

**City Council Workshop & Meeting
Agenda
August 15, 2022
Auburn Hall, Council Chambers**

5:30 P.M. City Council Workshop

- A. Assessing and Tax Relief Presentation – Karen Scammon and Joe St. Peter
- B. 180 Station Road Grant Application – Eric Cousens
- C. Transportation Safety Initiatives – Jonathan LaBonté

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

Pledge of Allegiance

I. Consent Items - None

II. Minutes

- August 1, 2022, Regular Council Meeting

III. Communications, Presentations and Recognitions

- Washington Street Demonstration Safety Project – East Hardscrabble and Beech Hill/Danville Corner
- Lake Auburn Watershed Report Sub Surface Wastewater – Eric Cousens
- Public Safety Building – Brian Wood
- Council Communications (about and to the community)

IV. Open Session – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

V. Unfinished Business

1. Order 115-08012022

Authorizing the marketing of city owned property located at 115 Newbury Street. Parcel ID 221-055.

2. Order 116-08012022

Authorizing the marketing of city owned property located at 103 Newbury Street. Parcel ID 221-058.

3. Order 49-04042022

Authorizing the proposed Charter amendments be placed on a referendum ballot and submitted to the voters of Auburn at the November 8, 2022, Election. Public hearing and vote.

VI. New Business

1. Order 122-08152022

Approving the Incorporated Civic Organization Liquor License application for the City of Auburn, for the Riverwalk Blues & Brews Festival scheduled for September 10, 2022 in the Festival Plaza/Main Street area.

2. Order 123-08152022

Authorizing the City Clerk to waive the \$75 business licensing fee (Peddler License) as requested by the Maine Blues Society, for the Riverwalk Blues and Brews Festival scheduled for September 10, 2022.

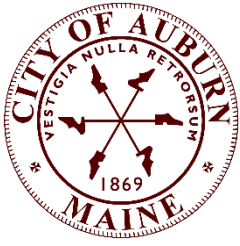
VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

VIII. Reports (from sub-committees to Council)

- a. Mayor's Report
- b. City Councilors' Reports
- c. City Manager Report

IX. Executive Sessions - None

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: August 15, 2022

Author: Karen Scammon

Subject: Tax Relief Programs

Information: Tax Deferral Program for Seniors, Senior Tax Stabilization Program

City Budgetary Impacts: TBD

Staff Recommended Action: Presentation and discussion

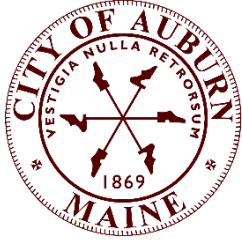
Previous Meetings and History: A portion of the Council presentation July 18, 2022, virtual town hall 8-8-2022 and upcoming in person presentation 9-7-2022.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: None



**City of Auburn
City Council Information Sheet**

Council Public Hearing or Meeting Date: August 15, 2022

Author: Eric Cousens, Director of Planning and Permitting

Subject: 180 Station Road Junkyard Cleanup and MNRCP Grant Application

Information

The City tax acquired the illegal junkyard property at 180 Station Road. The tax acquisition took place after enforcement actions that lead to cleanup and then the property owner recreating a junkyard at the site. The City acquired two other sites from the same property owner and we have been funding one cleanup at a time. This property is next for a cleanup RFP and contract later this year. The site has a small useable area along the road and is very limited for reuse potential. The property is 1.7 acres in area with about 7,000 square feet of upland useable area. The City will remove all surface debris from the site but does not have any plans for redevelopment. The site is likely to continue to be problematic for illegal dumping because it is secluded on a dead-end industrial road.

In 2022, staff learned of available funding and were contacted by the Royal River Conservation Trust to see if the City would consider restoring the site floodplain and stream banks on the property. This may be a way to restore the stream and avoid future costs of maintaining the property as an attractive nuisance for easily dumping debris on the current filled area. Given limited reuse potential and the low value of the site staff recommends that we do this.

Staff Recommended Action: Consider allowing staff to apply for the grant and provide feedback or any objections.

Previous Meetings and History: None

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: Memo dated August 2, 2022 and tax maps.

Date: August 2, 2022
To: Eric Cousens (Auburn)
From: Rodney Kelshaw (Flycatcher LLC)
CC: Katelin Nickerson (Flycatcher) Evan Ma, and Katherine Cook (Auburn)
Subject: Station Road Restoration Project and Maine Natural resources Conservation Program Overview

Hello Eric,

This memo was developed to provide an overview of the Station Road restoration project (Project) and the status of potential funding from the Maine Natural Resources Conservation Program (MNRCP). Flycatcher LLC is a local land use consulting firm and we have the skills and experience to help this Project achieve success. We are pursuing this Project because we believe it is an important site to clean up and restore due to its proximity to the stream, it aligns with the goals of the MNRCP, and because we believe we have something to offer in terms of our technical capabilities and experience with a wide variety of development and restoration projects. Lastly, it is important as part of the values of our company to do work that contributes to the betterment of our local environment and communities.

Project Description: The proposed Project is the removal of wetland fill removal and restoration of a historic floodplain of an unnamed tributary to Moose Brook on a tax-acquired parcel along Station Road in Auburn. Based on review of historic maps and aerial photos it appears the stream floodplain was filled to allow for construction of buildings and for associated storage. The buildings were removed, however the land is still occupied with old vehicles, machinery, invasive plant species and other surface debris that accumulated overtime during a previous residency. Wetland fill extends from the Station Road right-of-way directly to the banks of the Moose Brook tributary. To restore this wetland and streambank after refuse removal, fill will be removed down to the original floodplain elevation and regraded and revegetated to re-create a healthy stream floodplain. Some fill will remain along the right-of-way to allow for parking and the space between the wetland and parking will be graded to around a 3 to 1 slope. Currently, we are assuming there is no contamination beyond surficial oil staining. Sediment and erosion control best management practices (BMP's) will be maintained throughout construction. If selected this project will develop a comprehensive seeding and planting plan as well as an invasive management plan for the site. The small parking area along the Station Road right-of-way will be maintained with potential for a future trail along the railroad bed. Post-construction, the City of Auburn will assume long-term management of the property or will work with a local land trust to take over this aspect of the project.

Conservation values: The Project is located along a tributary of Moose Brook, which is a tributary of the Royal River. The Royal River is mapped as a wild brook trout priority habitat as well as habitat for a state listed species according to the Beginning with Habitat Map Viewer. As a headwater of the Royal River, the Royal River Conservation Trust has voiced support for this project as it aligns with Imperative #5 of their 2022 Conservation Plan: to restore and protect the water, headwaters, and stream-side habitats of the Royal River. This project will restore a wetland that has been buried for a prolonged period of time, providing vital floodplain habitat within the watershed of the Royal River.

Maine's In Lieu Fee Compensation Program: A voluntary program that allows entities seeking permits for impacts to natural resources, primarily wetlands, from the Maine Department of Environmental Protection (MDEP) and/or the U.S. Army Corps of Engineers (Corps) to make a payment directly to the MDEP as an alternative to the traditional mitigation process. Fees are assessed based on the amount and type of resource impacted, the type of impact, and the location in the state. Fees collected by MDEP are deposited into funds based on the biophysical regions in which the impacts occurred. These funds are administered by The Nature Conservancy in Maine (TNC) through the MNRCP process.

MNRCP: MNRCP is funded through Maine's In Lieu Fee Compensation Program. It's used for projects that will help restore and protect high priority aquatic resources. These projects are presented by conservation groups, environmental consultants, municipalities and public agencies. The application process is administered by the MDEP and Corps. The funds are awarded every year through a grant process reviewed by a committee from the MDEP with representatives from the Corps, Maine Department of Inland Fisheries and Wildlife, Maine Department of Agriculture, Conservation and Forestry, Maine Natural Areas Program, Maine Department of Transportation, Maine Department of Marine Resources, Maine Audubon, U.S. Fish and Wildlife Service, and the U.S. Environmental Protection Agency. For restoration and enhancement projects, funds are usually disbursed in multiple increments based on project milestones, typically after the project work plan has been approved and after the restoration work has been completed. The details of the award disbursements can be adjusted to meet specific project needs. The final decisions on the winning proposals are made in November or December of each year.

MNRCP gives preference to projects that restore, enhance, preserve, or create resources that best match the natural resources and wetland functions and values that were impacted in that region.

Special Considerations: While MNRCP is designed to review and approve prospective projects through a process similar to other state and federal grant programs, it remains a compensatory mitigation program that must comply with relevant state and federal regulations. As such, there are several aspects of this program that should be considered fully before a potential applicant submits a full proposal:

- Restoration and enhancement projects are strongly encouraged and will likely score and rank higher than preservation projects.
- For restoration and enhancement projects, consultation with qualified professionals is recommended. To appropriately scope the feasibility of a project, to accurately estimate projects costs, and to design a successful restoration project, MNRCP recommends consultation with wetland consultants, engineers, or other qualified restoration practitioners. Note that the costs for professionals to assist with the project can be included in the MNRCP budget.
- Invasive species management to protect aquatic resources is eligible for MNRCP funding as part of a project's long-term management and stewardship costs.
- MNRCP-funded projects must be conserved in perpetuity. Conservation easements can be funded by MNRCP but must prohibit any activities that would adversely affect the protected natural resources, and must provide third party enforcement rights for MDEP and the right of entry for MDEP and the Corps.
- MNRCP funds may not be eligible to match some federal funding sources.


*Flycatcher is currently working towards finding a partner to oversee the long-term management of the project.

Criteria for proposed projects:

1. Potential to meet MNRCP Goals - Sustainably restores, enhances, preserves, or creates wetlands or other resources determined by the MNRCP to be Priority Resource Types.
2. Landscape context - Consider the location of a potential project relative to statewide focus areas for land conservation or habitat preservation identified by a state or federal agency, or other regional or municipal plans.
3. Project Readiness/ Feasibility - Ability of the project to meet MNRCP goals as stated in the proposal. Assesses the extent to which the proposal meets the core program requirement to provide for long-term management and/or stewardship by a responsible state or federal resource agency, or conservation organization
4. Cost effectiveness - Project represents an efficient use of funds expended given the condition, location, and relative appraised values of the property
5. Other Benefits - Support economic activity, job creation, recreational access, scenic enhancements, climate change resiliency, environmental justice or equity considerations, educational opportunities, or other contributions to “Quality of Place” in the town or region where the project is located. For projects involving acquisition of land, documented support from the municipality in which the project is proposed is encouraged.

Flycatcher: Flycatcher’s staff is composed of soil scientists, wildlife biologists, wetland scientists, and environmental planning and permitting specialists. We are pursuing this work to support restoration efforts in our local communities, to provide meaningful projects for our staff, and provide technical support for projects we believe in. With our office located on the Royal River in Yarmouth, this project will directly impact the watershed where we spend much of our time. Flycatcher is excited to help the city of Auburn with the development of a full proposal for this Project. We are grateful to have the resources to provide upfront support for the proposal at no cost to the City, because we are confident this Project will be selected by MNRCP. If the full proposal is successful, we plan to utilize funding from the MNRCP grant to compensate our current and future efforts of supporting this Project.

Based on these considerations and feedback from representatives of the MNRCP, we believe this Project is a strong candidate to be selected for funding. With permission from the city of Auburn, Flycatcher submitted a Letter of Intent to MNRCP in early July, 2022. Based on their review MNRCP has invited us to submit a full proposal for the project for consideration for funding by the program. This full proposal is due on September 8, 2022. With the support of the City of Auburn, we propose to prepare a full proposal for submittal to MNRCP. Funding decisions will be made by the end of the year, and, if selected, the Project will be required to provide a restoration work plan to be submitted to MNRCP for approval prior to commencing the work. The project will be for restoring the site, and the City can proceed with site clean up without waiting for approval of the rest of the project. The enclosed acceptance letter from MNRCP outlines this process, we have also attached a Project location map as well as images of the site. Please contact me with questions and thanks again for allowing us to work with you on this project.



Rodney Kelshaw (CPSS, LSS, CPESC, LSE, PWS, CWB)
Managing Partner/Senior Scientist
C: (207) 944-6776

Attachment 1 – MNRCP Acceptance of Letter of Intent

From: [Bryan Emerson](#)
To: [Katelin Nickerson](#)
Cc: [Susan Caldwell](#); [Nancy Olmstead](#); [Jeffrey Tash](#)
Subject: MNRCP LOI: Station Road Wetland Restoration
Date: Friday, July 15, 2022 12:22:20 PM
Attachments: [image001.png](#)
[MNRCP 2022 RFP final.pdf](#)
[MNRCP 2022 Proposal Outline.docx](#)
[MNRCP 2022 Budget template.xlsx](#)
[MNRCP RestorationPlanGuidance April2022.docx](#)

Katelin,

Thank you again for your interest in the Maine Natural Resource Conservation Program (MNRCP). We reviewed your Letter of Intent for the **Station Road Wetland Restoration Project** and would like to invite you to submit a Full Proposal for this project. I have attached the Request for Proposal document which provides details on the Full Proposal process. I have also attached a Full Proposal Outline in MS Word format, the Project Budget template in MS Excel format, and the MNRCP guidelines for Restoration Work Plans. The Restoration Work Plan does not need to be submitted with the proposal and is provided for reference only at this time.

Kristen Puryear at the Maine Natural Areas Program has time available this summer to visit MNRCP proposal sites to perform a natural resources inventory and to assist applicants in evaluating aquatic resource restoration or enhancement opportunities. We encourage you to contact Kristen soon to discuss a potential site visit (Kristen.Puryear@maine.gov or 287-8043) and if possible, include the results of the natural resources inventory with the Full Proposal.

