androscoggin River? (*The developer has agreed to dedicate the open space at the rear of lots 1-3 and the remnant lot, to the City of Auburn. The City will place deed restrictions regarding these areas to be non-buildable and for public use*)
 - Resolving the relocation of the drainage easements as depicted on the 1988 subdivision plan. (*The Department of Engineering is agreeable to relocating the drainage easement based on the on-the ground conditions.*)
 - Resolving the relocation, construction and timing of the pedestrian walkway to the rear of the property. (*After meeting with the developer, conditions have been agreed to. See conditions of approval*)

III. PLANNING BOARD ACTION- The guidelines for approving a subdivision proposal are found in the Zoning Ordinance in Section 60-1359 (Guidelines) and are as follows: (Staff comments on the guidelines are *italicized*)

“When reviewing any subdivision for approval, the planning board shall consider the following criteria, and before granting either approval or denial, shall determine that the proposed subdivision:

- (1) Will not result in undue water, air or noise pollution. In making this determination it shall at least consider: (*Staff Comment: Developer meets this guideline*)
 - a. The elevation of land above sea level and its relation to the floodplains, the nature of soils and sub-soils and their ability to adequately support waste disposal;
 - b. The slope of the land and its effect on effluents;
 - c. The availability of streams for disposal of effluents; and
 - d. The applicable state and local health and water resources regulations, including stormwater management requirements in accordance with [section 60-1301\(14\)](#);
- (2) Has sufficient water available for the reasonably foreseeable needs of the subdivision; (*Staff Comment: Developer meets this guideline*)
- (3) Will not cause an unreasonable burden on an existing water supply, if one is to be utilized; (*Staff Comment: Developer meets this guideline*)

- (4) Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result; *(Staff Comment: Developer meets this guideline)*
- (5) Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed; *(Staff Comment: Developer meets this guideline)*
- (6) Will provide for adequate sewage waste disposal; *(Staff Comment: Developer meets this guideline)*
- (7) Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized; *(Staff Comment: Developer meets this guideline)*
- (8) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas; *(Staff Comment: Developer meets this guideline)*
- (9) Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any; ***(Staff Comment: Developer meets this guideline*¹)***
- (10) Is funded by a sub-divider has adequate financial and technical capacity to meet the standards of this section; *(Staff Comment: Developer meets this guideline)*
- (11) Will not adversely affect the character of the surrounding neighborhood and will not tend to depreciate the value of property adjoining the neighboring property under application; *(Staff Comment: Developer meets this guideline)*
- (12) Has provisions for onsite landscaping that are adequate to screen neighboring properties from unsightly features of the development; *(Staff Comment: Developer meets this guideline)*
- (13) Will not create a fire hazard and has provided adequate access to the site for emergency vehicles; *(Staff Comment: Developer meets this guideline)*
- (14) Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of groundwater; *(Staff Comment: Developer meets this guideline)*
- (15) Does not have long-term cumulative effects of the proposed subdivision will that unreasonably increase a great pond phosphorus concentration during the construction phase and life of the proposed subdivision. *(Staff Comment: Developer meets this guideline)*”

The only guideline in question pertained to lot 3, which has a reduced frontage by being located on a cul-de-sac. Based on the definition of Lot Line (Sec. 60-2, Lot Line (2)

- (2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they

*¹ Based on Article 60-2 Definitions- Lot Line (2)

intersect the street line) shall not be less than 80 percent of the required lot width **except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.**

IV. STAFF FINDINGS AND RECOMMENDATION-

FINDINGS- Staff recommends **APPROVAL** with these findings-

1. The applicant has submitted a complete application.
2. The subdivision plan for Fairway Landing (lots 1-3) meets the guidelines of Section 60-1359, (1-15) including guideline #9, "Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any" based on *Section 60-2, Definitions, #2. The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width **except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.***
3. The applicant has met the intention of the Auburn Planning Board its approval in September 13, 1988 of the Ridgeway Subdivision to create a public use area for the enjoyment of the area residents by its commitment to dedicate that area to the City of Auburn.