We also want to highlight some areas that would benefit from more detail in your Full Proposal:

1. Please confirm that the City of Auburn would be willing to record a Notice of Project Agreement (example included in the RFP) with the deed for this property to ensure long-term compliance with the MNRCP Project Agreement.
2. Note that a long-term management plan will be required for the site as well. Costs for development of this plan can be included in the project budget.
3. Is an Environmental Site Assessment complete or planned for this property, prior to the restoration work occurring? We note the contamination risk at the site and will require more information on the scope of contamination in the proposal, if possible.
4. Note that the full proposal will require a conceptual design or sketch of the proposed restoration work. The conceptual design should also include a reference site, if possible. This reference site should have vegetation and hydrology conditions similar to what is proposed for the restoration area and can serve as a target for defining performance standards for the project. A complete design plan, including any required engineering plans, is not required at the time of proposal.
5. Reviewers questioned whether enough budget was included in the Letter of Intent. Please confirm that enough budget has been allocated for development of the work plan, implementation of the project, and long-term monitoring and management.
6. Related to budget, MNRCP allows for contingency funds to be included in the budget. These funds can be included in the project award, but the Project Agreement will be drafted so that

the contingency funds are only disbursed if needed. MNRCP recommends including some contingency funding in the budget.

Please note that the deadline for submitting your Full Proposal is **5:00PM on September 8, 2022**. Full Proposals may be submitted via email to me or to maineresources@tnc.org.

Please let me know if you have any questions or if any further clarification would be helpful.

Thank you again for your interest in MNRCP. We look forward to learning more about your proposed project.

Sincerely,

--Bryan

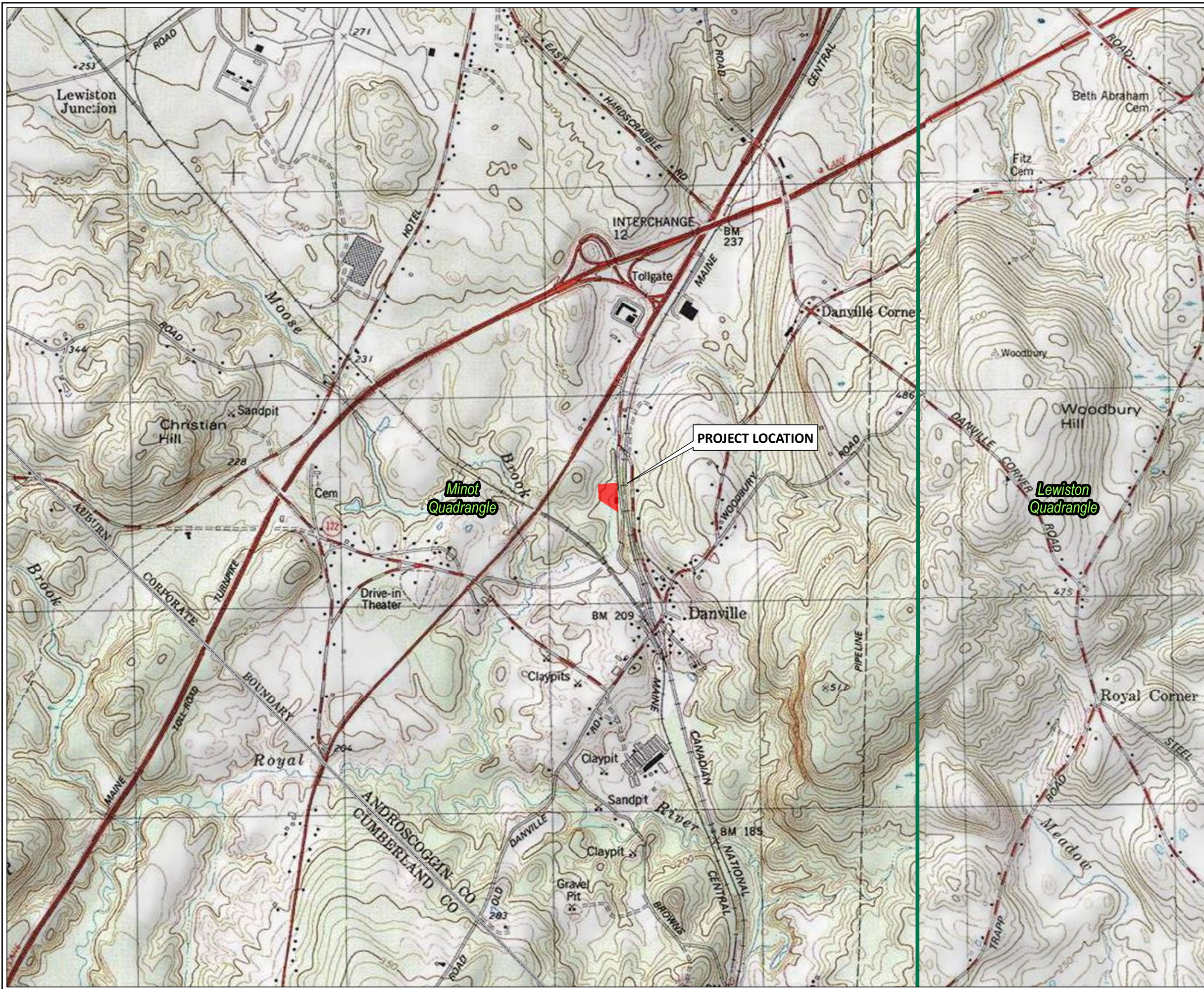
Bryan Emerson
Mitigation Program Manager
The Nature Conservancy in Maine
14 Maine Street, Suite 401
Brunswick, ME 04011
bryan.emerson@tnc.org
Cell: (207) 317-1699



Attachment 2 - Project Location Map

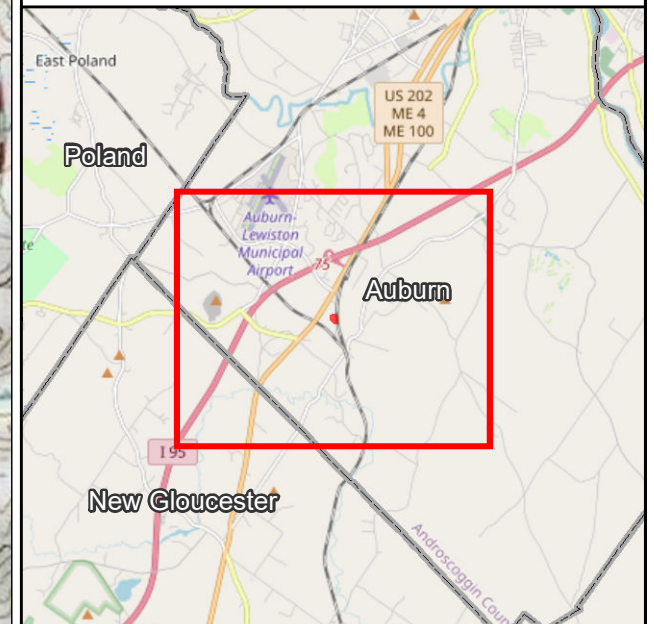
Coordinate System: NAD 1983 StatePlane Maine West FIPS 1802 Feet (Foot US)
Map Rotation: 0

Plot Date: 6/29/2022 08:20:29 AM by JAKEN -- LAYOUT: ANSI B(11"x17")
Path: D:\Flycatcher\Projects\Auburn\Auburn_WetlandRestoration_Fig1_Topo_11x17L.mxd



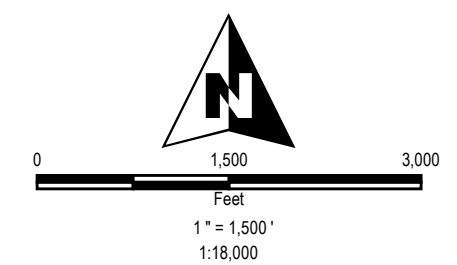
LEGEND

- PROJECT LOCATION (180 STATION ROAD)
- USGS 7.5-MINUTE QUADRANGLE BOUNDARY
- TOWN BOUNDARY



NOTES:

- 1 BASEMAP IMAGERY FROM USGS 7.5' QUADRANGLE SERIES.



PROJECT:		CITY OF AUBURN PROPOSED WETLAND RESTORATION ANDROSCOGGIN COUNTY, MAINE
TITLE:		PROJECT LOCATION MAP
DRAWN BY:	D. KENWORTHY	PROJ NO.: PP
CHECKED BY:	J. HUTCHINSON	FIGURE 1
MONTH:	JUNE	
YEAR:	2022	
FILE NO.:		Auburn_WetlandRestoration_Fig1_Topo_11x17L.mxd

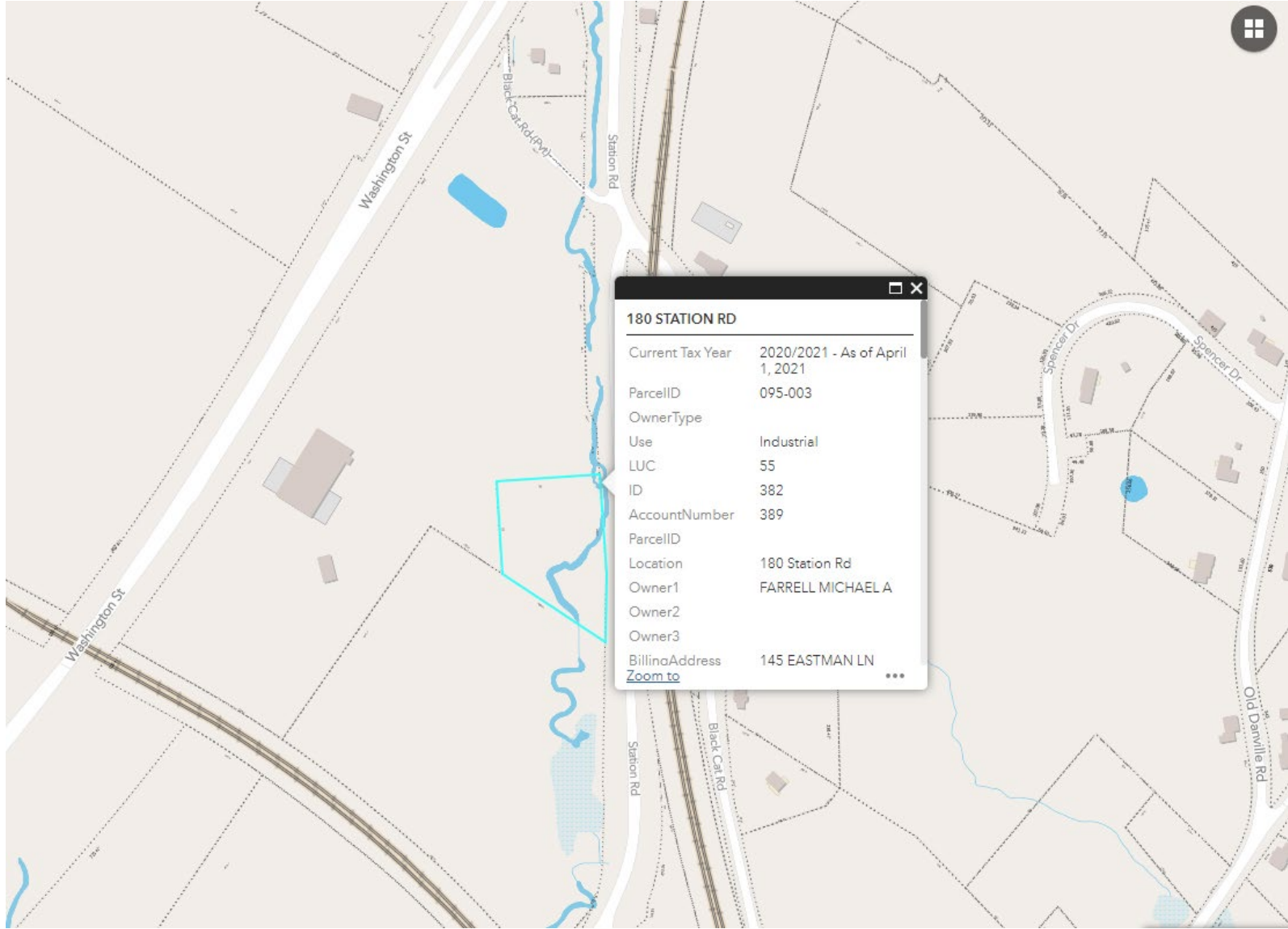
Attachment 3 - Photographs



Photo 1: Upstream from top of left bank
Flycatcher June 15, 2022



Photo 2: Downstream from top of left bank
Flycatcher June 15, 2022

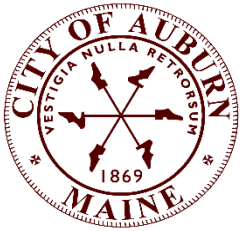


180 STATION RD

Current Tax Year	2020/2021 - As of April 1, 2021
ParcelID	095-003
OwnerType	
Use	Industrial
LUC	55
ID	382
AccountNumber	389
ParcelID	
Location	180 Station Rd
Owner1	FARRELL MICHAELA
Owner2	
Owner3	
BillinaAddress	145 EASTMAN LN
Zoom to	...



ID	382
AccountNumber	389
ParcelID	
Location	180 Station Rd
Owner1	FARRELL MICHAEL A
Owner2	
Owner3	
BillinoAddress	145 EASTMAN LN
Zoom to	...



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: August 15, 2022

Author: Jonathan P. LaBonte, Transportation Systems Director

Subject: Transportation Safety Initiatives

Information:

As part of the evaluation and analysis of the city's transportation efforts, specific near-term opportunities to pursue improved safety for residents and those traveling in and through the community have been identified.

For context, the 2010 and 2021 Comprehensive Plans both included the same language to open the vision statement for Auburn's transportation infrastructure. They state that "Auburn's transportation network of roads, sidewalks, and bike lanes along with rail, air, and mass transit systems provide all users with safe and equitable movement throughout the community and beyond."

The 2019 Strategic Plan includes a focus on safety in the community with vision that states "Auburn will be a community that balances urban & rural living, with safe, sustainable, livable neighborhoods that are well-connected..." A recommendation of that plan is to "Address identified public service and infrastructure needs."

The following intersections/road segments will be highlighted during the workshop, except for Washington Street, which will be discussed during Presentations during the City Council meeting.

Pedestrian Safety:

Gamage Avenue, Union Street, Court Street (connections to Edward Little), Turner Street between Court Street and Great Falls Plaza and at Dennison Street

Highway Safety:

Poland Rd and Rodman Rd (intersection), Minot Ave (segment from Hatch Rd to Hotel Rd), Center St (Union St to Stetson Rd) and Washington St (East Hardscrabble and Beech Hill/Danville Corner)

City Budgetary Impacts: N/A

Staff Recommended Action: Council Resolve in Support of Center Street Safety Action Plan Grant Application

Previous Meetings and History:

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:

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

Pledge of Allegiance

I. Consent Items - All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda

1. Order 106-08012022*

Confirming Chief Moen's appointment of Ryan Jones as Constable with firearm/arrest powers for the Auburn Police Department.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Passage 7-0.

II. Minutes

July 11, 2022, Special Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Staples to approve the minutes of the July 11, 2022, Special Council Meeting.

Passage 7-0.

July 18, 2022, Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Staples to approve the minutes of the July 18, 2022, Regular Council meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Communication from Petitioner's Committee for the repeal of Ordinance 08-03072022
- Council Communications (about and to the community)

Manager Crowell reported that there will be a virtual meeting at 6:00 pm on August 8, 2022 with the Assessing Department regarding valuation changes. The public can go to our website for access information. He also announced that tomorrow night is National Night out from 5:30 pm until dusk at Festival Plaza.

IV. Open Session –

Angela Dow, Auburn resident and employee of Auburn Public Works Department, expressed her concerns with the MSEA union negotiations that are underway.

V. Unfinished Business

1. Order 83-06062022

Allocating \$300,000.00 of ARPA Funding to create a two-year pilot program called “Project Support You – Auburn”.

Motion was made by Councilor Gerry and seconded by Councilor Whiting for passage.

Public comment – No one from the public spoke.

Passage 6-1 (Councilor Milks opposed).

2. Ordinance 16-06062022

Approving the zoning amendment for 278 Poland Road. Second reading.

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Public comment –

Timothy Allen, 194 Pride Road, thanked Council for reading the correspondence that he submitted. He stated that he met with some of his neighbors, and they were surprised to see the updated plans which appeared to be different from what was discussed at the last meeting. He said that they do not think that Hammond Lumber is making a good faith effort and doesn’t think they can trust them to do what they say they will do.

Carol Lane, Arbania Street, commented that this lot is a nice residential lot, and there is no reason to turn this into an industrial lot. She said that she does not want to see this changed to industrial.

Failed 1-6 (Councilors Hawes, Milks, Morin, Staples, Gerry, and Whiting opposed). A roll call vote was taken.

3. Ordinance 18-07182022

Extending the moratorium on public safety, detention, and correctional facilities. Second reading.

Motion was made by Councilor Hawes and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

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

4. Ordinance 19-07182022

Creating a new Formed Base Code District Traditional Neighborhood Development District (T-4.2B). Second reading.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public comment – No one from the public spoke.

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

Motion was made by Councilor Morin and seconded by Councilor Walker to suspend the rules to add an item to the agenda.

Passage 5-2 (Councilors Gerry and Whiting opposed).

Motion was made by Councilor Morin and seconded by Councilor Staples on the following:

Order 121-08012022, Ordered, that the City Council hereby refers for consideration, conduct a public hearing, and recommendation, a zoning text and map amendment to create and apply a new T-4.2B zoning district to the Court Street area (1,687.41 acres) to the Planning Board at its September 13, 2022 meeting.

Public comment – No one from the public spoke.

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

VI. New Business

1. Order 109-08012022

Approving the liquor license for Make Dough, LLC., DBA Otto, Auburn located at 730 Center Street. Public hearing and vote.

Motion was made by Councilor Walker and seconded by Councilor Gerry for passage.

Public hearing – No one from the public spoke.

Passage 7-0.

2. Order 110-08012022

Adopting the Auburn-Lewiston Consortium HOME-ARP Plan. Public hearing and vote.

Motion was made by Councilor Gerry and seconded by Councilor Whiting for passage.

Public hearing - No one from the public spoke.

Passage 7-0.

3. Order 111-08012022

Approving the proposed technical revision to the Tambrands II Municipal Development Tax Increment Financing Development (TIF) program. Public hearing and vote.

Motion was made by Councilor Walker and seconded by Councilor Whiting for passage.

Public hearing – No one from the public spoke.

Passage 7-0.

4. Order 112-08012022

Allocating \$1,600,000.00 of American Rescue Plan Act (ARPA) funds for the upgrades and/or replacements of HVAC systems in our city-owned facilities.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public comment- No one from the public spoke.

Motion was made by Councilor Milks and seconded by Councilor Walker to postpone this item for three months.

Passage 6-1 (Councilor Whiting opposed).

5. Referred Ordinance 11-03212022

Repealing Ordinance 11-03212022 amending the zoning district Court Street/City Core of Urban Residential Area; 1,687.41 acres of Urban Residential to Traditional Neighborhood Development District Areas (T-4.2) that was adopted on 3/28/2022.

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public comment – John Cleveland, 183 Davis Avenue, commented on the current city charter that was adopted in 2005.

Ryan Smith, 14 Weaver Street, provided a legal letter from Kristin M. Collins of Preti Flaherty, and he read a portion of the letter. He said he would like to see this go before the voters and does not want to see T-4.2B to go before the planning board again.

Jeffrey Harmon, 34 Vista Drive, stated that this is the first time that a citizen referendum has come before the City Council and has been signed by 2,400 Auburn residents. He said repealing this Ordinance to push through T-4.2B is an insult to the people that signed the petition.

Dennis Bergeron, Ward 2 resident, doesn't think this has been much of a process, there hasn't been due public process and the people feel that the City Council isn't listening to them. Residents are upset over what the council is doing.

Steven Beal, Shepherd Street, questions why refer T4.2b to the Planning Board, when it is similar to this T-4.2.

Pam Rousseau, West Auburn Road listened to the Planning Board meeting twice, and found no substantial difference between T-4.2 and T-4.2B adding that the Council isn't listening.

Bob Hayes, 172 Allen Avenue, commented on the Strategic Plan, neighborhoods, and read sections from the Strategic Plan adding that he would like to get the neighborhoods involved in the process.

Passage 4-3 (Councilors Staples, Gerry, and Whiting, opposed). A roll call vote was taken.

6. Order 113-08012022

Authorizing the marketing of city owned property located at 86 Western Avenue. Parcel ID 230-026.

Motion was made by Councilor Walker and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 7-0.

7. Order 114-08012022

Authorizing the marketing of city owned property located at 192 Winter Street. Parcel ID 260-022.

Motion was made by Councilor Walker and seconded by Councilor Whiting for passage.

Motion was made by Councilor Staples and seconded by Councilor Morin to amend by correcting the street number on the Order from 129 to 192. Passage 7-0.

Public comment – No one from the public spoke.

Passage 7-0.

8. Order 115-08012022

Authorizing the marketing of city owned property located at 104 Newbury Street. Parcel ID 221-067.

Motion was made by Councilor Staples and seconded by Councilor Milks for passage.

Due to an error on the street number in the Council packet, a motion was made by Councilor Whiting and seconded by Councilor Morin to postpone within 30-day period in order to make the necessary corrections.

Passage 7-0.

9. Order 116-08012022

Authorizing the marketing of city owned property located at 103 Newbury Street. Parcel ID 221-058.

Motion was made by Councilor Staples and seconded by Councilor Milks for passage.

Public comment – No one from the public spoke.

Due to an error on the street number in the Council packet, a motion was made by Councilor Hawes and seconded by Councilor Staples to postpone within a 30-day period to make the necessary corrections.

Passage 7-0.

10. Order 117-08012022

Authorizing the marketing of city owned property located at 369 Main Street. Parcel ID 221-044.

Motion was made by Councilor Walker and seconded by Councilor Milks for passage.

Public comment – No one from the public spoke.

Passage 7-0.

11. Order 118-08012022

Authorizing the marketing of city owned property located at 351 Main Street. Parcel ID 221-048.

Motion was made by Councilor Walker and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 7-0.

12. Order 119-08012022

Authorizing the marketing of city owned property located on Vickery Road. Parcel ID 183-029.

Motion was made by Councilor Walker and seconded by Councilor Staples for passage.

Public comment - No one from the public spoke.

Passage 7-0.

13. Order 120-08012022

Authorizing the marketing of city owned property, Winter Oak, parcel ID 191-101.

Motion was made by Councilor Walker and seconded by Councilor Staples for passage.

Public comment - No one from the public spoke.

Passage 7-0.

VII. Open Session – No one from the public spoke.

VIII. Reports (from sub-committees to Council)

City Manager Crowell announced that he and Assistant City Manager, Brian Wood, will be attending MTCMA (Maine Town and City Manager) conference next week.

IX. Executive Sessions - None

VIII. Adjournment – Motion was made by Councilor Milks and seconded by Councilor Staples to adjourn. Unanimously approved and the meeting adjourned at 8:11 pm.

A TRUE COPY

ATTEST



Susan Clements-Dallaire, City Clerk

TECHNICAL MEMORANDUM | LAKE AUBURN MODEL



TO: Eric Cousens, City of Auburn, Maine
FROM: Laura Diemer, FB Environmental Associates
SUBJECT: Memorandum on Modeling 2022 Proposed Ordinance Changes
DATE: August 1, 2022
CC: Forrest Bell & Maggie Kelly, FB Environmental Associates

The City of Auburn requested FB Environmental Associates (FBE) to evaluate proposed ordinance changes for their potential effects on land use and development in the Lake Auburn watershed and associated impacts to lake water quality. The purpose of this memorandum is to 1) summarize the proposed ordinance changes that the City of Auburn deliberated in May 2022 and 2) describe the modeling work that was completed which simulated the impact that the proposed ordinances changes will have on land use and development in the watershed and subsequent lake water quality.

BACKGROUND

This work follows up on a comprehensive analysis that FBE, along with Horsley Witten Group and Dr. Adam Daigneault of the University of Maine, conducted for the City of Auburn in 2021. For that analysis and subsequent report, FBE ran a buildout analysis and a coupled watershed-lake model that estimated phosphorus loading from the watershed to Lake Auburn and subsequent in-lake water quality conditions. The calibrated baseline watershed-lake model was run for several future scenarios that simulated in-lake water quality conditions under different watershed development conditions. With the calibrated baseline watershed-lake model, additional future scenarios can be run based on changes to the underlying model inputs and/or assumptions.

PROPOSED REGULATORY CHANGES & MODELING APPROACH

The proposed ordinance changes that FBE were given to consider are in Section 60-952 (the Lake Auburn Watershed District Overlay) and Section 60-1066 (the Phosphorus Control Ordinance). The ordinance changes with implications for the modeling effort are described in Table 1.

For carrying out the model run, the first step was to update the buildout analysis to account for the new ordinances. A buildout analysis uses existing or in this case proposed ordinances, existing natural features, and other development constraints to estimate the number and location of new buildings possible under the simulated zoning. Once the buildout analysis was complete, the results were input to the watershed-lake model. FBE started with the “Business As Usual + LID” model scenario and made adjustments to the new model run to account for the proposed ordinance changes, which included changing the number of projected new buildings (for Auburn only) and agricultural land area within the 100 ft buffer of surface waters¹ (refer to Table 1).

¹ Note for future model runs: with the anticipated decline in existing agricultural land area in the watershed, these agricultural lands were assumed to likely be replaced by new development; however, there were instances where the anticipated increase in development was less than the anticipated decline in agricultural lands which were then assumed to lay fallow and regenerate into forest. Overall, the new model run estimated up to 39 acres of regenerated forest by 2100. It may be more practical to convert these agricultural lands to open land rather than forest in the model unless the agricultural lands are managed and protected as forested land. Open land has a slightly higher phosphorus export compared to forested land, so this change in assumption would minorly increase the total phosphorus load estimate.

Table 1. Summary of existing ordinances and their proposed changes, along with a description of the modeling approach to account for these proposed ordinance changes.