RECOMMENDATION- Staff recommends **APPROVAL** subject to the following conditions:

1. Auburn City Council approval of the dedication of areas previously designated as a conservation easement as per the Auburn Planning Board approval at its September 13, 1988 meeting, prior to the issuance of any Certificate of Occupancy for lots 1-3.
2. Developer shall construct a new trail in the proposed 15foot wide Pedestrian Walkway. Developer shall meet with the Planning Department prior to the construction of the trail.
3. A note placed on the plan, "No certificate of occupancy for Lot 3 until the new trail on the relocated 15 foot wide Pedestrian Walkway has been completed to the approval of Engineering and Planning".
4. A pedestrian easement shall be placed on the former rail bed area of lots 1-3.


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

MINUTES
AUBURN PLANNING BOARD MEETING
September 13, 1988

ROLL CALL: Present: Chairman Robert Hayes, Vice Chairman Deborah Keefe, Paul Choate, Fred Davis, John O'Donnell, Greg Desjardin, Community Development and Planning Director Roland Miller, Senior Planner James McPhee and Administrative Assistant Sharon Voelker

MINUTES

Minutes of April 12, 1988 Planning Board Meeting

A Motion was made by Paul Choate, seconded by Fred Davis and voted 6 - 0 to approve the minutes of the April 12, 1988 Planning Board meeting.

Minutes of July 12, 1988 Planning Board Meeting

A Motion was made by Fred Davis, seconded by Paul Choate and voted 6 - 0 to approve the minutes of the July 12, 1988 Planning Board meeting.

Minutes of August 9, 1988 Planning Board Meeting

A Motion was made by Paul Choate, seconded by Fred Davis and voted 6 - 0 to approve the minutes of the August 9, 1988 Planning Board meeting.

Chairman Hayes read a letter from Aliberti, LaRochelle and Hodson written on behalf of the owner of Country Crossing Subdivision asking the board to table the proposal (letter made a part of these minutes).

A Motion was made by Paul Choate, seconded by Fred Davis and voted 6 - 0 to table action on the Preliminary Subdivision Plan and Mobile Home Park Country Crossing.

Attorney Bryan Dench representing the Stevens Mills Civic Association asked for a copy of the letter requesting the tabling action. He stated that he and members of the Association wanted to attend worksessions that would be scheduled to review the Mobile Home Park Ordinance and want to be informed as to the time and place of these meetings.

PUBLIC HEARINGS

Final Plan of Ridgewood Subdivision, Beech Hill Road

Chairman ^{Hayes} Choate opened the Public Hearing and asked for the staff report.

Jim McPhee went through the staff report (made a part of these minutes) and showed a plan of the area.

Joe Norton of Carroll Taylor & Associates showed a colored sketch of the proposed development outlining the roadway system. This development needs DEP site location review and is being submitted for this reviewed continued Mr. Norton.

Robert Hayes asked Mr. Norton to trace the drainage flow on the drainage plan.

Mr. Norton traced the drainage flow explaining that Fairway Drive would be the first point where water is intercepted by ditches. It flows across to the next new street to ditches. There is a 24 inch culvert that was put in by the railroad explained Mr. Norton. There is a natural detention pond in the upper area before it reaches the river. Erosion control measures will be used in the ditches during construction. Mr. Norton also noted that the detention area will also act as a sedimentation basin.

Mr. Hayes expressed concern for the maintenance of the ditches.

Mr. McPhee stated that there could be something placed in the deeds regarding the maintenance of these ditches.

The signature of the land surveyor and monumentation of lot corners are two items that should be taken care of pointed out Mr. Choate.

We will take care of this answered Mr. Norton.

The land in the area of the 24 inch culvert should not be developed noted Mr. Choate. It should be dedicated to this subdivision.

The easement could be expanded to take in this area stated Mr. Norton.

We will be embarking on a plan that we will not issue a building permit until monuments have been set stated Mr. McPhee.

In answer to a question raised by Mr. Choate, Mr. McPhee noted that the water system will be turned over to the Water District and that the water easement for Brandy Wine Circle will be to the Water District.

At the request of Mr. Choate, Mr. Norton explained what the developer will be extending for water service. We have made all of the changes that the Water District has requested he continued.

A broader easement to Powderhorn Drive was discussed relative to possible future access to Washington Street.

There is a fairly steep grade pointed out Mr. Norton.

It was Mr. Hayes feeling that if the easement was broad enough, that perhaps in the future if graded down access to Washington Street might be gained.

The MDOT would not even listen to us regarding access to Washington Street noted Mr. Norton.

I don't know how desirable it would be to have residential traffic exit onto Washington Street stated Mr. McPhee, especially with Chasse Street accross the road.

My concern is with one access for 48 new lots stated Mr. Hayes. I could see this as being a limited entrance for fire apparatus

Fred Davis felt that access to Washington Street would be a good idea.

We have no problem with widening the water easement for possible future access stated Mr. Norton.

Mr. McPhee stated that the purpose of the 60 foot easement should be noted on the plan.

Mr. Davis asked if there had been any comments from the Recreation Department.

There were no comments stated Mr. McPhee. The plans are being reviewed by the DEP. There will request a conservation easement.

One hundred feet of undisturbed land along the river will be given as a conservation easement noted Mr. Norton.

Mr. White has offered to place money in escrow to develop a parks and recreational facility in this area stated Mr. Miller. The owner wants to retain the conservation easement. Mr. Miller explained the area to be used for condominiums in the future. The PUD concept needs land for this he explained. We hope to provide a conservation easement corridor along the river. He explained how a citizen would be able to get to this easement.

Does the developer own the railroad bed questioned Mr. Choate.

Yes, replied Mr. Norton.

Is Fairway Drive built to the same standards as what is proposed on plan questioned Mr. Hayes.

It is built to the same width answered Mr. McPhee, but it is superior to that of the existing Fairway Drive.

The development of an impact fee ordinance was discussed. Fees in lieu of land dedication will be one of the first things to be addressed by this Ordinance Mr. Miller explained in answer to a questioned raised by Greg Desjardin.

Bill Kimbrough, 363 Beech Hill Road expressed concern for additional traffic. He asked if any thought had been given to widening the road.

Within the Public Works Department work program, there is no proposal to widen the road stated Mr. Miller. Beech Hill Road is not eligible for Federal or State participation he continued.

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Additional traffic will make a bad situation worse stated Mr. Kimbrough.

The traffic study did not feel that it would lower the level of service stated Mr. McPhee.

Mr. Kimbrough was also concerned with how much fill would be used and if it would block views.

I cannot build within 400 feet of the edge of Beech Hill Road noted developer Sam White.

Mr. Kimbrough asked if he would be required to hook up to City water.

Not with my agreement with the Water District stated Mr. White.

Another citizen asked what the height restriction would be.

Thirty-five feet answered Mr. McPhee.

At the request of Mr. Miller, Mr. White explained what the conservation easement along the river would be like. He also explained what his plans are for the addition of condominiums in the future and the need for land area. There will be walkways down to the river stated Mr. White. I cannot build down in there. My offer is to provide the conservation easement.

A Motion was made by Paul Choate, seconded by Fred Davis and voted 6 - 0 to close the Public Hearing.

Jim McPhee suggested several other conditions which he read to the Board.

A Motion was made by Paul Choate to approve the Final Plan of Ridgewood Subdivision with staff's findings and conditions plus the following additional conditions:

C. Expand drainage easement to include detention basin, stone culvert and pipe to the Little Androscoggin River.

D. Expand water easement to include a 60 foot right-of-way for potential future road access to Washington Street southbound.

E. Remove notations Lot A, B and C where found on plans.

F. A conservation easement from Little Androscoggin River to the northeast toe of the railroad bed be provided to the City including a pedestrian easement along 25 foot drainage easement off Little Androscoggin Drive.