Category	Existing Ordinance	Proposed Ordinance	Model: Modeling Approach
Agricultural Buffer Strips	In Section 60-952 (c), for tilled agricultural lands adjoining the lake or its perennial tributary streams, the width of untilled agricultural buffer strips is 50 feet.	The proposed ordinance changes the setback to 100 feet.	<i>Watershed-Lake Model:</i> FBE found the intersection of agricultural land use and a 100 ft buffer from Lake Auburn and its ponds and perennial tributaries (within the City of Auburn) and manually changed any agriculturally classified land use as open land, assuming that property owners will be required to reforest or lay fallow tilled fields within 100 ft of those surface waters. FBE identified 0.82 hectares (2.01 acres) and 2.26 hectares (5.58 acres) of agricultural land use within a 50 ft and 100 ft buffer, respectively, from Lake Auburn and its ponds and perennial tributaries (within the City of Auburn) (Table 2). Note that this desktop analysis was performed at a coarse scale, and some of these agricultural areas may be outside of the buffer zone if measured in the field. Converting the 2.26 hectares (5.58 acres) of agricultural land use to open land for this new model run includes the 0.82 hectares (2.03 acres) of agricultural land within the existing 50 ft buffer restriction and posed as a minor limitation to directly comparing the results between the model runs since the “Business As Usual” model scenario considered some agricultural land within the 50 ft buffer despite existing regulations.
Subsurface Disposal Systems (Septic Systems)	Section 60-952 (f) (1) currently prohibits the siting of systems where there is less than 36 inches of vertical separation from the bottom of the organic horizon and the nearest “limiting factor” (bedrock, seasonal water table, occluding layer of clay or other mineral that would prevent drainage). This vertical separation must be achieved by previously in-situ soils or sediments, disallowing the use of fill materials.	The proposed change allows for siting of septic systems where there is 12 inches of in-situ vertical separation between the bottom of the disposal field and the limiting factor, a standard that is consistent with the State of Maine Subsurface Wastewater Disposal Rules 10-144 Chapter 241 (a.k.a., Chapter 241). In addition, the revised section would allow the use of suitable fill materials to achieve a total of 36 inches of vertical separation, which is retained from the old rules.	<i>Buildout Analysis:</i> Using county-level NRCS soil series data, we updated the development constraints input to show areas with restrictive layers within 12" of the surface (compared to 36" originally).
	Section 60-952 (f) (2) currently prohibits the siting of septic systems within 300 feet of the high-water line where soils are described as deep, loose, and sandy containing 70 percent sand.	The proposed change prohibits the siting of septic systems within 400 feet of the high-water line where soils are profiled as gravel outwash or stratified drift as shown in Table 4D (profiles 5, 6, and some of 11) of Chapter 241.	<i>Buildout Analysis:</i> We expanded the target area from 300 to 400 ft around Lake Auburn and its ponds and tributaries. FBE roughly matched soil series (from county-level NRCS data) in the watershed to 5, 6, and 11 soil profiles in Table 4D of Chapter 241. However, the soil profiles in Table 4D are broadly applicable to several soil series under different environmental conditions and likely do not reflect true parcel-by-parcel variability in septic system siting restrictions. FBE's approach of excluding only those soil series that are definitively not 5, 6, and 11 soil profile types is conservative for development potential, showing nearly the entire 400 ft buffer as restricted from development. Practical field application of the Table 4D rules would likely be less restrictive, but there is no way of knowing the extent of the difference without field evaluations by a Licensed Site Evaluator. FBE confirmed this limitation with Daniel Locke, a Professional Geologist and Licensed Site Evaluator with the Maine Geological Survey. Thus, the buildout analysis results for the new model run likely underestimated new building potential. There were 23 projected new buildings identified within the 300 ft buffer under the "Business As Usual" model scenario that the new scenario run using the Table 4D soil profiles excluded and therefore potentially underestimated development along the shoreline.
Zoning Change	Approximately 1,038 acres are proposed to be rezoned from Rural Residential to Low-Density Country Residential. If carried out, this change will result in minimum three-acre lots where previously the minimum lot size was one acre.		<i>Buildout Analysis:</i> We rezoned Rural Residential to Low-Density Country Residential in the Auburn portion of the watershed so that the minimum lot size increased from 1 to 3 acres.

Category	Existing Ordinance	Proposed Ordinance	Model: Modeling Approach
	Auburn’s Chapter 60 – Zoning, Article IV. – District Regulations, Division 2 – Agriculture and Resource Protection District use regulations provide restrictive standards for new development and are only approved on a case-by-case basis.	No change.	Buildout Analysis: We removed new development in the Agriculture and Resource Protection Zone. The original "Business As Usual" model scenario showed 74 projected new buildings in the Agriculture and Resource Protection Zone, which posed as a limitation to directly comparing the results between the model runs.
Phosphorus Control Plans	Section 60-1066 (1) concerns the applicability of the ordinance, with any new building or structure of 575 square feet of ground floor area requiring the creation of a Phosphorus Control Plan – essentially a detailed stormwater management plan that includes estimated phosphorus loading calculations.	The proposed change requires any new building of 200 square feet of ground floor area to develop a Phosphorus Control Plan, making the applicability much broader.	<p>Watershed-Lake Model: For the broader application of Phosphorus Control Plan requirements on new development in the watershed, we will want to consider the fact that the change from 575 square feet to 200 square feet would largely only extend phosphorus controls to accessory buildings or additions since primary dwellings are already required to submit a Phosphorus Control Plan. In addition, the “Business As Usual” model scenario did not account for low impact development (LID) standards that would be implemented as a result of a Phosphorus Control Plan, so we recommend comparing the new model run results to the “Business As Usual + LID” model scenario. According to the Phosphorus Control Ordinance, the per-acre phosphorus allocation for new development in the Lake Auburn watershed is 0.047 lbs. per acre (0.060 lbs. per acre when including background levels) which would amount to 0.180 lbs. per year on a 3-acre lot. The phosphorus export for low density residential development assumed in the model is roughly 0.652 lbs. per acre. Applying LID adjustments (30% less impact area, 70% reduced phosphorus export) lowers the phosphorus export for low density residential development to roughly 0.121 lbs. per acre which would amount to 0.170 lbs. per year on a 3-acre lot with 1 acre of developed area and 2 acres of forest land. Despite the model appearing to meet the allowable phosphorus allocation per built lot, it is important to note that these are rough average estimates since the model adjusts the phosphorus export from any given parcel of land based on accumulation and runoff with dry and wet spells. There may be times when the phosphorus export is lower than the allowable phosphorus allocation and other times when it is higher.</p> <p>Note: The City of Auburn uses 450-ft-deep “residential strips” to effectively limit the construction of new roads in rural areas, most especially in the Lake Auburn watershed. Therefore, our assumption that each new building will slightly increase the amount of roadway in the area may not be applicable at least in the Auburn portion of the watershed. In addition, most new built lots in the watershed are less than one-half acre of developed area as opposed to the model assumption of one-acre (which was based on the average existing developed area per existing building in the watershed). Adjusting these model assumptions should be considered in a future model run but will likely have a negligible impact to the total phosphorus load and in-lake total phosphorus concentration.</p>

Table 2. Agricultural land cover by sub-basin within a 50 ft and 100 ft buffer from Lake Auburn and its ponds and perennial tributaries (within the City of Auburn).

Basin Name	Land Cover	50 ft Buffer		100 ft Buffer	
		Area (hectares)	Area (Acres)	Area (hectares)	Area (Acres)
Townsend Brook	Cropland	0.01	0.02	0.01	0.02
Townsend Brook	Hay/Pasture	0.77	1.89	1.94	4.78
West Auburn Rd-Youngs Corner-Gracelawn-Summer St	Cropland	0.04	0.10	0.31	0.78
Total		0.82	2.01	2.26	5.58

NEW MODEL RUN RESULTS

Results of the buildout analysis incorporating the 2022 ordinance changes compared to the original baseline buildout analysis are provided in Tables 3 and 4 and shown in Figures 1-3. The ordinance changes only impacted the Auburn portion of the watershed, reducing the total buildable area by 955 acres and the number of projected new buildings by 155. However, these results reflect adjustments made to the buildout assumptions that more accurately apply existing ordinances. For example, new development in the Agriculture and Resource Protection zone was removed which accounted for 928 acres of buildable area and 74 projected new buildings. In addition, there were 23 projected new buildings identified within the 300 ft buffer under the original baseline buildout that the ordinance changes conservatively excluded due to the limitations of using the Table 4D soil profiles. Accounting for these adjustments, the ordinance changes directly reduced the total buildable area by 27 acres and the number of projected new buildings by 58. This indicates that the expansion of buildable area with the lifting of the septic system siting restriction (changing from 36” to 12” to limiting factor) was effectively offset by the reduction of buildable area with the rezoning of Rural Residential to Low Density Country Residential (changing from 1-acre to 3-acre minimum lot size).

Results of the watershed-lake model are provided in Table 5. The new model run reflecting the 2022 ordinance changes and other adjustments resulted in a predicted total phosphorus load of 937 kg/yr and an in-lake total phosphorus concentration of 9.3 ppb. Compared to the “Business As Usual + LID” model scenario, the ordinance changes and other adjustments reduced the total phosphorus load by 6 kg/yr and the in-lake total phosphorus concentration by 0.1 ppb. Although a small change, the reduction entered a new tier or probability bracket for bloom risk, lowering it slightly from 40% to 30-40% with taste/odor complaints still possible but slightly less likely and filtration waiver violation remaining a low risk.

To meet the goal of 900 kg/yr total phosphorus load and 9.0 ppb in-lake total phosphorus concentration in the future at full buildout, additional changes to development strategies that limit total phosphorus export will be needed. While the City of Auburn has taken valuable action to put phosphorus controls in place on new development, the goal cannot be ultimately met without the cooperation of headwater towns to implement similar development strategies controlling phosphorus in the watershed.

Table 3. Amount of total and buildable land by town and zone in the Lake Auburn watershed. Results of the new model run incorporating the 2022 ordinance changes are compared to the original baseline buildout analysis. Note: the total area for the City of Auburn’s zones, Low Density Country Residential and Rural Residential, are split between two values to show that Rural Residential was rezoned to Low Density Country Residential as part of the new model run incorporating the 2022 ordinance changes; the first value represents conditions under the original baseline buildout, and the second value represents conditions under the 2022 ordinance changes baseline buildout.

Zone	Total Area (acres)*	Original Baseline Buildout		2022 Ordinance Changes Baseline Buildout	
		Buildable Area (Acres)	Percent Buildable Area	Buildable Area (Acres)	Percent Buildable Area
Auburn					
Agriculture and Resource Protection	4,501	928	21%	0	0%
General Business	1	0	0%	0	0%
Low Density Country Residential	298 / 1,170	56	19%	322	28%
Neighborhood Business	2	0	0%	0	0%
Rural Residential	873 / 0	292	33%	0	0%
Suburban Residential	371	5	1%	5	1%
Buckfield					
General Development	155	154	100%	154	100%
Hebron					
General Development	175	83	47%	83	47%
Minot					
Rural District	843	414	49%	414	49%
Turner					
Commercial	19	11	58%	11	58%
General Residential I	94	59	63%	58	62%
General Residential II	219	99	45%	99	45%
Rural I	1,252	914	73%	914	73%
Rural II	634	527	83%	527	83%
Resource Protection	266	38	14%	38	14%
Shoreland Protection	110	30	27%	30	27%
Total	9,811	3,610	37%	2,655	27%

Table 4. Number of existing, projected, and total buildings by town and zone in the Lake Auburn watershed. Results of the new model run incorporating the 2022 ordinance changes are compared to the original baseline buildout analysis. Note: the number of existing buildings for the City of Auburn’s zones, Low Density Country Residential and Rural Residential, are split between two values to show that Rural Residential was rezoned to Low Density Country Residential as part of the new model run incorporating the 2022 ordinance changes; the first value represents conditions under the original baseline buildout, and the second value represents conditions under the 2022 ordinance changes baseline buildout.

Zone	No. Existing Buildings	Original Baseline Buildout			2022 Ordinance Changes Baseline Buildout		
		No. Proj. Buildings	Total No. Buildings	Percent Increase	No. Proj. Buildings	Total No. Buildings	Percent Increase
Auburn							
Agriculture and Resource Protection	77	74	151	96	0	77	0
General Business	2	0	2	0	0	2	0
Low Density Country Residential	47 / 265	16	63	34	79	344	30
Rural Residential	218 / 0	143	361	66	0	0	0
Suburban Residential	75	6	81	8	6	81	8
Buckfield							
General Development	2	106	108	5,300	106	108	5,300
Hebron							
General Development	13	17	30	131	17	30	131
Minot							
Rural District	49	99	148	202	99	148	202
Turner							
Commercial	6	7	13	117	7	13	117
General Residential I	15	40	55	267	40	55	267
General Residential II	50	29	79	58	29	79	58
Rural I ²	66	311	377	471	310	376	470
Rural II	14	61	75	436	61	75	436
Resource Protection	21	15	36	71	15	36	71
Shoreland Protection	23	14	37	61	14	37	61
Total	678	938	1616	138	783	1,461	115

² The original baseline buildout from May 2021 predicted 311 buildings. There were no changes to development constraints in Turner, so this difference is likely due to small differences in how the buildings were randomly placed by the model.

Table 5. Baseline and select scenario model results for total phosphorus (TP) load (kg/yr) and in-lake TP concentration (ppb), along with gross estimates for water quality risks related to drinking water and recreation in Lake Auburn. The new model run is highlighted in gray.

SCENARIO	YEAR	TP LOAD (KG/YR)	TP (PPB) - AVG	TP (PPB) - MIN	TP (PPB) - MAX	Bloom Risk	Taste/Odor	Filtration Waiver Violation Risk	Filtration Plant Needed?
Baseline or "Existing Conditions"	2018	1,114	10.9	9.2	14.4	40%	Complaints	None	No, borderline for taste/odor
Baseline + Alum Treatment	2020	842	8.3	6.6	11.8	10%	Likely Few Complaints	Likely None	No
Baseline + Alum Treatment + Climate Change (RCP 4.5) + Future "Business As Usual" Buildout (No Code Changes)	2100	957	9.5	7.8	13.0	40%	Complaints Likely	Low Risk	Likely no, but borderline for taste/odor
Baseline + Alum Treatment + Climate Change (RCP 4.5) + Future "Business As Usual" Buildout (No Code Changes) + Low Impact Development Standards	2100	943	9.4	7.7	12.9	40%	Complaints Likely	Low Risk	Likely no, but borderline for taste/odor
Baseline + Alum Treatment + Climate Change (RCP 4.5) + Future "Business As Usual + 2022 Ordinance Changes" Buildout (Code Changes) + Low Impact Development Standards	2100	937	9.3	7.6	12.8	30-40%	Complaints Possible	Low Risk	Likely no, but potentially for taste/odor
Lake Auburn Water Quality Goal Recommendation	2100	900	9.0			10-20%	Few Complaints	Low	No

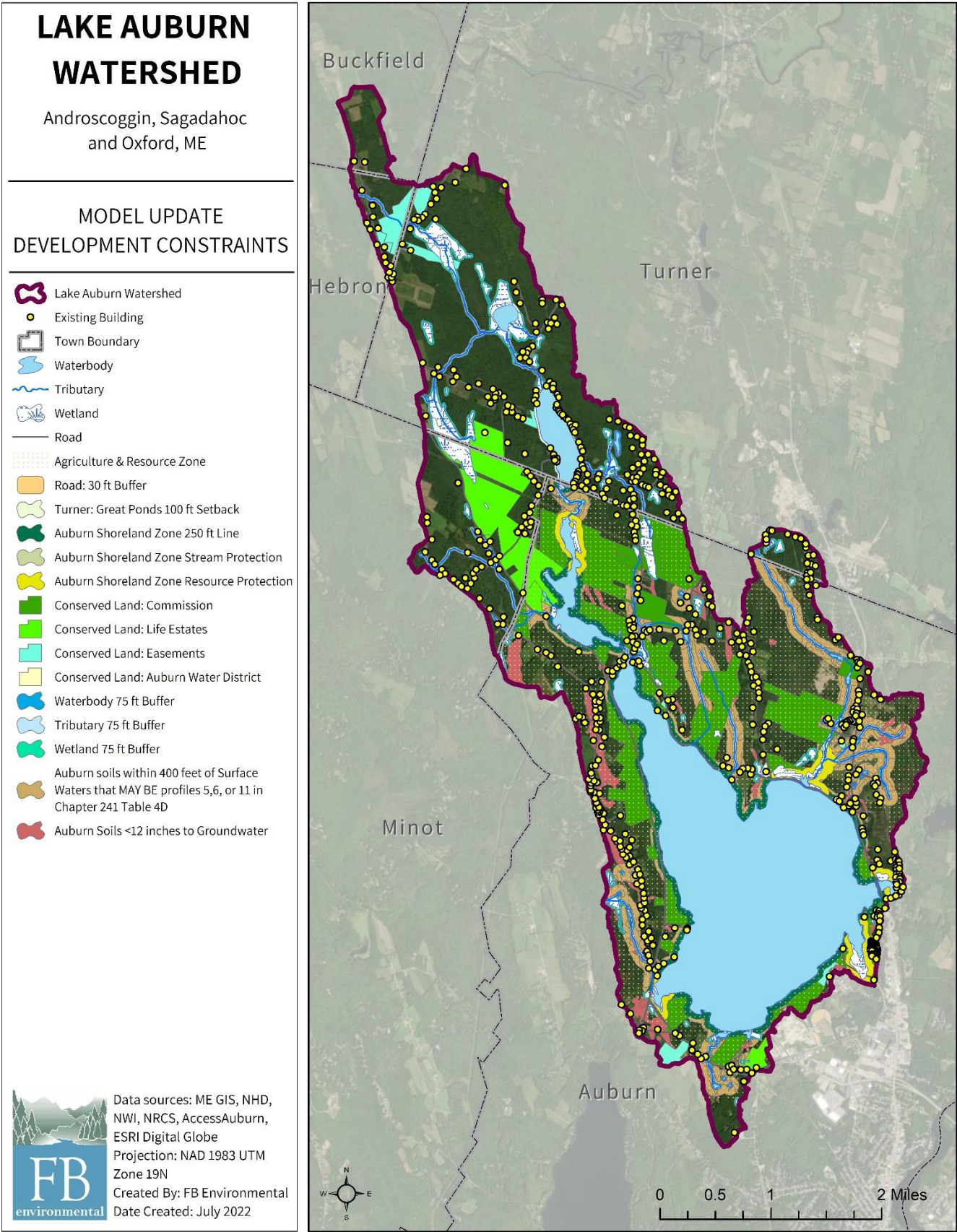


Figure 1. Development constraints in the Lake Auburn watershed for the 2022 ordinance changes baseline buildout analysis.

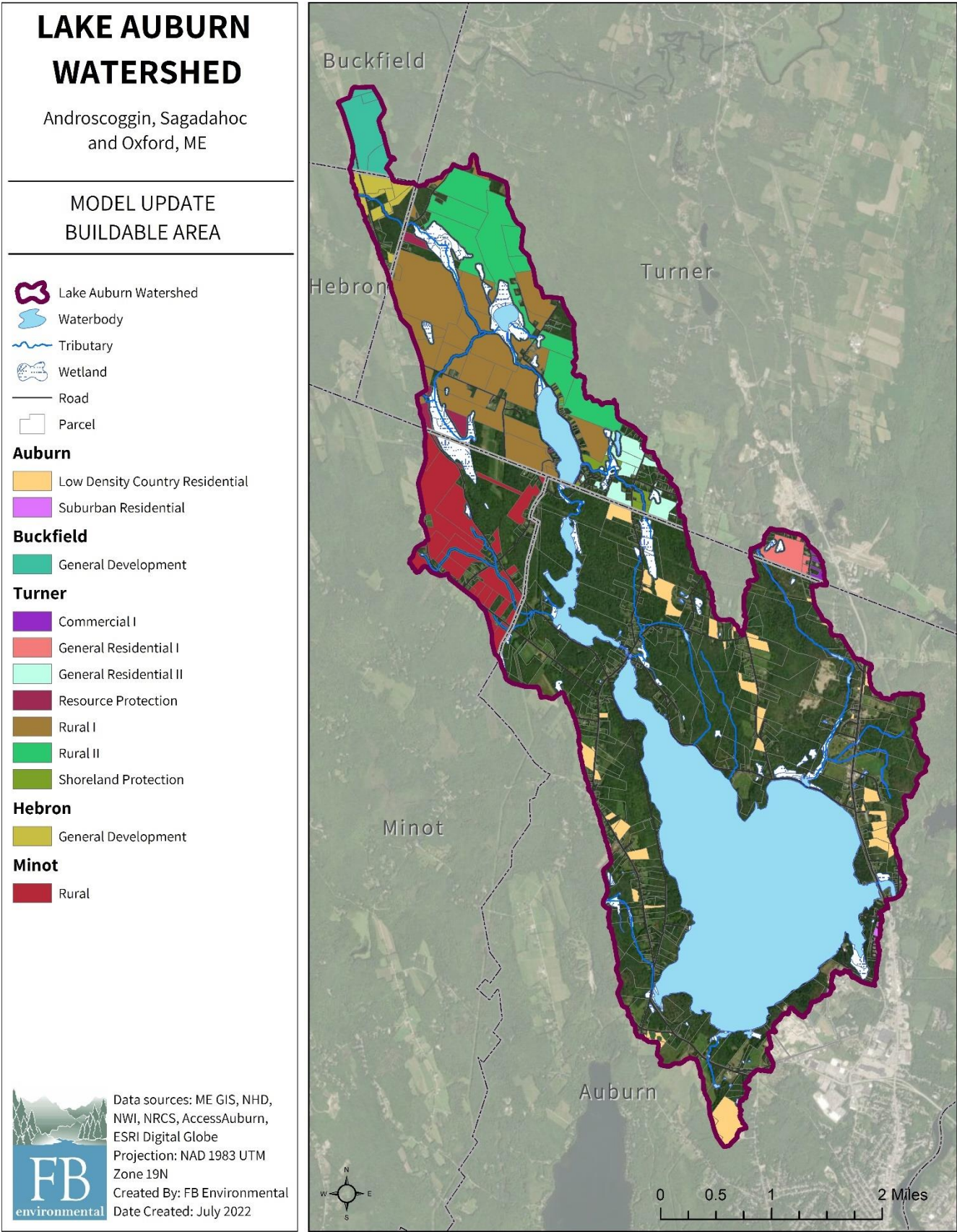


Figure 2. Buildable area in the Lake Auburn watershed for the 2022 ordinance changes baseline buildout analysis.

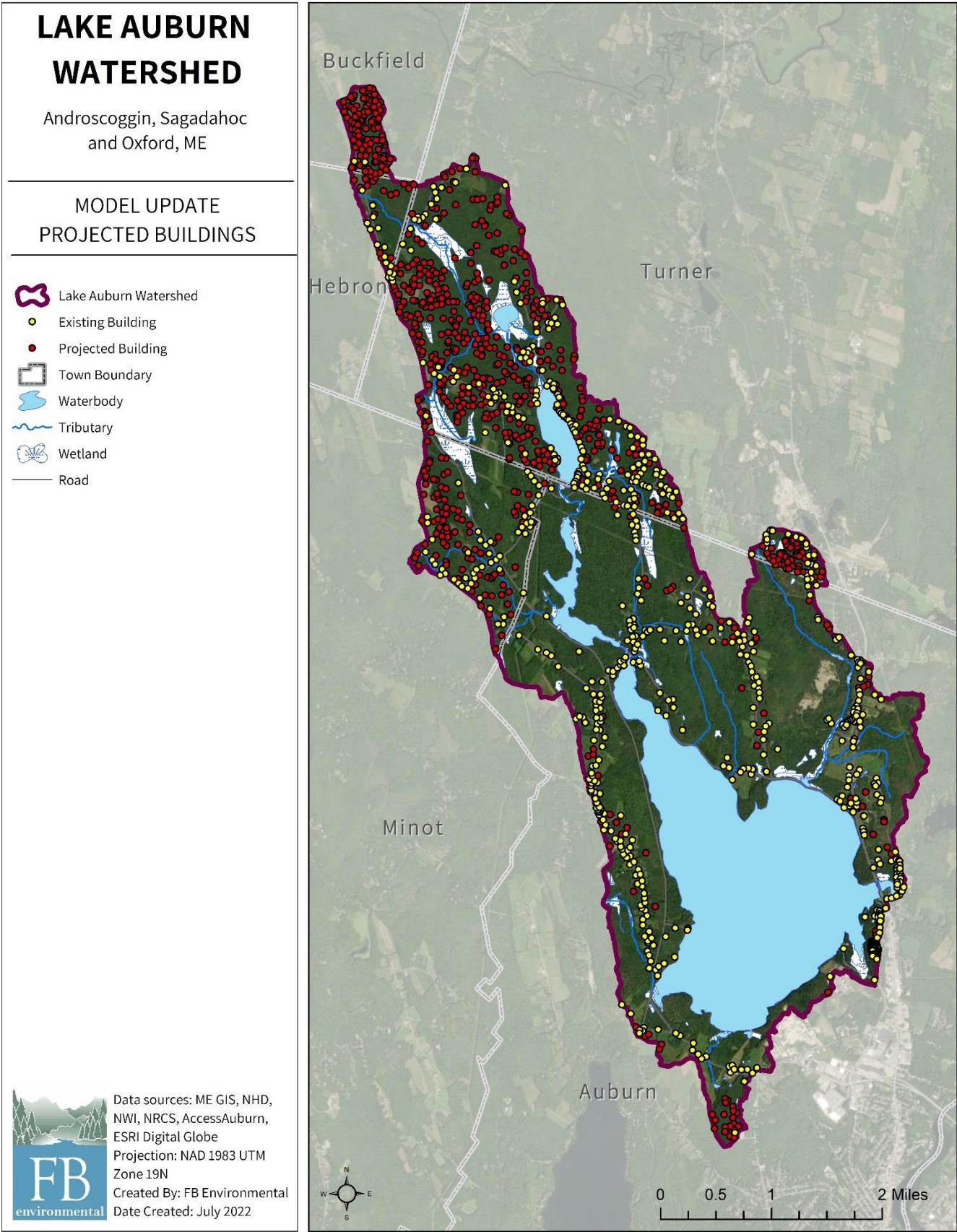


Figure 3. Existing and projected buildings in the Lake Auburn watershed for the 2022 ordinance changes baseline buildout analysis.

FUTURE SCENARIO CONSIDERATIONS

Considering additional nutrient attenuation by improved septic systems in the watershed. The City of Auburn will be requiring the use of diversion ditches and curtain drains for all septic system siting conditions. Diversion ditches and curtain drains divert surface and ground water away from leachfields to optimize the performance of septic systems, including their nutrient reduction potential (note: conventional septic systems are only designed for pathogen not nutrient removal; any nutrient removal is a byproduct of the design and is only optimized when an adequate biomat is established and maintained over time; the City of Auburn could consider requiring the installation of advanced treatment systems that directly target and reduce nutrients in sensitive environmental areas). The model already assumes that 90% of phosphorus in effluent is treated by an optimally functioning system and native soil. Additional research would be required to determine the validity of applying an adjustment factor to the phosphorus attenuation factor assumed for septic systems in the model. Even if an adjustment factor was justified in the literature, the change would likely be small and within the margin of uncertainty in the model. At the City's request, FBE could also make all existing and projected septic systems "new"³ in the model to determine the possible improvement to in-lake water quality from upgrading all septic systems in the Auburn portion of the watershed (note: this would only be for shoreline septic systems; watershed septic systems are inherent to the land use export coefficients and would require additional research and consideration to tease out).

Including nitrogen modeling for Lake Auburn. The model can also predict nitrogen load and in-lake nitrogen concentrations, but additional work would be required to calibrate the model for nitrogen.

Strategizing how to achieve the target 900 kg/yr phosphorus load to Lake Auburn. The 2021 modeling effort set a target phosphorus load of 900 kg/yr for Lake Auburn to maintain good water quality and its filtration waiver. Model simulations for various circumstances would need to be played out to come up with one or more strategies for achieving the target load.

³ Currently, the shoreline septic system load is a coarse estimate that splits the systems into "old" (>25 yrs) and "new" (<25 yrs) with a difference of 20% attenuation and 10% attenuation assumed for phosphorus, respectively. New systems are added to the model and split between the two age groups based on a similar ratio as existing old/new systems. This is because the model is projecting out to the end of the century - a system that is installed today will become "old" in 25 years and would likely be replaced a few times by the end of the century and alternate between those two age groups. A more nuanced analysis would take more research and discussion.