G. The developer pay the costs of all initial road identification signs and roadway directional signs.

The motion was seconded by Fred Davis. The motion carried 6 - 0.

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

DIVISION 4. PLANNING BOARD

DIVISION 4. PLANNING BOARD

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

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

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

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

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

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

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

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

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

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

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

[Secs. 2-477—2-482. Reserved.](#)

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

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

**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 29 of the Auburn City Ordinances and those objectives and powers set forth in Maine Revised Statutes.

ARTICLE II- Planning Board Makeup

- SECTION 1. There shall be a Planning Board composed of seven (7) members and two (2) associate members. Associate members may participate in all proceedings but may only vote in situations where one or more regular member is absent or cannot vote due to a conflict. An associate member shall be considered as a "member" for purposes of ward residency distribution requirements.
- SECTION 2. The Board's powers and duties shall include those covered by State law and ordinances; subdivision review, approval, conditional approval, or personnel on planning and development.
- SECTION 3. Members of the Planning Board shall be appointed by the Mayor subject to confirmation by the Council. Planning Board members shall hereafter serve for terms of three years and may not serve for more than three consecutive terms, except that incumbent members may serve out their current terms. No more than two members shall hereafter be appointed from the same ward. A member shall forfeit his/her membership if he/she becomes a resident of a ward in which two members of the Board already reside.
- SECTION 4. 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, a Board member may be asked to step down by the City Council upon recommendation of the Planning Board Chairman.

SECTION 5. If personal or other extraordinary situations occur that does not allow a Board member to attend a meeting, a call to the Planning Board Chairman or Planning and Permitting staff is required in order to be considered for an excused absence.

ARTICLE III- Officers and Their Duties

SECTION 1. The officers of the Planning Board shall consist of a Chairman and a Vice-Chairman.

SECTION 2. The Chairman 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."

SECTION 3. The Vice-Chairman shall act for the Chairman in his absence.

SECTION 4. The Chairman shall have the privilege of discussing all matters before the Board and to vote thereon.

ARTICLE IV- Election of Officers

SECTION 1. Officers shall be nominated from the floor and elected at the annual organization meeting, which shall be held on the second Tuesday of October in each year.

SECTION 2. 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 successor shall take office.

SECTION 3. 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.

SECTION 4. If more than one member is nominated for the same position, then the Board shall vote by private ballot.

SECTION 5. Associate Members may hold an office on the Board, but may only participate in a voting action if the number of regular Board members present allows for the Associate's vote.

ARTICLE V- Planning Board Submissions

In order to be placed on the Planning Board agenda, an application, petition or amendment must satisfy the conditions contained in Sections 1 through 4.

SECTION 1. A complete application, as determined by the Planning and Permitting Services Department or its designated representative; a completed petition to amend the Zoning Ordinance or Zoning Map; or an amendment initiated by the Planning Board or City Council must be received at the Department no later than 12:00 noon, thirty (30) days prior to a regularly scheduled Planning Board Meeting.

SECTION 2. City Department comments must be submitted to the Planning and Permitting Services Department no later than 18 days prior to the Planning Board meeting.

SECTION 3. All revised plans and documents must be submitted to the Planning and Permitting Services Department at least ten (10) days prior to the meeting.

SECTION 4. Additional applicant communications to the Board must be submitted to the Planning and Permitting Services Department at least seven (7) days prior to the meeting.

SECTION 5. The Board may nonetheless, in its sole discretion, consider an application, petition or amendment that fails to meet Sections 1 through 4, if the Board finds initially that failure to satisfy this Article was justified or due to excusable error or neglect.

ARTICLE VI- Meetings

SECTION 1. Meetings will be held on the second Tuesday of each month at 7:00 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.

SECTION 2. Four members of the Board shall constitute a quorum. The number of votes necessary to transact business shall be four in favor or four opposed to the action being taken. 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.