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: John A. Blais, Deputy Director of Planning & Permitting
Re: FB Environmental Update on the 1 acre to 3 acre lots in the Lake Auburn Watershed with proposed Septic system ordinance change.

Date: August 3, 2022

WORKSHOP: FB Environmental update the planning board on findings of lot size analysis and overall development potential changes.

1) Summarize the proposed ordinance changes that the City of Auburn Planning Board deliberated in May 2022 and 2) Describe the modeling work that was completed which simulated the impact that the proposed ordinances changes will have on land use and development in the watershed and subsequent lake water quality.

New Model Results

Results of the buildout analysis incorporating the 2022 ordinance changes compared to the original baseline buildout analysis are provided in Tables 3 and 4 and shown in Figures 1-3 in the attached updated report. The ordinance changes only impacted the Auburn portion of the watershed, reducing the total buildable area by 955 acres and the number of projected new buildings by 155. However, these results reflect adjustments made to the buildout assumptions that more accurately apply existing ordinances. For example, new development in the Agriculture and Resource Protection zone was removed which accounted for 928 acres of buildable area and 74 projected new buildings. In addition, there were 23 projected new buildings identified within the 300 ft buffer under the original baseline buildout that the ordinance changes conservatively excluded due to the limitations of using the Table 4D soil profiles. Accounting for these adjustments, the ordinance changes directly reduced the total buildable area by 27 acres and the number of projected new buildings by 58. This indicates that the expansion of buildable area with the lifting of the septic system siting restriction (changing from 36" to 12" to limiting factor) was effectively offset by the reduction of buildable area with the rezoning of Rural Residential to Low Density Country Residential (changing from 1-acre to 3-acre minimum lot size).

Results of the watershed-lake model are provided in Table 5 (pg.7 report). The new model run reflecting the 2022 ordinance changes and other adjustments resulted in a predicted total phosphorus load of 937 kg/yr and an in-lake total phosphorus concentration of 9.3 ppb. Compared to the "Business as Usual + LID" model scenario, the ordinance changes and other adjustments reduced the total phosphorus load by 6 kg/yr and the in-lake total phosphorus concentration by 0.1 ppb. Although a small change, the reduction entered a new tier or probability bracket for bloom risk, lowering it slightly from 40% to 30-40% with taste/odor complaints still possible but slightly less likely and filtration waiver violation remaining a low risk. To meet the goal of 900 kg/yr total phosphorus load and 9.0 ppb in-lake total phosphorus concentration in the future at full buildout, additional changes to development strategies that limit total phosphorus export will be needed. While the City of Auburn has taken valuable action to put phosphorus controls in place on new development, the goal cannot be ultimately met without the cooperation of headwater towns to implement similar development strategies controlling phosphorus in the watershed.

Results Staff Note: The 937 kg/yr. was based on a buildout analysis of one acre of disturbed area/new impervious surface. The Low Impact Development (LID) ordinance limits development disturbance area to 15,000 SF and 7,500 SF of impervious area. This approach would limit the development footprint to 22,500 SF or .52 acres. This would help further the limit phosphorus export with new development.

Requirements for New Single Family Lot Development	
Basic SFR Lot Standard	Alternative SFR Lot Standards
Disturbance on an individual lot must be less than 15,000 square feet (including building, driveway, walkways, lawn area, construction access, grading). And, no more than 7,500 square feet of impervious cover is located on the property.	Low Impact Development (LID) practices are used and sized to treat 0.5 inches of runoff from all impervious surfaces on the site, and 0.2 inches of runoff from all disturbed pervious areas of the site (lawn).*
A minimum natural vegetated buffer must be maintained downgradient of all developed area on the lot. This buffer shall be 35 feet deep if naturally forested or 50 feet deep if maintained as a natural meadow.*	The LID practices installed on the site are maintained in perpetuity. If necessary, LID practices may be replaced with new LID practices as long as the overall site treatment standard above is met.
A minimum of 25 percent of the lot area must be maintained as undisturbed natural area.*	
<p><i>* If the lot or a portion of the lot is located within a watershed of a Lake Most at Risk from New Development, an Urban Impaired Stream, or other impaired or sensitive waterbodies as designated by the municipality for the purposes of this standard, a minimum of:</i></p> <ul style="list-style-type: none"> • <i>50 feet if naturally forested buffer, or 75 feet if maintained as meadow must be maintained downgradient of all developed area on the lot,</i> • <i>A minimum of 40% of the lot area must be maintained as undisturbed natural area.</i> <p><i>If the existing land has been disturbed by prior activities, a natural vegetated buffer and/or undisturbed natural area may be proposed through restoration and revegetation.</i></p>	<p><i>* If the lot or a portion of the lot is located within watersheds of Lakes Most at Risk from New Development or other impaired or sensitive waterbodies as designated by the municipality for the purposes of this standard, the project must treat one inch of runoff from impervious surfaces and 0.4 inch from disturbed pervious surfaces.</i></p>

Staff Recommendation

Staff suggests a Planning Board hold a public hearing and provide positive feedback to the City Council to recommend both the zone change and lifting the septic system siting restriction (changing from 36” to 12” to limiting factor).

1. Change all areas of the Rural Residential zone in the watershed to Low Density Country Residential (LDCR).

The LDCR Dimensional Standards are as follows

Sec. 60-202. Dimensional requirements.

All structures in this district except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.
- (2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.
- (3) *Yard requirements.*

- a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.
- (Ord. of 9-21-2009, § 3.32C; Ord. No. 11-03012021, §§ 10, 11, 3-15-2021)

2. Updating Sec 60-952 (c) and (f) (1-5) for agricultural buffer strip and subsurface wastewater systems in Division 4- Lake Auburn Watershed; and Sec 60-1066 (1) Phosphorous control for any new building or structure.

Sec. 60-952 (c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries is tilled for agricultural purposes, an untilled buffer strip ~~50~~ 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

+

(f) *Private sewage disposal systems.* The following regulations shall be adhered to in the development of private sewage disposal systems in the Lake Auburn Watershed:

II.

(1) ~~Subsurface absorption Disposal~~ areas shall not be permitted on sites on which ~~the highest seasonal groundwater table, bedrock, or other impervious layer~~ is less than 12 inches to the limiting factor. ~~36—12 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. In addition, having at least 24 inches of suitable natural soil or fill material below the bottom of the disposal field and (the mineral soil surface) to result in a 36-inch separation between the bottom of the disposal field and the limiting factor.~~

III.

(2) Within areas containing soils described as deep, ~~loose~~ and sandy or gravelly and which contain ~~70 percent sand or gravel outwash or stratified drift~~ as shown on table- 4D (profiles 5 or 6 and some 11) of the State of Maine Subsurface Wastewater Disposal Rules 10-144 Chapter 241 9-3 of the state plumbing code, part II (April 25, 1975), no subsurface absorption area shall be installed closer than ~~300~~ 400 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream. Where the daily sewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.

IV.

(3) All disposal areas, replacement or new shall meet the section 60-952 (F) (1) design criteria. If replacement systems cannot meet Section 60-952 (F) (1) The local plumbing inspector must evaluate the

design with concurrence from the Auburn Water District to impart as much design criteria to the replacement system.

V.

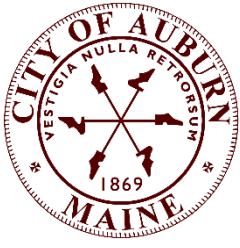
(4) All private sewage disposal systems shall have a curtain drain installed per section H, 10-144 CMR 34 of the Maine Subsurface Wastewater Disposal Rules or diversion ditch, upslope of a disposal field, for its entire length including fill extensions as determined by groundwater conditions by a Licensed Site Evaluator.

VI.

(5) All private sewage disposal systems shall be installed on the lot of the dwelling unit, unless the system can be developed outside the watershed or in under special conditions replacement systems may approve by local plumbing inspector on adjacent lots.

~~(3)~~(6)The city water district shall have the right to inspect any system within the Lake Auburn Watershed District during its construction and operation and may notify the health office, police chief, local plumbing inspector or housing inspector who shall require the abatement of such defects or malfunctions.

~~(4)~~(7)The local plumbing inspector shall furnish a copy of all site investigation reports in the Lake Auburn Watershed District to the city water district.



**City of Auburn
City Council Information Sheet
August 15, 2022**

Council Workshop or Meeting Date: August 15, 2022

Orders: 115-08012022 and 116-08012022

Author: Jay Brenchick, Director of Economic Development

Subject: Sale of City-Owned Properties

Information: The Economic Development department has identified 2 city-owned properties that have the potential to create economic impact if sold. The Economic Development department will work with the city's contracted real estate broker to market the properties and identify potential uses.

City Budgetary Impacts: None

Staff Recommended Action: Approve the orders as presented

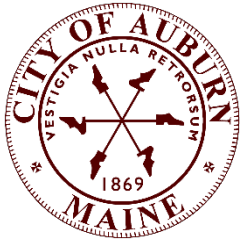
Previous Meetings and History: These items were presented at the 8/1/2022 Council meeting and due to house numbering/parcel ID errors, these items were postponed to allow staff to make the necessary corrections.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: List of properties



City of Auburn
Proposed Sale of City-Owned Properties
City Council Meeting August 15, 2022

Jay Brenchick, Director of Economic Development

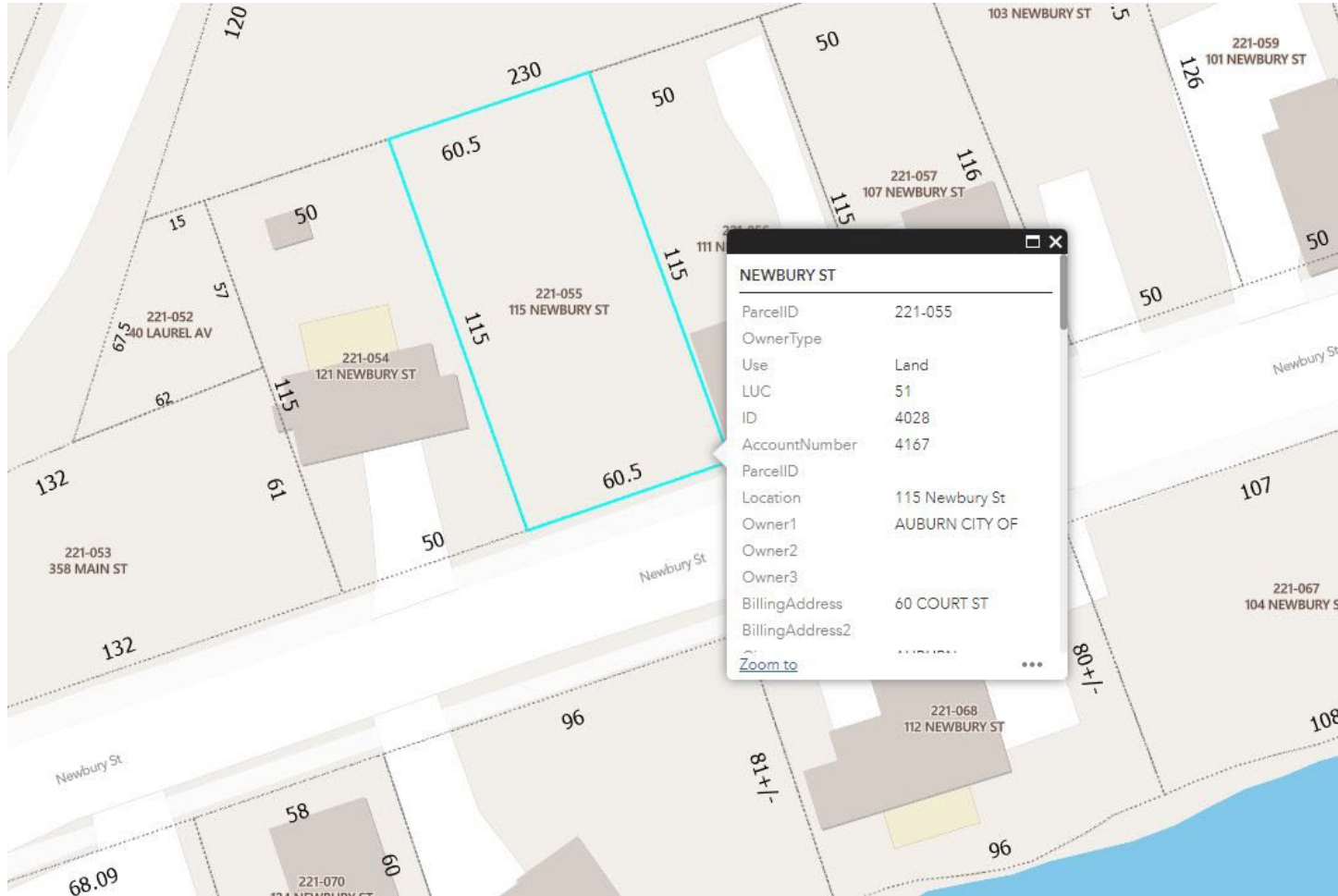
Subject: The City of Auburn Economic Development Department seeks approval to sell the city-owned properties below through the city's approve bid process. Applicants will be required to share a short narrative describing what they plan to build as well as the project's anticipated timeline and completion date.

Address	Description
103 Newbury Street	Parcel ID: 221-058
115 Newbury Street	Parcel ID: 221-055

**103 Newbury Street
.21 Acres +/-**



115 Newbury Street
.16 Acres +/-





ORDER 115-08012022

City Council Order

IN CITY COUNCIL

ORDERED, the City of Auburn authorizes the marketing of 115 Newbury Street Parcel ID 221-055 (city-owned property) by the Economic Development Department.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



ORDER 116-08012022

City Council Order

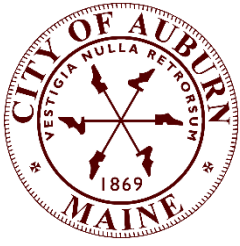
IN CITY COUNCIL

ORDERED, the City of Auburn authorizes the marketing of 103 Newbury Street Parcel ID 221-058 (city-owned property) by the Economic Development Department.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: August 15, 2022

Order: 49-04042022

Author: Sue Clements-Dallaire, City Clerk

Subject: Proposed Charter Amendments – Public hearing and Council vote to submit to Auburn voters

Information: The Auburn Charter sec. 2.8 states “the city council shall provide for the review of the city’s charter and ordinances in their entirety at least once every 15 years”. Council recently completed the review of the City Charter and City Ordinances beginning in October of 2020.

After a review by the City Council, School Committee, and City Attorney, there were five minor amendments proposed. We are proposing to submit those to the voters at the November 8, 2022 Election.

If Council votes to submit the proposed Charter amendments to the voters of Auburn at the November 8, 2022 Election, and the amendments pass, they would take effect July 1, 2023.

This order was brought forward to the City Council on April 7, 2022 with a recommendation to submit this to the voters at the June 14, 2022 Election. Council voted to postpone this item to a date no later than September 19, 2022 to submit it to the voters at the November 8, 2022 General Election because of higher voter turnout.

30-A, Sec. 2105:

4. Effective date. If a majority of the ballots cast on any question under subsection 1 or 2 favor acceptance, the new charter, charter revision, charter modification or charter amendment becomes effective as provided in this subsection, provided the total number of votes cast for and against the question equals or exceeds 30% of the total votes cast in the municipality at the last gubernatorial election.

A. Except as provided in subparagraph (1), new charters, charter revisions or charter modifications adopted by the voters take effect on the first day of the next succeeding municipal year.

(1) New charters, charter revisions or charter modifications take effect immediately for the purpose of conducting any elections required by the new provisions

B. Charter amendments adopted by the voters take effect on the date determined by the municipal officers, but not later than the first day of the next municipal year.

The total number of ballots cast in the 2018 gubernatorial election was 9,755, 30% of that would be 2,927.

City Budgetary Impacts: Approximately \$2,800 for the cost of printing the ballots.

Staff Recommended Action: Recommend passage

Previous Meetings and History: 10/26/2020, 11/9/2020, 11/30/2020, and 03/21/2022, 4/4/2022.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: Public notice, proposed amendments.

Proposed Charter Amendments

Sec. 4.2 Composition and compensation.

The School Committee shall consist of the Mayor, or a City Councilor selected by the Mayor, and seven (7) other members. Five (5) members shall be elected, one (1) from each ward by and from its registered voters. Two (2) members shall be elected at-large by and from the City's registered voters. Members shall hold office for a term of two (2) years or until their successors are elected and qualified except that any candidate whose name does not appear on the printed ballot must receive at least twenty-five (25) valid write-in votes in order to qualify for election to that position. The School Committee may appoint by rule non-voting student representatives to serve with the School Committee. Student members will be secondary students and will serve a one (1) year term.

Sec. 4.7. Voting.

A roll call vote shall be taken on the passage of any order or resolve when requested by any member. Any action by the school committee shall require at least four affirmative votes; however, in the event of a tie the measure fails. ~~Five affirmative votes shall be required to hire or fire the superintendent of schools.~~

Sec. 4.9. Superintendent of schools.

The school committee shall choose a superintendent of schools in accordance with Title 20-A §1051. ~~solely on the basis of executive and administrative qualifications.~~ The superintendent of schools need not be a resident of the city at the time of appointment, but shall be a resident of the city during tenure of office unless otherwise approved by the school committee. The School Committee may discharge the superintendent before the expiration of the contract term in accordance with 20-A §1052.

Sec. 6.4. Powers and duties.

The city manager shall be administrative head of the city government and shall be responsible to the city council for the administration of all departments other than the ~~department of education~~ School Department.

Sec. 8.7. Amendments after adoption.

- A. *Supplemental appropriations.* If during or before the fiscal year the city manager certifies that there are available for appropriation municipal revenues, including those of the ~~department of education~~ School Department, in excess of those estimated in the budget, the city council by resolve may make supplemental appropriations for the year up to the amount of such excess.

§2105. Submission to voters

The method of voting at municipal elections, when a question relating to a charter adoption, a charter revision, a charter modification or a charter amendment is involved, shall be in the manner prescribed for municipal elections under sections 2528 to 2532, even if the municipality has not accepted the provisions of section 2528. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

1. Charter revision or adoption. Except as provided in paragraph A, in the case of a charter revision or a charter adoption, the question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the (charter revision) (new charter) recommended by the charter commission?"

A. If the charter commission, in its final report under section 2103, subsection 5, recommends that the present charter continue in force with only minor modifications, those modifications may be submitted to the voters in as many separate questions as the commission finds practicable. The determination to submit the charter revision in separate questions under this paragraph and the number and content of these questions must be made by a majority of the charter commission.

(1) If a charter commission decides to submit the charter revision in separate questions under this paragraph, each question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the charter modification recommended by the charter commission and reprinted (summarized) below?" [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

2. Charter amendment. In the case of a charter amendment the question to be submitted to the voters shall be in substance as follows:

"Shall the municipality approve the charter amendment reprinted (summarized) below?"

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

3. Voter information. Reports shall be made available and summaries prepared and made available as follows.

A. In the case of a charter revision or charter adoption, at least 2 weeks before the election, the municipal officers shall:

- (1) Have the final report of the charter commission printed;
- (2) Make copies of the report available to the voters in the clerk's office; and
- (3) Post the report in the same manner that proposed ordinances are posted. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. In the case of a charter amendment, at least 2 weeks before the election, the municipal officers shall:

- (1) Have the proposed amendment and any summary of the amendment prepared under this section printed;
- (2) Make copies available to the voters in the clerk's office; and

(3) Post the amendment and any summary of that amendment in the same manner that proposed ordinances are posted. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

C. Any summary must fairly describe the content of the proposed amendment and may not contain information designed to promote or oppose the amendment. [PL 1991, c. 622, Pt. X, §11 (AMD).]

[PL 1991, c. 622, Pt. X, §11 (AMD).]

4. Effective date. If a majority of the ballots cast on any question under subsection 1 or 2 favor acceptance, the new charter, charter revision, charter modification or charter amendment becomes effective as provided in this subsection, provided the total number of votes cast for and against the question equals or exceeds 30% of the total votes cast in the municipality at the last gubernatorial election.

A. Except as provided in subparagraph (1), new charters, charter revisions or charter modifications adopted by the voters take effect on the first day of the next succeeding municipal year.

(1) New charters, charter revisions or charter modifications take effect immediately for the purpose of conducting any elections required by the new provisions. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

B. Charter amendments adopted by the voters take effect on the date determined by the municipal officers, but not later than the first day of the next municipal year. [PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

[PL 1987, c. 737, Pt. A, §2 (NEW); PL 1987, c. 737, Pt. C, §106 (NEW); PL 1989, c. 6 (AMD); PL 1989, c. 9, §2 (AMD); PL 1989, c. 104, Pt. C, §§8, 10 (AMD).]

SECTION HISTORY

PL 1987, c. 737, §§A2,C106 (NEW). PL 1989, c. 6 (AMD). PL 1989, c. 9, §2 (AMD). PL 1989, c. 104, §§C8,10 (AMD). PL 1991, c. 622, §X11 (AMD).

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SPECIMAN BALLOT
CITY OF AUBURN
SPECIAL MUNICIPAL ELECTION
NOVEMBER 8, 2022

INSTRUCTIONS TO VOTERS

TO VOTE, completely fill in the OVAL to the LEFT of your choice like this: If you make a mistake, you may request a new ballot.

QUESTION 1:

Shall the municipality approve the charter amendment reprinted below?

Sec. 4.2 Composition and compensation.

The School Committee shall consist of the Mayor, or a City Councilor selected by the Mayor, and seven (7) other members. Five (5) members shall be elected, one (1) from each ward by and from its registered voters. Two (2) members shall be elected at-large by and from the City's registered voters. Members shall hold office for a term of two (2) years or until their successors are elected and qualified except that any candidate whose name does not appear on the printed ballot must receive at least twenty-five (25) valid write-in votes in order to qualify for election to that position. The School Committee may appoint by rule non-voting student representatives to serve with the School Committee. Student members will be secondary students and will serve a one (1) year term.

YES

NO

QUESTION 2:

Shall the municipality approve the charter amendment reprinted below?

Sec. 4.7. Voting.

A roll call vote shall be taken on the passage of any order or resolve when requested by any member. Any action by the school committee shall require at least four affirmative votes; however, in the event of a tie the measure fails. ~~Five affirmative votes shall be required to hire or fire the superintendent of schools.~~

YES

NO

QUESTION 3:

Shall the municipality approve the charter amendment reprinted below?

Sec. 4.9. Superintendent of schools.

The school committee shall choose a superintendent of schools in accordance with Title 20-A §1051. ~~solely on the basis of executive and administrative qualifications.~~ The superintendent of schools need not be a resident of the city at the time of appointment, but shall be a resident of the city during tenure of office unless otherwise approved by the school committee. The School Committee may discharge the superintendent before the expiration of the contract term in accordance with Title 20-A §1052.

YES

NO

QUESTION 4:

Shall the municipality approve the charter amendment reprinted below?

Sec. 6.4. Powers and duties.

The city manager shall be administrative head of the city government and shall be responsible to the city council for the administration of all departments other than the ~~department of education~~ School Department.

YES

NO

QUESTION 5:

Shall the municipality approve the charter amendment reprinted below?

Sec. 8.7. Amendments after adoption.

A. *Supplemental appropriations.* If during or before the fiscal year the city manager certifies that there are available for appropriation municipal revenues, including those of the ~~department of education~~ School Department, in excess of those estimated in the budget, the city council by resolve may make supplemental appropriations for the year up to the amount of such excess.

YES

NO

**CITY OF AUBURN
PUBLIC NOTICE
PROPOSED CHARTER AMENDMENTS**

Notice is hereby given that the Auburn City Council will hold a public hearing on an Order to submit the following proposed charter amendments to the voters at the November 8, 2022, Election. The public hearing will be held on August 15, 2022 at 7:00 pm or as soon thereafter, in Council Chambers of Auburn Hall located at 60 Court Street, Auburn, Maine.

The purpose of the public hearing is to receive public comments on the proposed charter amendments in accordance to Title 30-A §2104. All interested parties are invited to attend the public hearing and will be given an opportunity to be heard at that time.

Proposed Charter Amendments

Sec. 4.2 Composition and compensation.

The School Committee shall consist of the Mayor, or a City Councilor selected by the Mayor, and seven (7) other members. Five (5) members shall be elected, one (1) from each ward by and from its registered voters. Two (2) members shall be elected at-large by and from the City's registered voters. Members shall hold office for a term of two (2) years or until their successors are elected and qualified except that any candidate whose name does not appear on the printed ballot must receive at least twenty-five (25) valid write-in votes in order to qualify for election to that position. The School Committee may appoint by rule non-voting student representatives to serve with the School Committee. Student members will be secondary students and will serve a one (1) year term.

Sec. 4.7. Voting.

A roll call vote shall be taken on the passage of any order or resolve when requested by any member. Any action by the school committee shall require at least four affirmative votes; however, in the event of a tie the measure fails. ~~Five affirmative votes shall be required to hire or fire the superintendent of schools.~~

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Sec. 6.4. Powers and duties.

The city manager shall be administrative head of the city government and shall be responsible to the city council for the administration of all departments other than the ~~department of education~~ School Department.

Sec. 8.7. Amendments after adoption.

- A. *Supplemental appropriations.* If during or before the fiscal year the city manager certifies that there are available for appropriation municipal revenues, including those of the ~~department of education~~ School Department, in excess of those estimated in the budget, the city council by resolve may make supplemental appropriations for the year up to the amount of such excess.



City Council Order

IN CITY COUNCIL

ORDER to submit the proposed Charter Amendments to the voters of Auburn at the November 8, 2022 Election.

Whereas, the Auburn City Council held several special meetings to conduct a review of the City Charter section by section in accordance to Sec. 2.8 of Auburn's Charter; and

Whereas, the School Committee presented their recommended changes to the City Council at a special meeting held on November 30, 2020; and

Whereas, proposed changes that were voted on by the City Council during the process only submitted the Proposed Charter Amendments listed below to the City Attorney for legal review, with proposed additions to the City Charter indicated with an underline, and proposed deletions from the City Charter indicated with a ~~striketrough~~; and

Now, therefore, be it ordered by the Auburn City Council as follows:

The Auburn City Council finds that the Proposed Charter Amendment in Section 4.2 does not affect the composition nor voting authority of the School Committee, but is simply designed to ensure that any student representatives are of sufficient capacity to meaningfully participate in the School Committee's work.

The Auburn City Council finds that the Proposed Charter Amendments in Sections 4.7 and 4.9 merely serve to conform the existing Charter language to Maine statutes governing the hiring and firing of the superintendent of schools.

The Auburn City Council finds that the Proposed Charter Amendments to Sections 6.4 and 8.7 simply promote conformity and consistency in references to the Auburn School Committee throughout the Charter.

Accordingly, the Auburn City Council concludes that the Proposed Charter Amendments will not alter the general plans, schemes, or structure of the existing Charter language, will not result in a profound or fundamental alteration in the essential character or core operations of Auburn's municipal government, and therefore constitute amendments to the Auburn City Charter which are within the purview of the Auburn City Council, as the municipal officers, to propose for consideration by the voters and that they are not revisions requiring the establishment of a Charter Commission.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



City Council Order

The Auburn City Council therefor orders that the Proposed Charter Amendments be placed on a ballot and submitted to the voters of Auburn at the November 8, 2022 Election and if passed by the voters of Auburn, the Charter Amendments would take effect July 1, 2023.