SECTION 3. Special meetings may be called by the Chairman. Special meetings shall be called by the Chairman 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.

SECTION 4. No new agenda items will begin after 11:00 p.m. except with the unanimous consent of all Board Members present.

SECTION 5. 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 its 11:00 p.m. cut-off: will automatically postpone the remaining items to the beginning of the next scheduled meeting of the Board. The Board, prior to or after the 11:00 p.m. cut-off: may postpone items or portions of items to the next scheduled meeting of the Board.

SECTION 6. 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. The Associate Members will have full voting privileges in the order of which they were appointed by the City Council.

ARTICLE VII- Order of Business

- A. Roll Call
- B. Approval of Minutes

- C. Public Hearings
- D. Old Business
- E. New Business
- F. Miscellaneous
- G. Adjournment

The normal order of business may be altered by vote of the Board.

ARTICLE VIII- Hearings

- SECTION 1. 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.
- SECTION 2. Notice of such hearing shall be advertised in a newspaper of general circulation in the municipality in accordance with the State law and local ordinances pertaining to a particular project.
- SECTION 3. The matter before the Board shall be presented in summary by the City Planner or his designee, or a designated member of the Board and parties in interest may also be heard.
- SECTION 4. A record shall be kept of those speaking before the Board.

ARTICLE IX- Amendments

These By-Laws may be amended by a majority vote of the membership of the Planning Board present, provided that at least three affirmative votes are required to amend these By-Laws. Any amendments must be submitted prior to the meeting.

D R A F T

A Proposal for a Comprehensive Study of the Agricultural and Resource Protection Zone

Current Situation:

The Agriculture and Resource Protection Zone has been in place since the early 1960's and has done an impressive job of achieving its goals of limiting sprawl development, protecting Agricultural lands and environmentally sensitive areas and reserving land for future development. Recently, a petition was made amend the AG/RP zone to allow the transfer of residences from a rural residential strip zone to the rear agriculturally zoned portion of a property. While this particular idea was recommended in the Comprehensive Plan, it does not address issues lying at the core of the Agricultural zone. Rather than take a piecemeal approach; the City Council (and others) expressed an interest in a comprehensive review of the 2010 Comprehensive Plan's policy on agriculture and resource protection.

This study can have long term, far reaching impacts on the future of Auburn. It must be carefully planned and executed. It will chart the course for the City's future for Agriculture, Housing, Infrastructure and Land for Future Development to name a few.

Some Possible Issues, Topics and Questions:

- Land use, tax rates and land values.
- State of farming in Auburn, is it viable under current regulations?
- Statewide trends in agriculture and forestry.
- Should Agriculture be part of the City's economic development policy?
- What is the cost of services in the agricultural zone?
- Is the 50% income rule for new homes in the AG/RP a barrier to agriculture?
- What role should environmental protection play?
- Consider cluster development or transfer of development rights.
- Where should new homes be located? What should the minimum lot size be?

The Process:

Due to existing projects already underway or committed to by staff, the review of the Agriculture and Resource Protection Zone is proposed to take place in two phases.

Phase 1: Preliminary Ground Work (will take 6 months, June to November 2014)

- Staff will generate an inventory of Agricultural lands and compile all Agricultural goals, objectives and recommendations from the 2010 Comprehensive Plan.
- Work with and seek out outside Agricultural entities for technical assistance to evaluate Auburn's existing Ag conditions and help in developing the study.
- Assign the Planning Board regular work sessions to help in the phase 1 development of goals and an action plan for Phase 2.

Phase 2: The Study (will take 6 months, December 2014- May 2015)

- Planning Board hosts a series of workshops and public hearing to get public input and information from outside experts on the future of the Agricultural and Resource Protection zone.
- Develop a series of alternatives that address different aspects of the City's Agricultural policies, based on the public input and review by outside entities.
- The Study will create a final proposal possibly amending the Comprehensive Plan and or make any changes to the Zoning Ordinance.

May 21, 2014