Proposed Charter Amendments

Sec. 4.2 Composition and compensation.

The School Committee shall consist of the Mayor, or a City Councilor selected by the Mayor, and seven (7) other members. Five (5) members shall be elected, one (1) from each ward by and from its registered voters. Two (2) members shall be elected at-large by and from the City's registered voters. Members shall hold office for a term of two (2) years or until their successors are elected and qualified except that any candidate whose name does not appear on the printed ballot must receive at least twenty-five (25) valid write-in votes in order to qualify for election to that position. The School Committee may appoint by rule non-voting student representatives to serve with the School Committee. Student members will be secondary students and will serve a one (1) year term.

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The city manager shall be administrative head of the city government and shall be responsible to the city council for the administration of all departments other than the ~~department of education~~ School Department.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
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Phillip L. Crowell, Jr., City Manager



City Council Order

Sec. 8.7. Amendments after adoption.

- A. *Supplemental appropriations.* If during or before the fiscal year the city manager certifies that there are available for appropriation municipal revenues, including those of the ~~department of education~~ School Department, in excess of those estimated in the budget, the city council by resolve may make supplemental appropriations for the year up to the amount of such excess.

Richard Whiting, Ward One
Joseph Morin, Ward Four
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Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: August 15, 2022

Order: 122-08152022

Author: Alison F. Pepin, Deputy City Clerk

Subject: Approving the Liquor License for Riverwalk Blues & Brews Festival

Information: A Riverwalk Blues & Blues Festival is scheduled for September 10, 2022 from 1:00 PM to 7:00 PM. The event will be held in the Main Street/Festival Plaza area.

The City is applying for a Liquor License for Incorporated Civic Organization to allow the sale of alcohol in Festival Plaza within the designated area.

A Public Hearing is not required per MRS Title 28-A Liquor § 1071. INCORPORATED CIVIC ORGANIZATIONS 4. Application G. Approval by the municipal officers for the municipality in which the proposed licensed premises are located, which, notwithstanding section 653, may be granted without notice or a public hearing.

City Budgetary Impacts: N/A

Staff Recommended Action: Passage approving the liquor license

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

- Application for a License for an Incorporated Civic Organization
- Copy of MRS Title 28-A Liquor § 1071. INCORPORATED CIVIC ORGANIZATIONS
- Order 122-08152022



STATE OF MAINE
 DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
 BUREAU OF ALCOHOLIC BEVERAGES AND LOTTERY OPERATIONS
 DIVISION OF LIQUOR LICENSING AND ENFORCEMENT

Application for a License for an Incorporated Civic Organization

Section A: Applicant Information:

1. Legal Name of Applicant: City of Auburn
2. Contact Name for Applicant: Barry Schmieles
3. Mailing Address of Primary Office of Applicant: 60 Court Street
Auburn, ME 04210
4. Contact Name Telephone/Mobile Number: 207.333.6650 x2066
5. Email Address of Contact: bschmieles@auburnmaine.gov

Section B: Event Information:

1. Title Event: Riverwalk Blues & Brews Festival
2. Purpose of Event: free community event with live music, local beer, food & fun
3. Duration of Event (check one): One Day Multiple Days (only 1 permitted per year)
4. Type of Event: (check one) Indoor Outdoor
5. Town or City where Event will take place: Auburn
6. Complete Physical Address of Event:
Festival Plaza, 112 main Street, and part of
main Street (see map)
7. Date of Event: 9.10.2022 Time: From 1 pm To 7 pm
Under Maine liquor laws, alcoholic beverages can **only** be served from 5:00 am to 1:00 am of the next day, Sunday through Saturday; event times cannot deviate from this statutory requirement.
8. Number of Persons Attending: approx. 500-750

9. Describe specific indoor and/or outdoor area to be licensed: (for an outdoor event, please include a diagram of the outside space in Section F below.)

see attached map

10. Will dancing be part of the event? Yes No
- a. Does the venue have a dance license? Yes No
- b. If yes, please provide a copy of the license from the State's Fire Marshall's Office

Section C: Signature of Applicant

By signing this application, the licensee understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: _____

Signature of Duly Authorized Person

Printed Name of Duly Authorized Person

Section D: For use by Municipal Officers and County Commissioners only
Approval of an Application for a License for an Incorporated Civic Organization

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this catering event application on this date: _____.

Check only one: City Town Unorganized Territory

Name of City/Town/Unorganized Territory: _____

Who is approving this application? Municipal Officers
 County Commissioners of _____ County

Please Note: The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of license to be issued by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title

Section E: Application Fee; Other Information

1. The license fee is \$50.00 plus a \$10.00 filing fee; make checks payable to Treasurer State of Maine.
2. The law requires the application to be submitted at least 24 Hours prior to the function, however, a longer notice is appreciated to allow additional time for processing.
3. Once issued, this permit is not assignable and is valid only for use by the licensee named in this application and for the date, time, and location listed in this application. This permit is issued subject to Maine liquor laws under Title 28-A and the Bureau’s Administrative Rules. Penalties for failure to comply with the laws and rules are provided in Chapter 33 of Title 28-A.
4. The Division is hereby authorized to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also such books, records and returns during the year in which any liquor license is in effect.
5. Payments to the Division by check subject to penalty provided by 28-A MRS Section 3-B.

Section F: Diagram for Outdoor Events

The following restrictions apply to outdoor events:

- There must be a stanchion or a fence completely enclosing the area.
- Signs must be posted stating "No alcohol beyond this point".
- There must be sufficient employees at the event to control and monitor the area.

In an effort to clearly define the area that consumption and storage of liquor will occur during this outdoor event, diagrams must be submitted on this form and should be as accurate as possible. Be sure to label the areas of consumption and storage on your diagram.

See attached map

For Division Use Only

Date Filed: _____

Approved Not Approved

Date Approved: _____

Approved By: _____

License No: _____

Deposit Date: _____

Amt. Deposited: _____

Payment Type: _____

Riverwalk Blues and Brews

- Alcohol Permitted Area
- Venue Features



50 Feet

0



§1071. INCORPORATED CIVIC ORGANIZATIONS

1. Issuance of licenses. The bureau may issue licenses under this section for the sale of spirits, wine and malt liquor to be consumed on the premises to incorporated civic organizations, as defined in section 2, subsection 15, paragraph I.

[1997, c. 373, §96 (AMD) .]

2. Up to 5 licensed events per year; one event per license. An incorporated civic organization may obtain up to 5 licenses under this section per calendar year. Each license authorizes the licensee to sell or serve liquor at only one public event or public gathering which is sponsored by the licensee.

[1987, c. 151, §2 (RPR) .]

3. Length of licenses. One license issued under this section to each incorporated civic organization is valid for up to 7 consecutive days. The other 4 licenses for which the incorporated civic organization is eligible are valid for one day each. The bureau may not issue separate licenses under this section to the same incorporated civic organization for events or gatherings held on consecutive days.

[1997, c. 373, §97 (AMD) .]

4. Application. An incorporated civic organization shall file an application for a license. The application includes the following:

A. Title and purpose of the event; [1987, c. 45, Pt. A, §4 (NEW) .]

B. Date, time and duration; [1987, c. 45, Pt. A, §4 (NEW) .]

C. Location; [1987, c. 45, Pt. A, §4 (NEW) .]

D. Approximate number of persons to be accommodated; [1987, c. 45, Pt. A, §4 (NEW) .]

E. Name and address of the sponsoring civic organization and the name and title of the officer making the application; [1987, c. 45, Pt. A, §4 (NEW) .]

F. If food is to be served, the name and address of food caterer, if other than the licensee; and [1987, c. 45, Pt. A, §4 (NEW) .]

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115

MRS Title 28-A: LIQUORS

Chapter 43: LICENSES FOR THE SALE OF LIQUOR TO BE CONSUMED ON THE LICENSED PREMISES

G. Approval by the municipal officers of the municipality in which the proposed licensed premises are located, which, notwithstanding section 653, may be granted without notice or a public hearing.

[1987, c. 45, Pt. A, §4 (NEW) .]

[1987, c. 45, Pt. A, §4 (NEW) .]

5. Ruling on application. The bureau shall approve or deny the application and immediately notify the applicant of its decision. The bureau shall advise the applicant that the license may be revoked and suspended under chapter 33.

[1997, c. 373, §98 (AMD) .]

6. Server requirements. A manufacturer licensed by the bureau under section 1355-A, a certificate of approval holder or a wholesaler who provides malt liquor, wine, fortified wine or spirits for the public event or gathering being sponsored may serve its product at the event. An incorporated civic organization issued a license in accordance with this section shall provide the names of persons not licensed under chapters 51, 55 or 59 who will be serving alcoholic beverages at the event. In the event that a server from that list is unavailable, a licensed manufacturer, distributor, wholesaler, small winery or small brewery that has provided alcoholic beverages to be served at the event may provide serving assistance.

[2015, c. 214, §6 (AMD) .]

SECTION HISTORY

1987, c. 45, §A4 (NEW). 1987, c. 151, §2 (AMD). 1997, c. 373, §§96-98 (AMD). 2009, c. 102, §1 (AMD). 2011, c. 629, §19 (AMD). 2015, c. 214, §6 (AMD).



ORDER 122-08152022

City Council Order

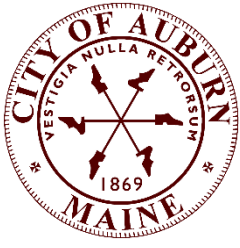
IN CITY COUNCIL

ORDERED, that the City Council hereby approves the liquor license for the September 10, 2022 Riverwalk Blues & Brews Festival event sponsored by the City of Auburn, to be held in the Main Street/Festival Plaza area.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: August 15, 2022

Order: 123-08152022

Author: Alison F. Pepin

Subject: Waiver of Business License Fee – Maine Blues Society

Information: Maine Blues Society, a 501c3 organization, submitted a request for a waiver of the Peddler License fee of \$75.

The Maine Blues Society will be performing at the upcoming Riverwalk Blues & Brews Festival on September 10, 2022. Additionally, they will have a table set up to promote their organization, sell memberships and sell their Maine Blues Society tee shirts.

Mission Statement: "The intent and purpose of the Maine Blues Society is to encourage, promote and expand the enjoyment, development, performance and preservation of the Blues as a culture, art form, musical idiom, profession and a foundation of America's heritage."

City Budgetary Impacts: \$75

Staff Recommended Action: Consider waiving the fee

Previous Meetings and History: N/A

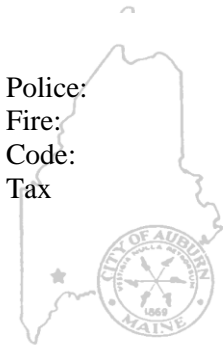
City Manager Comments:



I concur with the recommendation. Signature:

Attachments:

- Application
- Request to waive fees
- Order



CITY OF AUBURN, MAINE

Police:
Fire:
Code:
Tax

Peddler License Application

Fee \$75.00 per event or \$100.00 for 30 days

Application date 8/8/22 Planned opening date 9/10/22 Expiration date 9/10/22

Event and/or Location Riverwalk Blues & Brews

ALL QUESTIONS MUST BE ANSWERED IN FULL

BUSINESS	APPLICANT
Business name <u>Maine Blues Association</u>	Full name <u>Mary J Crace</u>
Business address <u>P.O. Box 4703</u>	Maiden name A/K/A _____
City <u>Portland</u> State <u>ME</u> Zip <u>04112</u>	Date of birth <u>12/11/54</u>
Mailing address <u>same</u>	Home address <u>392 Center Rd.</u>
City _____ State _____ Zip _____	City <u>Lebanon</u> State <u>ME</u> Zip <u>04027</u>
Business phone _____	Home phone <u>207.351.5707</u>
Cell phone <u>207.351.5707</u>	Driver's Lic.# & State <u>7088167 - ME</u>
Manager's Name: <u>MJ Crace, Marketing Director</u>	

Has applicant(s) ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years? Yes _____ No (If yes, complete the following)

Name _____ Date of conviction _____

Offense _____ Location _____

Disposition _____

[Type text]

Type of merchandise to be sold Memberships & Maine Blues Society Tee Shirts

THE OMISSION OF FACTS OR ANY MISPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer. Please allow at least 3 weeks for this process.*

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

*****READ CAREFULLY BEFORE SIGNING*****

I hereby authorize the release of any criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto.

Mary Crace
Signature of Applicant

8/8/22
Date



P.O. BOX 4703, PORTLAND, ME 04112
WWW.MAINEBLUESOCIETY.ORG

August 8, 2022

RE: Fee Waiver Request

Dear City Council Members,

We, the Maine Blues Society (a 501C3 organization) are writing to request that our "Vendor Fee" be waived for the upcoming Riverwalk Blues & Brews Festival on September 10, 2022.

We will be promoting our organization to visitors, educating them about upcoming events and workshops as well as opportunities for involvement in helping to grow the Blues Music genre in our great State of Maine. In addition to memberships, we will also be selling our Maine Blues Society tee shirts at our space.

We are honored to be included in this festival and look forward to representing our organization to all of your guests (fellow Blues lovers) throughout the event.

Thank you for your consideration,

MJ Crace

MJ Crace
Marketing Director
Maine Blues Association
207.351.5707



ORDER 123-08152022

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Clerk to waive the \$75 business license fee (Peddler License) as requested by Maine Blues Society for the Riverwalk Blues and Brews Festival that is scheduled for September 10, 2022.

Richard Whiting, Ward One
Joseph Morin, Ward Four
Belinda A. Gerry, At Large

Ryan Hawes, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager