



**City Council Workshop & Meeting
January 3, 2022
Agenda**

5:30 P.M. City Council Workshop

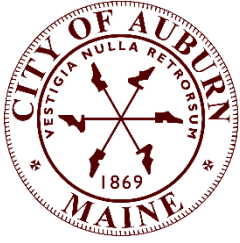
- A. Executive Session – Economic development, pursuant to 1 M.R.S.A. Sec. 405 (6) (C) (30 minutes)
- B. Proposed Zone Changes – Eric Cousens (30 minutes)
- C. Downtown Revitalization Plan – Jay Brenchick (20 minutes)

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

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 01-01032022***
Confirming Chief Moen’s Constable Appointments.
 - 2. **Order 02-01032022***
Re-appointing Brian Bachelder as the Local Sealer of Weights and Measures.
 - 3. **Order 03-01032022***
Changing the date of the second regular City Council meeting in January from January 24, 2022 to January 18, 2022 due to the holiday.
 - 4. **Order 04-01032022***
Setting the time to open the polls for all 2022 elections at 7:00 am.
- II. **Minutes** – December 20, 2021 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Swearing in Officer Logan Rossignol
 - Planning Board reasons for recommendations for residential strips
 - Communication – Mayor Appointments

- 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** - None
- VI. New Business**
- 1. Order 05-01032022**
Directing staff to forward proposed zone changes to the Planning Board for consideration and review pursuant to Chapter 60, Article XVII Division 2 of City Ordinances.
 - 2. Ordinance 01-01032022**
Amending Auburn’s Code of Ordinance, Sec. 2-58. Time and place of regular meetings. Public hearing and first reading.
 - 3. Ordinance 02-01032022**
Amending Auburn’s Code of Ordinance, Sec. 2-430. Membership; responsibility (Regulatory Advisory Board). Public hearing and first reading.
 - 4. Order 06-01032022**
Amending the Board and Committee Appointment Policy as recommended by staff.
- 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 Session** - Economic development, pursuant to 1 MRSA Sec. 405(6)(C)
- X. Adjournment**



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: January 3, 2022

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C).

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

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

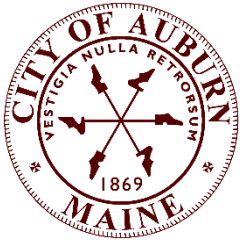
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 3, 2022

Order: 05-01032022

Author: Eric J. Cousens, Director of Planning and Permitting

Subject: Initiate the discussion of Zoning Considerations from 2021 Updated Comprehensive Plan

Information: The comprehensive plan update adopted on December 6, 2021 identified zoning map and text amendments needed to implement the goals of the plan updates. We do not have capacity to consider all the changes at once, but we plan an ambitious effort to have changes under consideration going forward. Below are four changes that staff suggests we start discussing by having the Council initiate their consideration pursuant to Chapter 60, Article XVII Division 2 of City Ordinances. Initiation of these discussions will direct staff to draft the amendments and forward them to the Planning Board for a public Hearing and recommendation back to the Council on how to proceed.

- a. **Gracelawn area;** 148 acres from Agriculture and Resource Protection to Commercial Development District (CDD). Approximately, 37 acres are not shown as CDD in approved FLU mapping, but the council did approve utilizing the Auburn Lake Watershed Study. In that study they suggested moving the watershed boundary out and a result from that, we are suggesting moving the proposed CDD boundary out to match the new watershed boundary another 37 +/- acres as intended. (See attached a.)

Proposed Zone Change:

COMMERCIAL DEVELOPMENT DISTRICT (CDD)

Objective – Allow for the development of a wide range of uses including those that involve the sales of motor vehicles and/or that generate significant truck traffic. The district will allow for both existing and new residential use at a density of up to 16 units per acre.

Allowed Uses – The Commercial Development District generally follows the boundaries of the General Business and General Business II (Minot Avenue) Zoning Districts, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed in the General Business Development District:

- Low and High Residential Density Uses
- Retail uses including large-scale uses (>100,000 square feet)
- Personal and business services

- Business and professional offices
- Medical facilities and clinics
- Restaurants
- Hotel, motels, inns, and bed & breakfast establishments
- Low and High-Density Residential Uses
- Community services and government uses
- Research, light manufacturing, assembly, and wholesale uses
- Truck terminals and distribution uses
- Contractors and similar activities
- Motor vehicle and equipment sales
- Motor vehicle service and repair
- Recreational and entertainment uses and facilities

Development Standards – The City’s development standards for the Commercial Development District should provide property owners and developers flexibility in the use and development of the property. The standards should include provisions to manage the amount and location of vehicular access to the site, minimize stormwater runoff and other potential environmental impacts, require a landscaped buffer along the boundary between the lot and the street, and provide for the buffering of adjacent residential districts.

- b. Washington Street Area**; 716 acres from General Business to Commercial Form Based Code Gateway Development District. Approximately 9.63 acres were not included in the FLU mapping. But approved in the order by the council for the approval of the specific lot PID 199-052. (See attached b.)

COMMERCIAL FORM-BASED CODE GATEWAY DEVELOPMENT DISTRICT (WASHINGTON STREET) (CFBCGD-W)

Objective – To allow for mixed use development while protecting and providing transitions to the abutting residential neighborhoods. Within this area attractive road fronts should be established that enhance a complete street city gateway and provide the essence of a welcoming, vibrant community, with neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The zone is appropriate in areas where a more compact urban development pattern exists or where a neighborhood-compatible commercial district is established which exhibits a pedestrian scale and character. The CFBCGD-W should enhance development and design standards to allow this area to evolve into an attractive gateway into the city. Specifically, a portion of this designation pushes a transformation of Washington Street South/Routes 4 and 100 to a two-lane high-speed connector while Washington Street North Routes 4 and 100 becomes a local connector with future Form Based Code Commercial Development. Residential uses should be allowed at a density of up to 16 units per acre provided they are accessory to commercial uses.

Allowed Uses – The Commercial Form-Based Code Gateway Development District – W generally follows the boundaries of the existing General Business areas along Washington Street, in effect at the time of the 2021 Comprehensive Plan update. The Commercial Form-Based Code Gateway Development District – W should allow for medium-scale, multi dwelling development with up to three stories (plus attic space), with multiple

commercial uses allowed that mirror existing form based code within the city to include, but not be limited to general offices, government uses, lab and research facilities, low impact industrial, studios, parks and open spaces, veterinary services, medical and dental clinics, general retail, restaurants, schools, churches, convenience stores with gas stations, specialty shops, auto service stations, care facilities, lodging, clinics and hotels.

Development Standards – New development, redevelopment and substantial expansions should be subject to an enhanced set of development and design standards to assure that this area evolves as an attractive gateway. These standards should maintain appropriate setbacks for new development, encouraging shallow or no front setbacks, screen parking areas from Washington Street and provide incentives for the use of shared driveways and curb-cuts. Provisions for on street parking should be encouraged. All uses in this district should be located, sited, and landscaped in such a manner as to preserve open space, control vehicle access and traffic and provide adequate buffering and natural screening from Washington Street. This designation is intended for areas near, in, along neighborhood corridors and for transit-supportive densities.

- c. **Court Street/City Core of Urban Residential Area**; 1,687.41 acres of Urban Residential to Traditional Neighborhood Development District Areas. (See attached c.)

TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND)

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 10 feet. Side and rear setbacks should be 5-15 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

- d. **Subsurface Wastewater Disposal in the Lake Auburn Watershed;** Maintain a requirement for a minimum depth of 36 inches above the limiting factor/constraining layer (groundwater or bedrock), while allowing the use of State-approved alternative septic system and leach field designs that meet statewide standards.
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City Budgetary Impacts: Up to \$5,000 in approved Comprehensive Plan Implementation funds for State Geologist/Soil Scientist/Site Evaluator and mapping consultation. The changes will result in new investment and create new taxable value.

Staff Recommended Action: Direct staff to draft amendments consistent with the adopted Comprehensive Plan for consideration by the Planning Board and direct the Planning Board to review proposed amendments, hold Public Hearings on each and forward a recommendation back to the City Council.

Previous Meetings and History: December 6th Council adoption.

City Manager Comments:

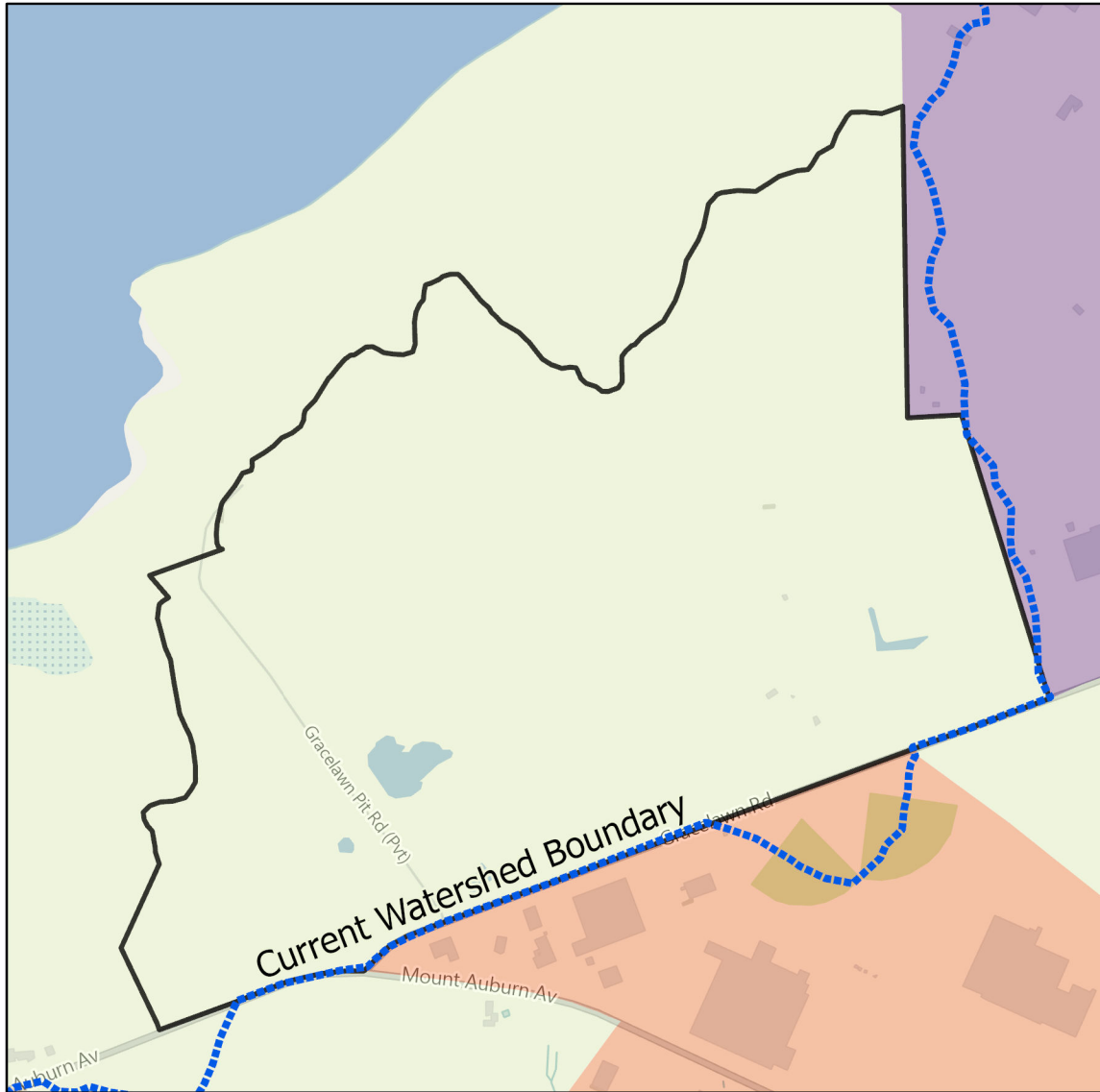


I concur with the recommendation. Signature:

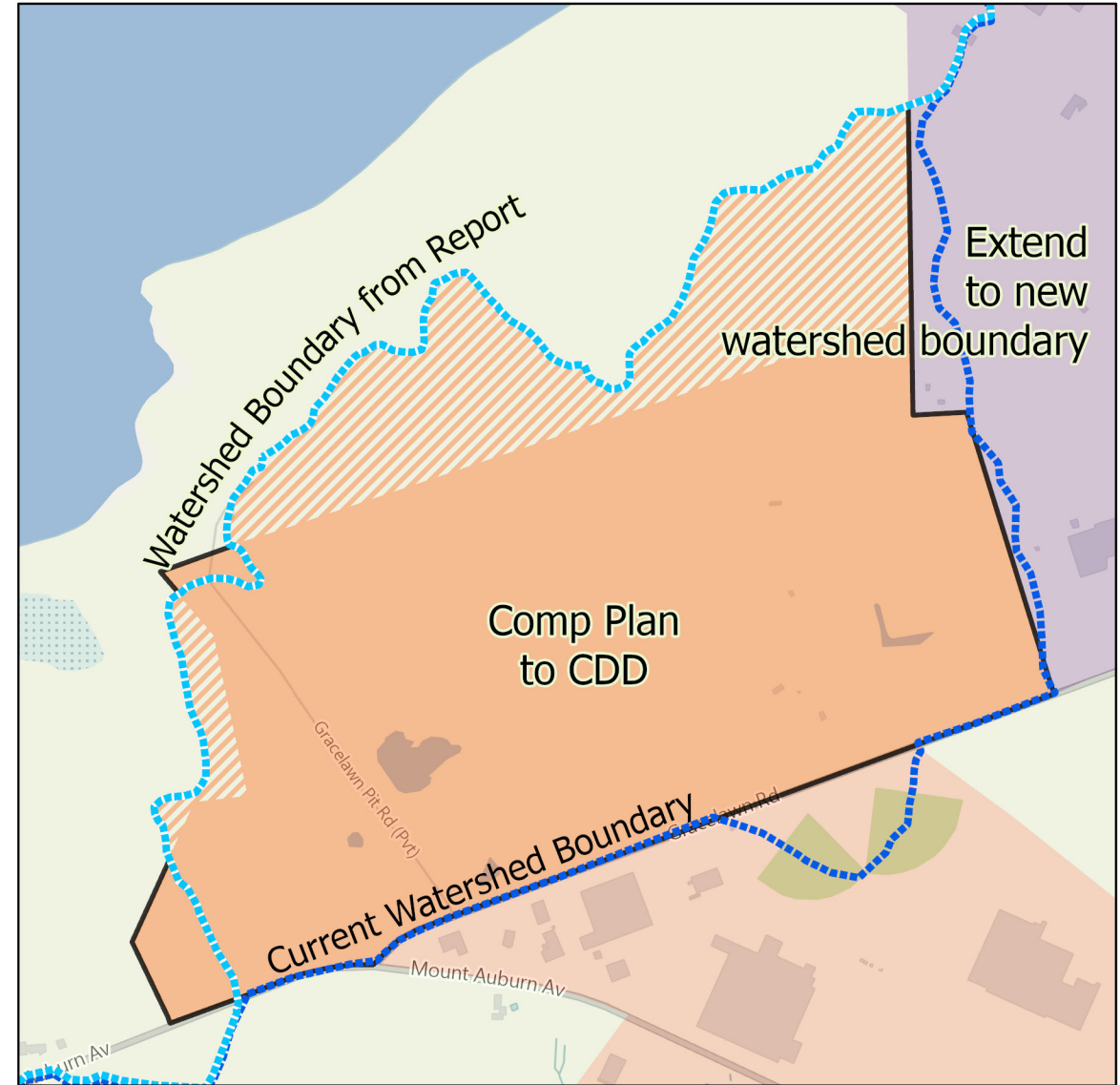
Attachments: Comp Plan Update - Future Land Use Chapter Excerpts, Lake Auburn Study Excerpts, full report here:

https://www.auburnmaine.gov/CMSContent/City_Manager/LakeAuburn_FinalReport%20UPDATED.pdf

Gracelawn: Exhibit A



Current Zoning



Proposed Change

<ul style="list-style-type: none"> Current Watershed Boundary Watershed Boundary from Report Recommended Zoning Updates Comp Plan to CDD Extend to new watershed boundary Change Area 	<p>Current Zoning</p> <ul style="list-style-type: none"> AG - Agriculture and Resource Protection GB - General Business RR - Rural Residential SR - Suburban Residential
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3 Analysis of Environmental Impacts

This section analyzes the environmental impact of various development and water quality scenarios for the Lake Auburn watershed. The analysis uses a well-documented watershed model paired with in-lake empirical formulas to predict water quality outcomes under each future scenario. This section also reviews recreational threats and opportunities, current forestry practices, and LAWPC's land conservation strategy.



Photo Credit: Sun Journal

Water Quality Modeling

Boundary Change

Based on hydrogeologic studies (E.C. Jordan Co., 1990; Woodard & Curran, 1995; Summit Environmental Consultants, Inc., 2007) of the sand and gravel operations and former City of Auburn landfill along Gracelawn Road, a portion of the existing watershed area was determined to flow away from Lake Auburn in a southerly and easterly direction (Figure 3-1). Groundwater flow studies around the sand and gravel operations showed groundwater flowing south to an unnamed brook in a ravine just south of Mt. Auburn Avenue that flows to the Androscoggin River. Previous analyses of groundwater monitoring well data around the landfill showed low and diminishing levels of leachate indicators on the lakeside compared to increasing levels on the south side away from the lake. The combined properties with sand and gravel operations owned by CLH & Sons, Inc. and Get Er Done, LLC cover 115 acres in the southern portion of the Lake Auburn watershed and are bounded to the north by Lake Auburn and a LAWPC-owned parcel, to the east by a Central Maine Community College-owned parcel, to the south by Gracelawn Road, and to the west by a LAWPC-owned parcel. Based on review of the groundwater contours and 2-ft surface contours, the proposed watershed boundary reduces the watershed area by 148 acres,

possibly reducing the original CEI, Inc. (2010) total phosphorus load to Lake Auburn by about 44 kg/yr.

Baseline Model Run

The baseline or “existing conditions” model run was performed using the revised version of the ArcView Generalized Watershed Loading Function (AVGWLF): MapWindow Version 4.6.602 and MapShed Version 1.5.1, available online through the Stroud Water Research Center’s Wiki-Watershed. Following MapShed documentation, model files were prepared for input and processing to generate watershed nutrient loading estimates by sub-basin. These sub-basin nutrient loading estimates were run through a simplified version of the Lake Loading Response Model (LLRM) (AECOM, 2009) to account for sub-basin water and nutrient load attenuation, other water and/or nutrient sources such as atmospheric deposition, internal loading, and septic systems, and in-lake factors such as pan evaporation and annual withdrawal for drinking water. The net water and nutrient loads, along with calculated lake characteristics, were used in several well-known empirical formulas to estimate the in-lake total phosphorus concentration of Lake Auburn.

A summary of inputs and assumptions is provided below. Refer to supplemental model documentation for more detail (available through the City of Auburn).

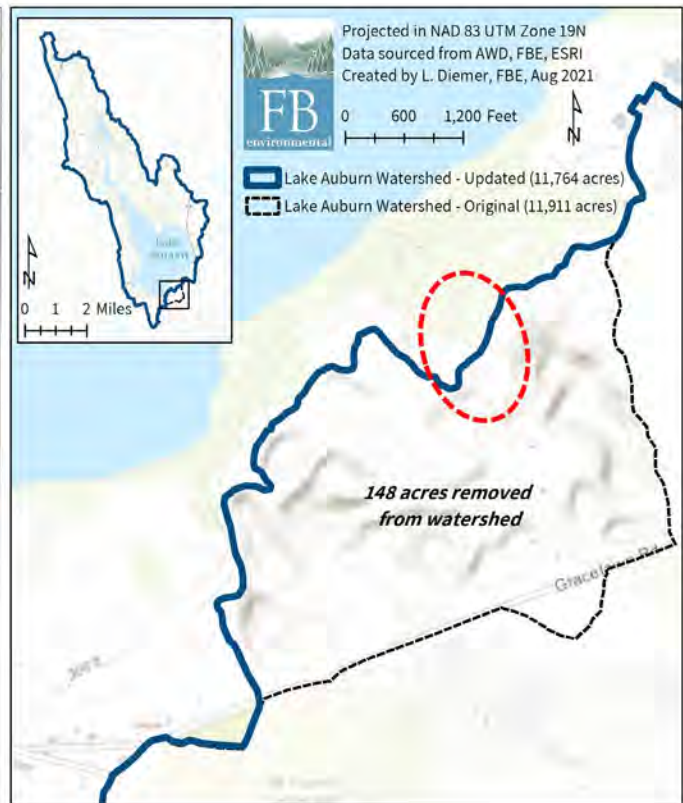
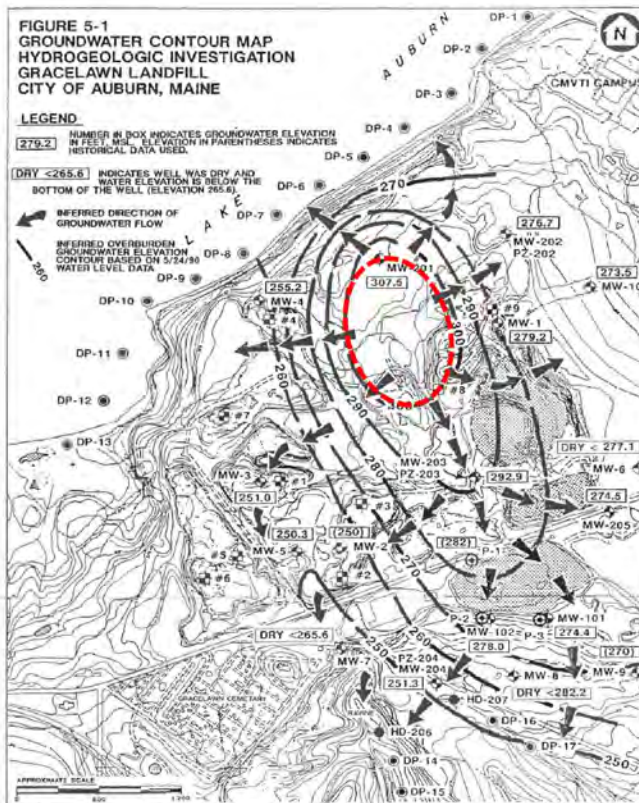
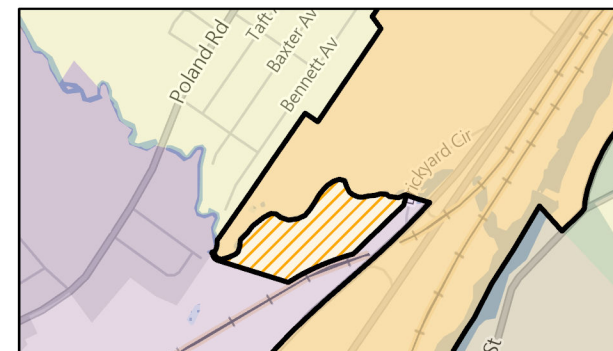
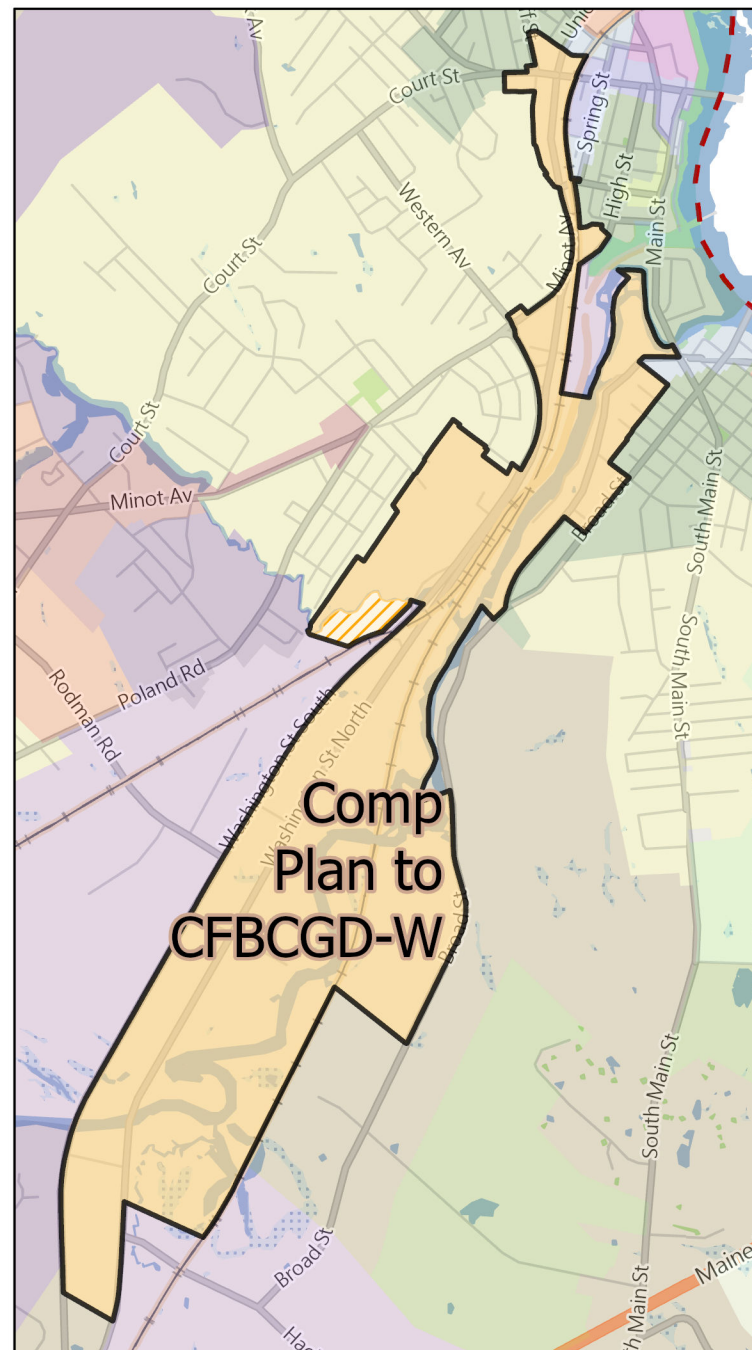
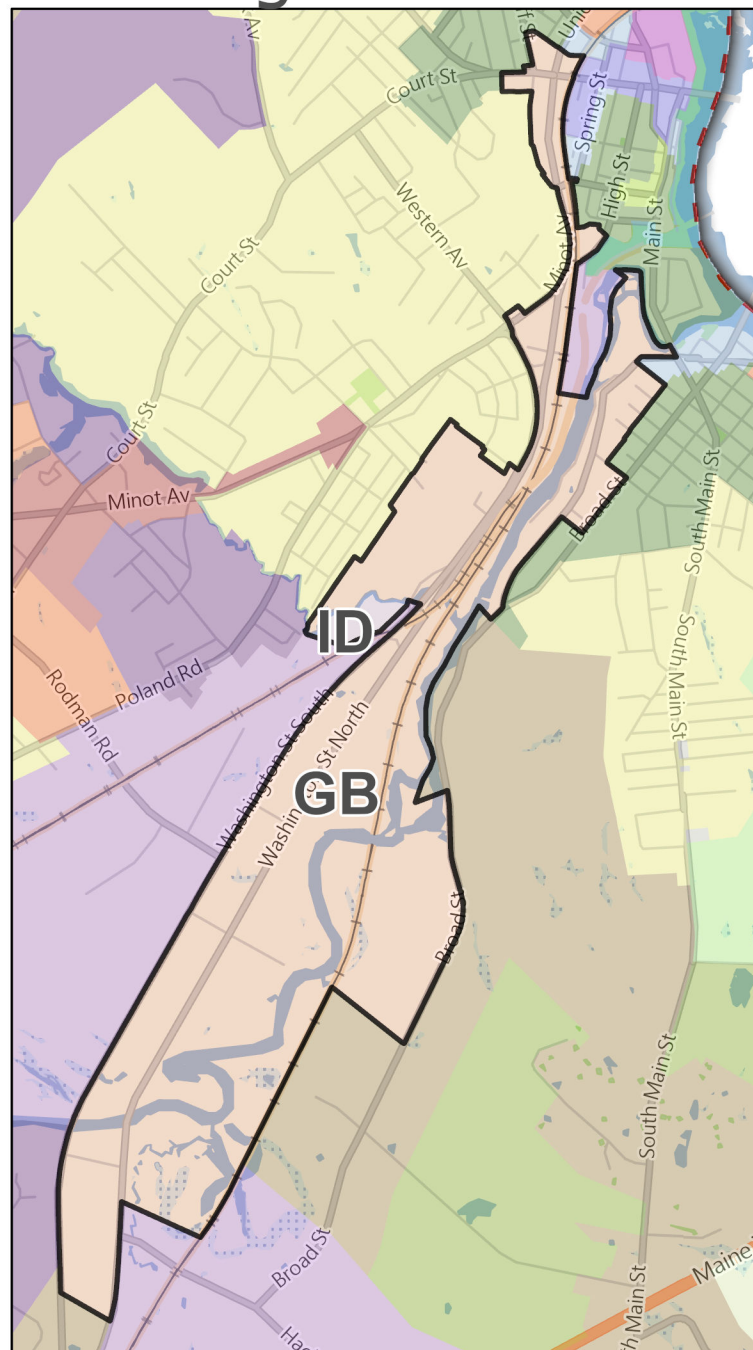


Figure 3-1. Map of groundwater contours developed by E.C. Jordan Co. (1990) (left) compared to map of updated watershed boundary (right). The dotted red circle is provided for ease of reference between the two maps.

Washington Street: Exhibit B



Add Parcel
199-052

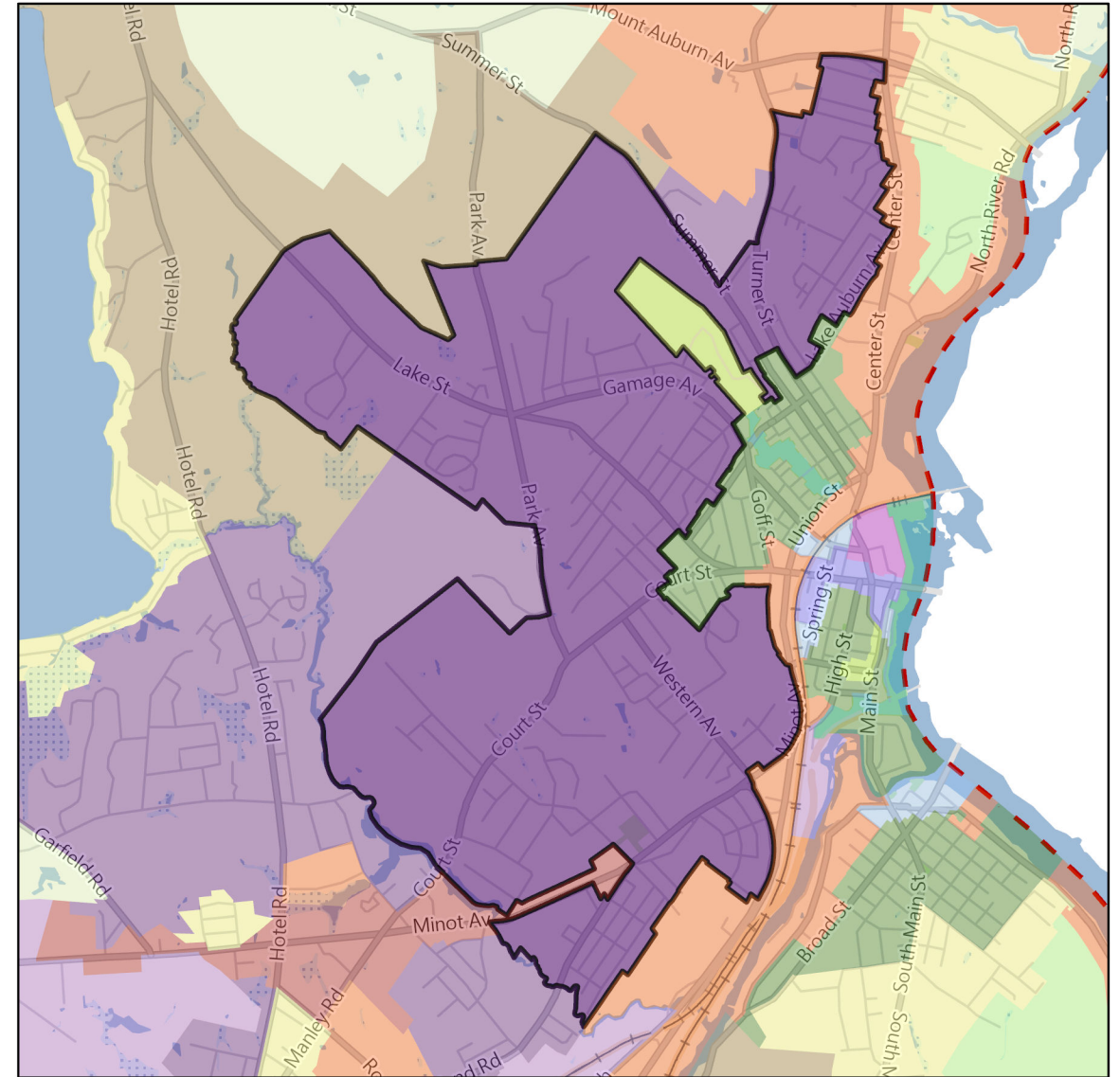
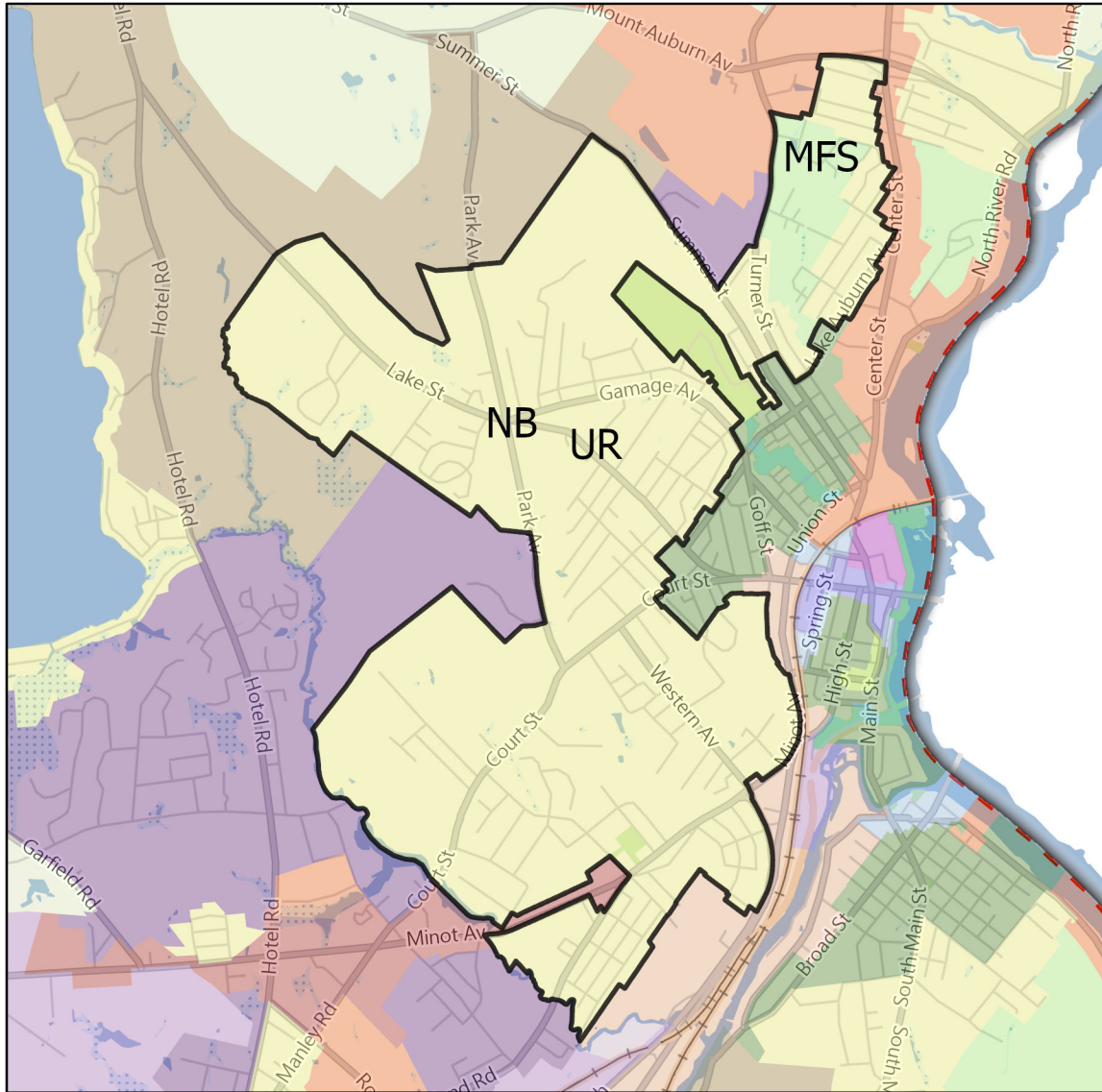
Recommended Zoning Updates	Current Zoning
Comp Plan to CFBCGD-W	AG - Agriculture and Resource Protection
Add Parcel 199-052	GB - General Business
	GB II - General Business II
	ID - Industrial
	LDCR - Low Density Country Residential
	MFS - Multi-Family Suburban
	NB - Neighborhood Business
	RR - Rural Residential
	SR - Suburban Residential
	UR - Urban Residential
	T-4.1 - Traditional Mainstreet Neighborhood
	T-4.2 - Traditional Downtown Neighborhood
	T-5.1 - Downtown Traditional Center
	T-5.2 - Downtown City Center
	T-6 - Great Falls Metropolitan
	C/OS - Conservation / Open Space

Current Zoning

Proposed Change



Court Street: Exhibit C



Current Zoning

Proposed Change

Recommended Zoning Updates	Current Zoning	
Comp Plan to TNDD	AG - Agriculture and Resource Protection	SR - Suburban Residential
<all other values>	GB - General Business	UR - Urban Residential
	GB II - General Business II	T-4.1 - Traditional Mainstreet Neighborhood
	ID - Industrial	T-4.2 - Traditional Downtown Neighborhood
	MFS - Multi-Family Suburban	T-5.1 - Downtown Traditional Center
	RR - Rural Residential	T-5.2 - Downtown City Center
		T-6 - Great Falls Metropolitan
		C/OS - Conservation / Open Space



5 Findings, Synthesis, & Holistic Recommendations

This section draws out key conclusions from the report's preceding Sections 2, 3, and 4 which contain our analyses of the regulatory, environmental, and economic impacts of Lake Auburn as a public drinking water supply. Synthesis and further discussion, along with consideration of examples from comparable water supplies, are also provided for several key conclusions that recur throughout the preceding sections. Lastly, this section puts forth holistic recommendations for the City of Auburn, as well as the broader community of stakeholders, with the aim of promoting water supply protection efforts and initiatives that preserve or improve the balance among regulatory, environmental, and economic impacts.



Photo Credit: Sun Journal

Key Findings

Section 2, Analysis of Regulatory Impacts

We found that the regulatory framework for the protection of Lake Auburn as a water supply can be revised to be more clearly defined, better aligned with the best available science and State and regional norms, and more fairly applied across different land uses and activities. Specific recommendations are described in depth in Section 2, and direct ordinance language revisions are provided in a separate document to the City. A summary of our recommended revisions is outlined below:

- Revise the septic system requirements of the Lake Auburn Watershed Overlay District Ordinance to incorporate the Maine Subsurface Wastewater Disposal Rules, including provisions that allow for mounded leach fields and other State-approved alternative designs where there is not a native, in-situ, 36-inch vertical separation between the bottom of the organic horizon and the bedrock, water table, or other restrictive layer. Refer to Appendix 1.
- Revise the Phosphorus Control Ordinance to clarify that the limit of a project area does not apply to a given land use but to a demarcated limit of disturbance, such that all disturbance within that area is required to meet the erosion and sedimentation controls and other phosphorus controls under a plan required by the Phosphorus Control Ordinance.
- Require timber harvest and agricultural activities to meet the same requirements as other land uses under the Phosphorus Control Ordinance. Currently, timber management and harvesting must be conducted in accordance with a forest management plan prepared and supervised by a registered forester, while agriculture must be conducted in accordance with a soil and water conservation plan approved by the ACSWCD, making these uses effectively exempt from City oversight. Removing the exemption and requiring timber and agriculture to meet the same erosion control standards under the Phosphorus Control Ordinance would ensure that water quality protection is a central feature of any timber harvesting or agricultural activities in the Lake Auburn watershed.
- Develop a clear set of standards for farm management that will be consistently applied to farms in the watershed for the purpose of controlling erosion and limiting the delivery of excess phosphorus from the farm practices to Lake Auburn. One approach is to set a concrete limit on the amount of agricultural activities that are phosphorus-intensive (e.g., commercial raising of livestock, fertilized row crops, manure

spreading). It is important to note that water quality is predicted to be much worse across all future scenarios if agricultural land use does not decline as predicted.

- Adjust the agricultural buffer strip requirement in the Lake Auburn Watershed Overlay District Ordinance to improve its effectiveness. Recommended adjustments include widening the buffer to 75 or 100 feet, requiring the buffer to be vegetated, and requiring the buffer to be located downgradient of all agricultural activities, perpendicular to the direction of overland flow, in all areas of the watershed (as opposed to requiring buffers only for agricultural activities that are adjacent to surface water).
- Update the Lake Auburn Watershed Overlay District Ordinance to reflect the revised watershed boundary, reducing the existing watershed boundary by 148 acres in the Gracelawn Road area.
- Incorporate low impact development requirements for single family residential development on the 1- and 3-acre lots allowed in the Lake Auburn watershed by way of referencing the Maine Stormwater Management Design Manual, Volume 2. The use of low impact development can help to limit the impacts of stormwater runoff and associated erosion and pollutants from sites. The standards as they apply to a water supply watershed are presented below:
 - » Disturbance on an individual lot must be less than 15,000 square feet (including building, driveway, walkways, lawn area, construction access, and grading).
 - » A minimum natural vegetated buffer must be maintained downgradient of all developed areas on the lot. This buffer shall be 50 feet wide if naturally forested or 75 feet wide if maintained as a natural meadow.
 - » No more than 7,500 square feet of impervious cover is located on the property.
 - » A minimum of 40 percent of the lot area must be maintained as an undisturbed natural area. 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.

Section 3, Analysis of Environmental Impacts

We found that Lake Auburn water quality in the last decade had reached a tipping point, whereby nuisance algae blooms were becoming more frequent and were threatening the filtration waiver. The partial alum treatment conducted in 2019 significantly reduced the

in-column total phosphorus concentration and locked in a portion of the sediment-bound phosphorus, effectively resetting the system and giving the water districts additional time to ramp up watershed protection and nutrient reduction efforts. We also found that projecting current status quo conditions into the future (i.e., the “Business As Usual” scenario) resulted in Lake Auburn once again reaching a tipping point by 2100, even with the assumption that the in-column total phosphorus concentration and sediment-bound phosphorus would be repeatedly reset by an alum treatment every 10 years (see discussion in Section 2 about this assumption for further context). Modeled predictions for the other future scenarios where the regulatory framework is adjusted to allow more development in the Auburn portion of the watershed results in greater water quality degradation and a higher risk of blooms, ultimately triggering the need for a filtration plant in the “Maximum Development Allowing Building on LAWPC Lands” scenario. The use of low impact development techniques has a small positive effect on water quality in these future scenarios but does not ameliorate the high risk of frequent algae blooms. Taken together, the future scenarios show that Auburn alone does not have the land use control tools to stave off water quality decline in Lake Auburn; sustained collaboration with the upper watershed municipalities is essential to achieve the needed phosphorus load reductions over the remainder of the 21st century.

Section 4, Analysis of Economic Impacts

We found that expanding development in the Lake Auburn watershed provided minimal overall net economic benefit when accounting for the benefits and costs of all affected stakeholders, including the City of Lewiston who would otherwise carry the additional costs of watershed protection and water treatment through the existing cost sharing agreement in order for the City of Auburn to benefit from increased property tax revenues. In other words, the increased net benefits to the City of Auburn would be mostly or entirely offset by increased net costs to AWD and LWD customers, resulting in negligible net economic benefit to the communities served by Lake Auburn. This reallocation of benefits and costs among all affected stakeholders for the future scenarios highlights important questions of equity and fairness, which were raised during the process of producing this report and conversing with key community representatives. We emphasize that the costs associated with addressing declining water quality are costs to all water users and

that the risk of incurred costs that are higher than our conservative estimates is very real.

Synthesis & Discussion

In summary, our analyses determined that Lake Auburn is nearing its assimilative capacity for nutrient load (even with the partial alum treatment) and cannot handle much more additional nutrient load without diminishing water quality and its associated benefits. We found no net environmental, economic, or social benefit supporting expansion of development in the Lake Auburn watershed. Instead, we recommend that low impact development strategies are incorporated into existing zoning standards and required for all future development and redevelopment projects in the Auburn portion of the watershed. We also recommend that the other four headwater towns of Turner, Minot, Hebron, and Buckfield also incorporate low impact development requirements on future development projects. Lake Auburn cannot maintain excellent water quality in the future without the full participation of

We found no net environmental, economic, or social benefit supporting expansion of development in the Lake Auburn watershed.

the other watershed towns. More development cannot be allowed in the Auburn portion of the watershed even with low impact development requirements implemented in Auburn. Even if reduced development through conservation or other means is achieved in the headwater towns, any additional development in Auburn has an outsized negative impact since its drainage area goes directly to the lake. It is also important to understand that a filtration plant does not allow for greater development of the watershed because the filtration plant only treats extracted drinking water for the consumer and does not treat in-lake water quality for recreation and for meeting State criteria for designated uses.

Below, we present further discussion on three important topics: regulation of septic systems, environmental risk and uncertainty, and comparable water utilities.

Regulation of septic systems: The regulatory and environmental analyses examined multiple issues surrounding septic systems and their contributions of phosphorus to Lake Auburn. At first glance, there may appear to be a contradiction between 1) the recommended ordinance revision from the regulatory analysis (Section 2) that the septic design standard should be revised in such a way that will allow previously non-buildable sites to become buildable and 2) the conclusion from the environmental analysis (Section 3) that Lake Auburn will arrive at a tipping point of declining water quality by 2100 even in the absence of any pro-development changes (i.e.,

the “Business As Usual” scenario). Indeed, our buildout analysis determined that more than 100 additional new homes could be built in the watershed if the septic system siting requirement for 36 inches of suitable in-situ soil were revised.

To address this apparent contradiction, we argue that the septic design standard should be judged not only by its adherence to the best available science but by its simplicity, straightforwardness, and fairness. The key questions are: does the existing septic design standard accomplish its stated purpose of regulating septic systems effectively for water quality protection, or is its water quality benefit primarily in its de facto restriction of buildable areas in the watershed? Are there improvements that could be made to achieve the stated goal? With our recommended revision, we aim to have the septic design standard achieve its stated purpose of effectively regulating both new septic system construction and replacement/reconstruction of existing septic systems as they age out, so that septic systems with alternative technologies and innovative phosphorus controls can be phased in. Restrictions on developable land are better left to base and resource protection zoning than to septic design standards.

The project team also noted in conversations with multiple Lake Auburn stakeholders a concern about an unintended consequence of the requirement in the current ordinance for 36 inches of suitable in-situ soil to site a septic system. The concern is that this requirement for deep, native soils has led to the preferential siting of some septic systems on deep formations of sand and gravel aquifer, which provide some of the only suitable sites in the watershed with the requisite depth to bedrock, water table, or other restrictive layer. While our team did not conduct any field assessments, witness this condition firsthand, or review any documentation of this condition, we agree with the premise that these sand and gravel formations should not be considered suitable sites for septic systems, at least without the importation of suitable reactive soils for nutrient and pathogen processing that the recommended ordinance revisions would allow. Adopting the Maine State standards while preserving the minimum 36-inch vertical separation would alleviate the potential for this unintended consequence.

Environmental risk and uncertainty: The risk of deteriorating water quality threatening Lake Auburn’s ability to remain a high quality public drinking water supply is a throughline of this entire study. In its simplest terms, risk is the probability of a negative outcome, though the severity of the negative outcome in question is usually included when evaluating that risk. A high risk of a minor inconvenience (e.g., the risk of getting caught in traffic if leaving downtown Boston by car at 5:00 PM on a business day) requires minimal forethought, while a low risk of major damage (e.g., the risk of a flood destroying private

or public infrastructure from a hurricane or Nor’easter) requires extensive planning and preparation. Uncertainty is the degree to which the risk cannot be quantified, due to a number of factors, such as insufficient data about existing conditions, insufficient predictive models for the future, and inherent randomness in nature. It is difficult but possible to predict with reasonably low uncertainty the risk of an outcome that has occurred before (e.g., an algae bloom in Lake Auburn). It gets much more difficult to predict the risk of a particular outcome (e.g., a filtration waiver violation in Lake Auburn) if that outcome has never occurred before, because the data and predictive models have not been tested against that outcome in the real world. In this situation, the uncertainty surrounding such an outcome remains relatively high even with excellent data and predictive models.

This study examined Lake Auburn’s risk of negative water quality outcomes now and in the future under various scenarios, though with considerable uncertainty due to a number of confounding or unknown factors. However, we can say with certainty that all additional development raises the risk of water quality degradation, whether due to phosphorus loading, pathogens from subsurface wastewater disposal, emerging contaminants such as pharmaceuticals and personal care products, etc. Even if the increased risk resulting from any individual parcel-scale decision is small, the aggregate impact of thousands of individual decisions over the coming decades is what matters.

From a risk management perspective, the entire spectrum of outcomes should at least be understood, including the least probable, most negative outcome (i.e., the worst-case scenario). The worst-case scenario would be that Lake Auburn’s water quality would deteriorate past the point of useful public drinking water supply. Phosphorus enrichment to the point of having uncontrolled algae blooms every year, with cyanobacteria and associated cyanotoxins, would be the most likely condition of such a worst-case scenario. If this unlikely but highly undesirable scenario were to occur, Auburn and Lewiston would be forced to consider other alternatives that previously would not have been seriously deliberated, such as drawing upon the Androscoggin River for drinking water. The cost of this worst-case scenario was not evaluated in our economic analysis because our environmental models do not predict conditions to deteriorate to that degree under the chosen scenarios. But in managing environmental risk, this unlikely but highly undesirable outcome should be included in the overall picture of Lake Auburn’s possible future.

Comparable water utilities: Comparison of Lake Auburn and LAWPC/AWD/LWD with other water sources and utilities is illustrative of their strengths, weaknesses, and projected future needs (Table 5-1). Lake Auburn’s key

Table 5-1. Lake Auburn and comparable water supply lakes and ponds in Maine.

Waterbody	Water Utility	Waterbody Surface Area (acres)	Watershed Area (acres)	Communities Served	Watershed Communities	Filtration Waiver?
Lake Auburn	Auburn Water District	2,277	9,651	Auburn, Lewiston, Poland	Auburn, Turner, Minot, Hebron, Buckfield	Yes
China Lake	Kennebec Water District	3,939	16,704	Waterville, Winslow, Fairfield, Benton, Vassalboro, Maine Water Company - Oakland	Vassalboro, China, Albion	No
Sebago Lake	Portland Water District	29,992	234,000	Portland, South Portland, Westbrook, Falmouth, Cumberland, Cape Elizabeth, Gorham, Windham, Scarborough, Raymond	24 municipalities (Androscoggin, Cumberland, Oxford counties)	Yes
Floods Pond	Bangor Water	635	4,600	Bangor, Eddington, Hampden, Hermon, Orrington, Clifton, Veazie, Hampden Water District	Otis, Clifton	Yes

comparables are China Lake, which supplies the Kennebec Water District (KWD) serving Waterville and surrounding communities; Sebago Lake, supplying the Portland Water District (PWD); and Floods Pond, used by Bangor Water, an independent water utility, to serve Bangor and surrounding communities.

China Lake is nearly double the size of Lake Auburn, with a 3,939-acre lake surface and a nearly 17,000-acre watershed, but the lake divides into two basins nearly equal in size, the west basin and the east basin. The KWD has a water supply in-take located in the west basin, where the shoreline is mostly under KWD control and managed as water supply protection land. The east basin is nearly all under private ownership and has much more shoreline development. The China Lake Outlet Stream, the only outlet of the entire lake, is in the west basin at the dam in Vassalboro. Considered by itself, the west basin is very similar to Lake Auburn in terms of shoreline and watershed management - mostly forested, under public water utility control, with universal restrictions on swimming and bodily contact but with limited recreational fishing allowed. Like Lake Auburn, China Lake serves one community within the lake watershed (Vassalboro) and several communities outside its watershed (Waterville, Winslow, Fairfield, Benton, and the Maine Water Company in Oakland), while the upper watershed towns of China and Albion do not use KWD water.

The key difference between China Lake and Lake Auburn is that China Lake has experienced algae blooms nearly every summer since the 1980s. Blooms were more severe through the 1980s and 1990s, and since the early 2000s, there have been some trends of improvement, including coldwater fish species survival. Since 1993, KWD has filtered the drinking water supply using a granular activated carbon filtration system capable of producing up to 12 MGD, though current demand stands at 3 MGD. The plant was constructed in the early 1990s for a cost of roughly

\$25 million. According to KWD Superintendent Roger Crouse, P.E., if water quality were to decline significantly from its current stable state, such as increased algae blooms and turbidity, KWD would have to change their operations to handle the lower quality in-take water (R. Crouse, pers. comm). The carbon filters would need to be backwashed more frequently, and the additional backwash water would need to be accommodated somehow in the existing lagoons or else the lagoons would need to be expanded at significant cost. The alum dose used to pretreat the water before filtration would also need to be raised. The key takeaway is that decreased in-take water quality at a filtration plant taxes the system, raises the volume of the waste stream, and adds significant cost and complexity to the treatment process, meaning that water supply managers cannot forgo water quality protection efforts simply because a filtration system is in place.

Sebago Lake is the public drinking water supply source used by the PWD to supply Portland, South Portland, Westbrook, and surrounding Greater Portland communities - roughly one sixth of Maine’s population. The lake is roughly 10 times the size of Lake Auburn, with a surface area of nearly 30,000 acres and a watershed area of 235,000 acres. Sebago is the deepest lake in New England at 316 feet at its deepest point. Like Lake Auburn, Sebago Lake qualifies for a filtration waiver owing to a history of excellent water quality. The existing disinfection plant has a production capacity of 54 MGD and currently experiences a demand of 22 MGD. With such a large water supply lake, the capacity of the plant will be exceeded long before any concern of safe yield from the lake arises.

Land use in the Sebago Lake watershed is largely composed of private forestlands. The PWD owns 2,500 acres (or about 1% of the watershed), with 800 acres of mostly shoreland designated as ‘No Trespassing’ and 1,700 acres of land designated as free for public access for many forms of recreation. Another 28,000 acres are owned or

managed by land trusts. The water supply in-take is at the far southern extent of the lake in the Lower Bay. A 3,000-foot 'No Trespassing' zone surrounds the in-take, and no bodily contact is allowed within two miles of the in-take. Boating, fishing, snowmobiling, and ice fishing are allowed within the 2-mile limit but not within the 3,000-foot limit. Overall, the restricted area is very similar in size and structure to that of Lake Auburn (with the exception that the on-ice activities are not allowed on Lake Auburn). Taking Sebago Lake as a whole, however, the major difference with Lake Auburn is that Sebago's Lower Bay comprises a small fraction of the overall lake, the rest of which has no special swimming or boating restrictions for water supply.

Sebago Lake and its watershed are located many miles away from the service areas of the PWD. This geographical separation means that the communities served by PWD have no ability to enact land use controls on the lakeshore or in the watershed, unlike the situation in Lake Auburn where the City of Auburn can use its zoning ordinances to enact protections for the shorefront and watershed. It is likely that this lack of control over Sebago Lake's upper watershed has spurred the PWD to focus on cooperation with land trusts and private forestland owners to conserve tracts of land. As an example, PWD Environmental Services Manager Paul Hunt told the project team that the PWD is part of a partnership, Sebago Clean Waters, that seeks to raise the total amount of land conserved (and managed at least partly for water supply protection) from the current 12% of the watershed to 25% in the next 15 years (P. Hunt, pers. comm).

Floods Pond in Otis, Maine has been the public water supply source for Bangor Water, the independent water district that serves Bangor and surrounding communities since 1959. At 635 acres of surface area, surrounded by a 4,600-acre watershed in Otis and neighboring Clifton, Floods Pond is less than half the size of Lake Auburn. Maximum depth is similar at 133 feet. Like Lake Auburn, Floods Pond also qualifies for a filtration waiver owing to its historically excellent water quality.

Land use in the Floods Pond watershed is largely controlled by Bangor Water, which owns or holds landowner agreements to manage 4,500 acres or more than 99% of the watershed land area. There is no public access to

Floods Pond, which is home to a native population of Arctic char (*Salvelinus alpinus*), a coldwater fish species closely related to both salmon and lake trout that has been used by the Maine Department of Inland Fisheries and Wildlife to establish coldwater fish populations in other Maine lakes. Fishing, boating, and swimming are prohibited, as are hiking, wildlife viewing, and hunting in posted areas that include the entire shoreline.

The geography of Floods Pond as a water supply resembles China Lake more than Lake Auburn. The vast majority of Bangor Water customers are in downstream communities (Bangor, Eddington, Hampden, Hermon, and Orrington), while the protected shoreline and watershed areas are in upstream communities that do not use the water.

(A small portion of Clifton is served by Bangor Water.) Bangor Water controls nearly all the Floods Pond watershed in Otis and Clifton, 4,500 acres total and more than LAWPC controls in the Lake Auburn watershed. Recreational activities are also much more restricted at Floods Pond than at Lake Auburn. Floods Pond provides a useful comparison point at the more restrictive end of the spectrum that puts the lost tax revenues and recreational opportunities at Lake Auburn in perspective.

To summarize, these comparisons with other water supply lakes demonstrate that the protections surrounding Lake Auburn do not exceed those of China Lake, Sebago Lake, or Floods Pond. The restrictions on recreational opportunities at Lake Auburn are similar to those at other drinking water supplies, including filtered and unfiltered water sources. Similarly, land use restrictions within the Lake Auburn

watershed are far from the most prohibitive among the examples discussed, with only 20% of the watershed held or managed as water supply land compared to 99% of the Floods Pond watershed. In all the examples considered, the authorities in charge of water supply protection emphasize the need to maintain shoreline control as much as possible, to conserve key water supply lands, and to tightly regulate recreation, regardless of current water quality.

In all the examples considered, the authorities in charge of water supply protection emphasize the need to maintain shoreline control as much as possible, to conserve key water supply lands, and to tightly regulate recreation, regardless of current water quality.

Holistic Recommendations

1. We recommend that the City of Auburn not seek to ease the current resource protection zoning or

consider rezoning portions of the watershed for increased density (e.g., village node-style development). Increased density and new opportunities for residential development are better suited to other areas of Auburn outside of the Lake Auburn watershed, preferably areas already served by sanitary sewer (for the benefit of nearby water resources such as the Androscoggin River). This recommendation is based on two key findings of this study that are fully elaborated in Section 3:

- Lake Auburn and its watershed are already at or near the key environmental thresholds of 10 parts per billion annual average total phosphorus and 75% forested watershed land cover; and
 - The future scenario models showed that easing restrictions on further development in the Lake Auburn watershed would set the lake on a path toward deteriorating water quality, regardless of the beneficial effects of requiring low impact development techniques and without obvious management strategies to combat further declines in water quality.
2. We recommend that the Planning Board and City Council take up our recommended ordinance revisions and, if acceptable in their current form, adopt them. If not acceptable in their current form, the recommended revisions should be reworked and made more practicable but not watered down or fundamentally changed in their intent or effect. These recommended changes represent a move toward simpler, more transparent, more evenly applied regulations that are based on the best available science. These recommended revisions are fully elaborated in Section 2 and in a separate document to the City.
 3. We recommend that the City of Auburn share the findings of Section 4, Analysis of Economic Impacts, with all partners and stakeholders so that the accounting of aggregate economic impacts of the existing conditions and various future scenarios are used as the basis for an open, transparent, and thoughtful public discussion of the fairness, equity, and sustainability of the current cost sharing and benefit allocations, as well as practical ways forward. This recommendation is based on the key finding that any net benefits to the City or Auburn residents and taxpayers from expanded residential development in the Lake Auburn watershed would be counterbalanced by additional costs to Lewiston and its residents and taxpayers, in the form of increased costs associated with mitigating declining water quality and decreased benefits from recreation. These findings are fully elaborated by Section 4 of this report. As a next step in this planning process, we recommend that a scenario be modeled and run through a benefit cost analysis that meets the target water quality goal for Lake Auburn, which was not possible in the future scenarios modeled in this study when considering Auburn-only changes to regulations and management approaches. Developing a scenario that meets the water quality goal may require several iterations. The scenario should likely expand the existing Lake Auburn Watershed Overlay District to the upper watershed towns, require implementation of low impact development techniques on new development watershed-wide, and account for septic design standard changes.
 4. We recommend that the City of Auburn, City of Lewiston LWD, AWD, and LAWPC fully support collaborative work with local governments, land trusts, private landowners, and other potential partners in the upper Lake Auburn watershed (Turner, Minot, Hebron, and Buckfield) to control development and limit phosphorus loading. Historically, LAWPC has been an active player in fostering collaborative action between the local governments, with representation from the upper watershed towns. This recommendation is based on the key finding from this study that Auburn alone cannot accomplish sufficient phosphorus load reductions to prevent deteriorating water quality in Lake Auburn, but will require active participation from the upper watershed towns. This finding is fully elaborated in Section 3.
 5. We recommend completing a comprehensive review and gap analysis of current water quality monitoring efforts carried out by both AWD and Bates College in the Lake Auburn watershed. Identify gaps based on weaknesses and assumptions for the model. From the review and gap analysis, devise a robust long-term water quality monitoring plan and annual cost estimate for Lake Auburn. We also recommend that 1) the AWD hire a full-time, dedicated data management technician for improved management, access, and analysis of collected water quality data; 2) the AWD and LWD continue collaboration with Bates College on student-assisted monitoring; and 3) LAWPC consider creating a technical science advisory board to establish or maintain key local, State, and regional partnerships that can help to provide regular review and guidance on water quality issues.
 6. Given its high probability of causing a filtration waiver violation, a swimming area will likely not be feasible for Lake Auburn at any time unless State and federal authorities sign off. If a swimming area were to be re-instituted at Lake Auburn, we provide many actions that would need to take place to ensure that the area does not contribute to water quality degradation. Refer to Swimming in Section 3.

7. Allowance of only small watercraft restricted to areas away from the in-take should continue, and improved stabilization techniques at vehicle and pedestrian access points along the lake shoreline should be implemented, along with clear and effective barriers to foot and vehicle access.
8. We recommend that the LAWPC coordinate with local youth conservation groups or AmeriCorps to perform annual maintenance of trails and install best practices that limit erosion of trails, especially those sections nearest the lake. In addition, surveying how much horse manure may be found on the trails to inform a reconsideration of horseback riding near the lake is recommended, as manure can be a significant nutrient source in sufficient quantities. Finally, it is recommended that the City acquire permanent recreational trail easements to LAWPC properties with trails for guaranteed public access in the future.
9. We recommend developing a comprehensive natural resource management plan for LAWPC lands

that focuses firstly on drinking water protection and secondly on wildlife habitat protection if in the interest of public water supply protection, with multiple management options offered. We also recommend developing natural resource inventories for all LAWPC lands to map critical streams (perennial and intermittent), wetlands, vernal pools, cover types, rare, threatened, and endangered species present, etc. to include in individual natural resource management plans that set management objectives and methods to achieve water resource and wildlife habitat protection for each LAWPC parcel. If timber harvesting continues in the Lake Auburn watershed on LAWPC or private lands, then we recommend a series of actions to minimize forestry impacts to water quality. Refer to Forest Management in Section 3.

10. We recommend that LAWPC work with local conservation groups and land trusts to purchase land in the watershed outside of Auburn. We also recommend that LAWPC consider putting all their properties into permanent conservation. These properties are currently protected under the LAWPC by-laws but provide no higher-level legal protection from future development if said by-laws were to be revoked.



Photo Credit: Sun Journal

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Appendix 2

Current Septic Design Standard

Auburn Zoning Ordinance Section 60-952(f)(1): Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock or other impervious layer is less than 36 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.

The Implication: Local standards within the Lake Auburn Watershed Overlay District limit development on a significant portion of the watershed by effectively prohibiting the use of innovative and alternative septic system and leach field designs to meet the ‘depth to constraining layer’ requirement. These innovative and alternative designs are otherwise allowed by the State and can achieve comparable or better nutrient removal than a traditional system and leach field.

Recommended Septic Design Standard

The Recommendation: Maintain a requirement for a minimum depth of 36 inches above the constraining layer (groundwater or bedrock), while allowing the use of State-approved alternative septic system and leach field designs that meet statewide standards.

This can be achieved by referencing the Maine Subsurface Wastewater Treatment Rules (10-144 CMR 241), with the exception that the required depth to the constraining layer would be at least 36 inches (specified by updating Table 4-F, Minimum Permitting Requirements and Minimum Design Requirements). Because the State rules already provide for the use of such alternative designs such as mounded leach fields and drip distribution systems, as well as other proprietary systems, these would be allowed in the Lake Auburn watershed as well.

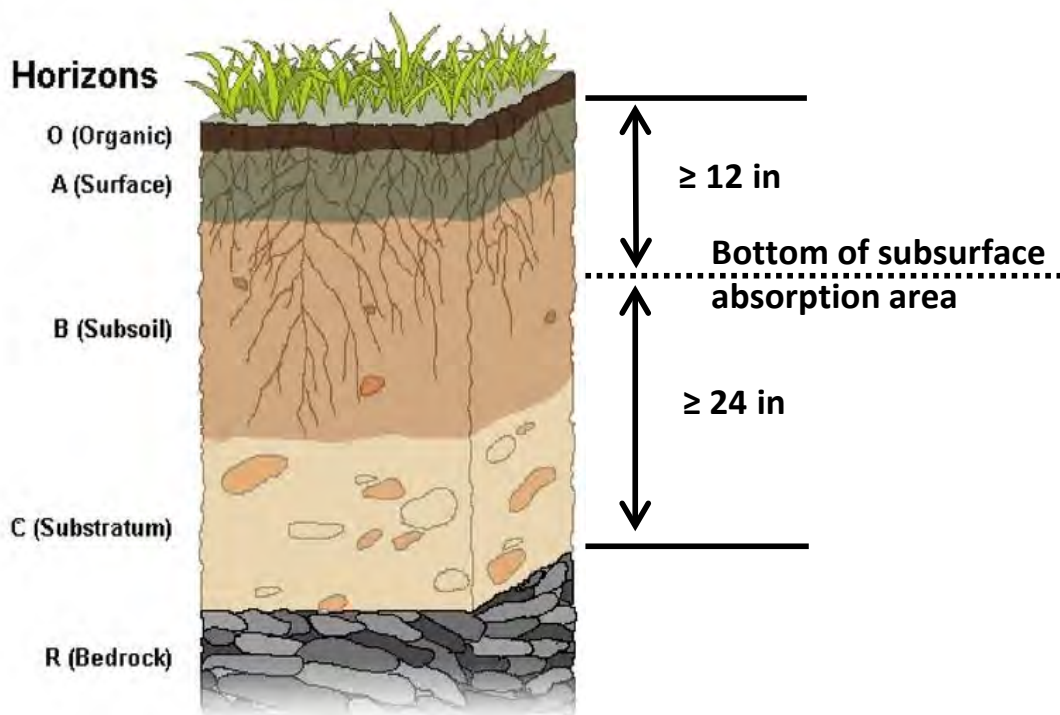


Image Credit: File:SOIL PROFILE.png by Hridith Sudev Nambiar at English Wikipedia.

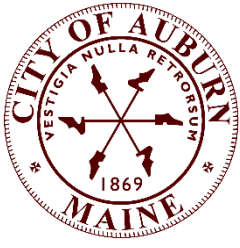


City Council Order

IN CITY COUNCIL

ORDERED, that the City Council direct staff to draft amendments consistent with the adopted Comprehensive Plan for consideration by the Planning Board and direct the Planning Board to review proposed amendments, hold Public Hearings on each and forward a recommendation back to the City Council on the following four amendments:

- a. **Gracelawn area**; 148 acres from Agriculture and Resource Protection to Commercial Development District (CDD). Approximately, 37 acres are not shown as CDD in approved FLU mapping, but the council did approve utilizing the Auburn Lake Watershed Study. In that study they suggested moving the watershed boundary out and a result from that, we are suggesting moving the proposed CDD boundary out to match the new watershed boundary another 37 +/- acres as intended.
- b. **Washington Street Area**; 716 acres from General Business to Commercial Formed Based Code Gateway Development District. Approximately 9.63 acres were not included in the FLU mapping. But approved in the order by the council for the approval of the specific lot PID 199-052.
- c. **Court Street/City Core of Urban Residential Area**; 1,687.41 acres of Urban Residential to Traditional Neighborhood Development District Areas.
- d. **Subsurface Wastewater Disposal in the Lake Auburn Watershed**; Maintain a requirement for a minimum depth of 36 inches above the limiting factor/constraining layer (groundwater or bedrock), while allowing the use of State-approved alternative septic system and leach field designs that meet statewide standards.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: 01/03/22

Author: Jay Brenchick, Director, Economic Development

Subject: Downtown Revitalization Plan

Information: This workshop provides the opportunity for City Council to meet the new Downtown Coordinator and for new City Council members to see the Revitalization Plan presentation.

City Budgetary Impacts: N/A

Staff Recommended Action: Discussion

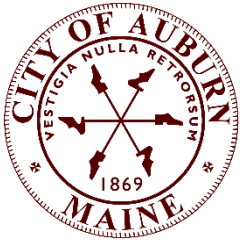
Previous Meetings and History: The Downtown Revitalization Plan that was presented in the fall called for a Downtown Coordinator to be hired. This is an opportunity for City Council to meet the new Downtown Coordinator and for the new City Council members to see the Revitalization Plan in person.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: N/A



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 3, 2022

Order: 01-01032022

Author: Jason D. Moen, Chief of Police

Subject: Confirm Chief Moen's appointments of Civilian Process Servers for the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) within the City of Auburn.

Information: Chief of Police Moen requests that the Auburn City Council appoint Civilian Process Servers (city employees and volunteers) to serve documents on behalf of the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) to serve documents within the City of Auburn for 2022.

City Budgetary Impacts: N/A

Staff Recommended Action: Vote to confirm Chief Moen's appointments of Civilian Process Servers to serve documents on behalf of the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) within the City of Auburn for 2022.

Previous Meetings and History: Annually and periodically, requests are made for appointments and re-appointments for the next or current calendar year.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

- Memo from Chief Moen



Auburn Police Department

Jason D. Moen | Chief of Police

Timothy A. Cogle | Deputy Chief of Police

www.AuburnPD.com | 207.333.6650

60 Court Street | Auburn, Maine 04210

MEMORANDUM

Date: December 16, 2021

To: Honorable Mayor Jason J. Levesque and Members of the City Council

From: Jason D. Moen Chief of Police

RE: CONSTABLES 2022

We request the following named persons be appointed to serve documents as Civilian Process Servers on behalf of the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) within the City of Auburn for 2022:

John Banville	Employee	Civilian Process Server	Without Firearm	Re-appointment
Anna Brown	Employee	Civilian Process Server	Without Firearm	Re-appointment
Maegan Kyllonen	Employee	Civilian Process Server	Without Firearm	Re-appointment
Kenneth Edgerly	Volunteer	Civilian Process Server	Without Firearm	Re-appointment
Glenn Garry	Volunteer	Civilian Process Server	Without Firearm	Re-appointment
Harry Gorman	Private	Constable Process Server	Without Firearm	Re-appointment
David O'Connell	Employee	Civilian Process Server	Without Firearm	Re-appointment



City Council Order

IN CITY COUNCIL

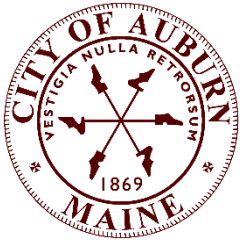
ORDERED, that the City Council hereby appoint the following named persons to serve documents as Civilian Process Servers (employees and volunteers) on behalf of the Auburn Police Department and Constable Process Servers without firearm/arrest powers (Private) within the City of Auburn for 2022. Constable Process Servers (Private) are not an agent or employee of the city or entitled to hold himself/herself out as such and is not authorized to carry a firearm in the performance of his/her duties, and that his/her authority to act as a constable is limited to private employment as a process server.

John Banville	Employee	Civilian Process Server	Without Firearm	Re-appointment
Anna Brown	Employee	Civilian Process Server	Without Firearm	Re-appointment
Maegan Kyllonen	Employee	Civilian Process Server	Without Firearm	Re-appointment
Kenneth Edgerly	Volunteer	Civilian Process Server	Without Firearm	Re-appointment
Glenn Garry	Volunteer	Civilian Process Server	Without Firearm	Re-appointment
Harry Gorman	Private	Constable Process Server	Without Firearm	Re-appointment
David O'Connell	Employee	Civilian Process Server	Without Firearm	Re-appointment

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: January 3, 2022

Order: 02-01032022

Author: Sue Clements-Dallaire, City Clerk

Subject: Sealer of Weights and Measures

Information: The City Council appointed Bryan Bachelder as the city's local Sealer of Weights and Measures in February 2019. He is a retired Maine State Trooper with a history of weights and measures. Mr. Bachelder has successfully passed the two national certification programs and is insured. The certifications are good for five years which would expire on August 22, 2023. There is no liability to the city.

City Budgetary Impacts: None. No cost to the City.

Staff Recommended Action: Re-appoint Bryan Bachelder as the Sealer of Weights and Measures with a term expiration of December 31, 2022.

Previous Meetings and History: Appointed for 2019 on 2/25/2019, and has been re-appointed each year since.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Bryan Bachelder Letter and Certifications and Order.

August 28, 2018

Bryan Bachelder

P.O. Box 271

Readfield, Maine 04355

207 458 9388

Subject: Local Sealer

To whom it may concern,

I am a retired Maine State Trooper with a history of Weights and Measures. I would like to be the Local Sealer for your town/city. I have enclosed my qualifications from the National Conference on Weights and measures. This appointment/election to the position of Local Sealer is mandated by the state (see LD enclosure) and is of no cost to you. Consideration for this position is greatly appreciated.

Sincerely



Bryan Bachelder

Retired Maine State Trooper

Local Sealer

Enclosures:3

LOCAL SEALER

Checking local gas pumps
and retail scales for
calibration



BRYAN BACHELDER
P.O. Box 271
Readfield, ME 04355
bbach0167@aol.com
tel: 207 458-9388
Insured



National Conference on Weights and Measures Professional Certification Program

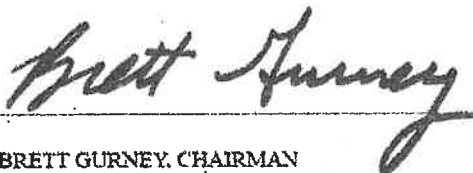


Bryan Bachelder

HAS SUCCESSFULLY PASSED THE NATIONAL CERTIFICATION PROGRAM EXAMINATION
IN THE CATEGORY OF


Retail Motor Fuel Dispensing Systems

THIS PROFESSIONAL CERTIFICATION STANDARD PROVIDES ASSURANCE THAT
AN INDIVIDUAL HAS A WORKING KNOWLEDGE OF APPLICABLE PORTIONS OF THE CURRENT STANDARDS ADOPTED BY THE
NATIONAL CONFERENCE ON WEIGHTS AND MEASURES AND OTHER RELEVANT NIST STANDARDS


BRET GURNEY, CHAIRMAN
NATIONAL CONFERENCE ON WEIGHTS AND MEASURES

August 22, 2018

DATE OF CERTIFICATION


DON ONWILER, EXECUTIVE DIRECTOR
NATIONAL CONFERENCE ON WEIGHTS AND MEASURES

This certification will expire five years from the date of certification.

National Conference on Weights and Measures Professional Certification Program



Bryan Bachelder

HAS SUCCESSFULLY PASSED THE NATIONAL CERTIFICATION PROGRAM EXAMINATION
IN THE CATEGORY OF

Small Capacity Weighing Systems Class III

THIS PROFESSIONAL CERTIFICATION STANDARD PROVIDES ASSURANCE THAT
AN INDIVIDUAL HAS A WORKING KNOWLEDGE OF APPLICABLE PORTIONS OF THE CURRENT STANDARDS ADOPTED BY THE
NATIONAL CONFERENCE ON WEIGHTS AND MEASURES AND OTHER RELEVANT NIST STANDARDS

A handwritten signature in cursive script, reading "Brett Gurney".

BRETT GURNEY, CHAIRMAN
NATIONAL CONFERENCE ON WEIGHTS AND MEASURES

August 26, 2018

DATE OF CERTIFICATION

A handwritten signature in cursive script, reading "Don Onwiler".

DON ONWILER, EXECUTIVE DIRECTOR
NATIONAL CONFERENCE ON WEIGHTS AND MEASURES

This certification will expire five years from the date of certification.

§2461. ELECTION BY MUNICIPAL OFFICERS

The municipal officers of a municipality may elect or appoint a sealer of weights and measures, and a deputy sealer if necessary, not necessarily a resident of that municipality, and the sealer and deputy sealer hold office during their efficiency and the faithful performance of their duties. The state sealer has final approval authority over a sealer or deputy sealer elected or appointed pursuant to this section. Prior to approval or assuming any duties, a sealer or deputy sealer elected or appointed pursuant to this section must successfully complete certification by the National Conference on Weights and Measures as a weights and measures professional in the National Conference on Weights and Measures professional certification program for the device types the sealer or deputy sealer wishes to seal. On complaint being made to the municipal officers of the inefficiency or neglect of duty of a sealer or deputy sealer, the municipal officers shall set a date for and give notice of a hearing to the complainant, the relevant sealer and the state sealer. If evidence satisfies the municipal officers that the sealer or deputy sealer has been inefficient or has neglected the sealer's or deputy sealer's duty, they may remove the sealer or deputy sealer from office and elect or appoint another in the sealer's or deputy sealer's stead. The state sealer has jurisdiction over a sealer or deputy sealer elected or appointed pursuant to this section, and any vacancy caused by death or resignation must be filled by election or appointment by the municipal officers within 30 days. Within 10 days after each such election or appointment, the clerk of each municipality shall communicate the name of the person so elected or appointed to the state sealer. A sealer of weights and measures in any municipality may be sealer for several municipalities, if such is the pleasure of the municipal officers of those municipalities, as long as this action receives the approval of the state sealer. The state sealer or the state sealer's designee shall test and certify annually municipal weights and measures equipment used by a sealer or deputy sealer elected or appointed pursuant to this section.[2017, c. 172, §1(NEW).]

§2462. MUNICIPALITIES THAT DO NOT CHOOSE A SEALER

If the municipal officers do not elect or appoint a sealer or fail to make a return to the state sealer of the election or appointment within 30 days after the election or appointment in accordance with section 2461, the state sealer retains sole authority to enforce this chapter in that municipality and the concurrent authority provided under section 2411 does not apply in that municipality. Pursuant to section 2402, subsection 7, the state sealer may appoint a qualified person to carry out the state sealer's responsibilities in that municipality, and any person appointed under this section may serve in that capacity for more than one municipality. [2017, c. 172, §1 (NEW).]

§2463. POWERS AND DUTIES

A weights and measures official elected or appointed for a municipality has the duties enumerated in section 2402, subsections 2 to 9 and the powers enumerated in section

2403. These powers and duties extend to the official's jurisdiction. [2017, c. 172, §1 (NEW).]
SECTION HISTORY 2017, c. 172, §1 (NEW).

§2464. RECORDS OF WEIGHTS AND MEASURES SEALED; ANNUAL REPORT

A sealer shall keep records of all weights and measures, balances and measuring devices inspected, sealed or condemned by that sealer, giving the name of the owner or agent, the place of business, the date of inspection and kind of apparatus inspected, sealed or condemned. The sealer shall make an annual report on July 1st for the 12 preceding months on forms prescribed by the state sealer and shall furnish such information as the state sealer may require. [2017, c. 172, §1 (NEW).]



ORDER 02-01032022

City Council Order

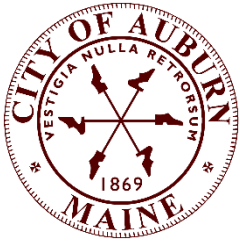
IN CITY COUNCIL

ORDERED, that the City Council hereby re-appoints Bryan Bachelder as the Local Sealer of Weights and Measures with a term expiration of December 31, 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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 3, 2022

Order: 03-01032022

Author: Sue Clements-Dallaire, City Clerk

Subject: Proposed date change for the second Regular City Council meeting of January 2022

Information: Recommend changing the second Regular City Council meeting date from Monday, January 24, 2022, to Tuesday, January 18, 2022. The second meeting of the month falls on a holiday and rather than pushing the meeting out another week, we are recommending that the meeting be held the Tuesday after the holiday instead of the following Monday.

City Budgetary Impacts: None.

Staff Recommended Action: Approve

Previous Meetings and History: In past years, we have held meetings that would have fallen on a holiday on the Tuesday immediately following that date.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:



ORDER 03-01032022

City Council Order

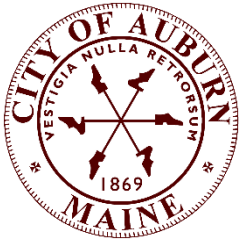
IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes changing the second regular meeting of the City Council from Monday, January 24, 2022 to Tuesday, January 18, 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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 3, 2022

Order: 04-01032022

Author: Sue Clements-Dallaire, City Clerk

Subject: Setting the time for opening the polls for 2022 Elections

Information:

State law requires the Municipal Officers to set the time to open the polls for elections. The polls must be opened no earlier than 6 a.m. and no later than 8 a.m. on election day, except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m. It is recommended that the polls open at 7:00 A.M. in Auburn for all 2022 elections. Opening the polls at 7:00 A.M. is consistent with past practice in Auburn and it allows additional time in the morning for people to have an opportunity to vote.

21-A §626. Polling times

The following provisions apply to polling times at any election.

1. Opening time flexible. The polls must be opened no earlier than 6 a.m. and no later than 8 a.m. on election day, except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m. The municipal officers of each municipality shall determine the time of opening the polls within these limits. The municipal clerk shall notify the Secretary of State of the poll opening times at least 30 days before each election conducted under this Title.

City Budgetary Impacts: Minimal – the cost for Election workers to start one hour early is under \$100.

Staff Recommended Action: Recommend a motion to set the time for opening the polls for all 2022 Elections to be 7:00 AM.

Previous Meetings and History: N/A

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Order 04-1032022



ORDER 04-01032022

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby sets the time for opening the polls for 2022 elections to be 7:00 AM.

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

Mayor Levesque called the meeting to order at 7:03 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 141-12202021*

Confirming Mayor Levesque's board and committee appointments.

Motion was made by Councilor Walker and seconded by Councilor Milks to approve the one consent item.

Passage 7-0.

II. Minutes – December 6, 2021 Regular Council Meeting

Motion was made by Councilor Walker and seconded by Councilor Milks to approve the minutes of the December 6, 2021 Regular Council meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Communication – Mayoral Appointments
- Hydro Power Communications
- Council Communications (about and to the community)

Councilor Walker announced that the Age Friendly Committee will be holding a New Years Day celebration at noon time at the Auburn Senior Community Center.

Councilor Whiting stated that the Auburn Nordic Ski Association is open for cross country skiing.

Mayor Levesque reminded everyone about the upcoming New Year's Eve event that is to be held on Friday, December 31st on Main Street in Auburn.

IV. Open Session

Walter Reynolds, Public Works Department employee stated that a proposal has been put together, for the City Council to consider, requesting additional compensation from ARPA funds for PW employees that worked during the pandemic.

V. Unfinished Business

1. Ordinance 45-12062021

Amending the Code of Ordinances, Chapter 20 – Fire Prevention and Protection, Article III – Fire Code. Sec. 20-55. - Appeals. Second reading.

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

Public comment - No one from the public spoke.

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

2. Ordinance 46-12062021

Amending the Code of Ordinances, by adding Sec. 20-84 – Permits; requirements. Second reading.

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

Public comment - No one from the public spoke.

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

3. Ordinance 47-12062021

Amending the Code of Ordinances, Sec. 20-32 – Fees for service. Second reading.

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

Public comment - No one from the public spoke.

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

4. Ordinance 48-12062021

Amending the Code of Ordinances, Appendix A: Fees; Fire Prevention and Protection. Second reading.

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

Public comment - No one from the public spoke.

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

VI. New Business

Motion was made by Councilor Milks and seconded by Councilor Walker to authorize the City Manager to take any action necessary to effectuate an agreement with the State regarding apportionment of funds from the Opioid litigation. This is Order 147-12202021.

Public comment – No one from the public spoke.

Passage 7-0.

1. Order 142-12202021

Approving the Mass Gathering permit for the New Year's Eve event. Public hearing and vote.

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

Public hearing – No one from the public spoke.

Passage 7-0.

2. Order 143-12202021

Approving the liquor license for the New Year's Eve event. Public hearing and vote.

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

Public hearing – No one from the public spoke.

Passage 7-0.

3. Order 144-12202021

Approving the amendments to the Auburn-Lewiston Local Cable TV Operations Interlocal Agreement.

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

Public comment – No one from the public spoke.

Passage 7-0.

4. Order 145-12202021

Establishing the National Incident Management System (NIMS) as the City standard for incident management.

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

Public comment – No one from the public spoke.

Passage 7-0.

5. Order 146-12202021

Amending Order 132-12062021 previously adopted by the City Council on 12/06/2021.

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

Public comment – No one from the public spoke.

Passage 6-0-1 (Councilor Staples abstained).

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

VIII. Reports (from sub-committees to Council)

Mayor Levesque announced that he has taken the Mayor’s seat on the School Committee, their first meeting was on Wednesday and it went well.

Councilor Milks stated that the Water and Sewer budgets were approved last week at a public meeting.

Manager Crowell stated that the budget process has started and is in full swing. A workshop will be held with the Council to provide them with information regarding access to our Munis system which will be available to them. Tablets will be handed out to new councilors as soon as possible. He provided an update on staffing challenges, and policies relating to COVID and he thanked staff for doing a fantastic job to ensure that services are still being provided.

Jill Eastman, Finance Director – November 2021 Final Finance Report

Motion was made by Councilor Walker and seconded by Councilor Morin to accept and place on file the November 2021 Final Finance report.

Passage 7-0.

IV. Executive Sessions - None

V. Adjournment – Motion was made by Councilor Staples and seconded by Councilor Walker to adjourn. Unanimously approved. Time 7:48 pm.

A TRUE COPY

ATTEST 

Susan Clements-Dallaire, City Clerk



City of Auburn, Maine

Planning Board

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Mayor and City Council

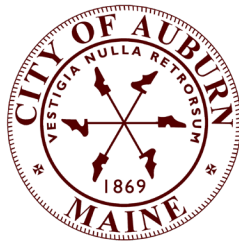
From: Mathieu Duvall, Chairperson, Auburn Planning Board

Re: Findings and Reasons for the recommendation to the Council on a Proposed Amendment to the Low-Density Country Residential and Rural Residential Strips abutting the Agriculture/Resource Protection Zone to expand from a Width of 450 feet to a Width of 750 feet from the centerline of the roadways.

Date: December 14, 2021 Planning Board Meeting

The Planning Board forwarded a negative recommendation to the Council on this proposal at the November 9th, 2021 Planning Board meeting. Providing reasons for the recommendation was discussed by the Board but was not included in the final motion. This was explained by the City Manager as a requirement of the process for Planning Board Recommendations. The Council voted Monday December 6th to table the item indefinitely, effectively ending the discussion. The Planning Board wished to correct this omission and provide the required information to the Council. On December 14th the Planning Board discussed their reasons and voted to pass the following on to the Council as the findings and reasons for their negative recommendation:

1. The proposed expansion of residential strips conflicts with recommendations in the 2010 Comprehensive Plan and expands development outside the core of the City, into Agriculturally zoned areas.
2. The proposal would allow for increased development in the Lake Auburn and Taylor Pond Watersheds, without consideration of the recently released Lake Auburn Watershed Study recommendations, including Low Impact Development Standards.
3. The 2020 Comp Plan FLU Map updates deserve consideration prior to considering the residential strip expansion.



City Council Order

IN CITY COUNCIL

Communications

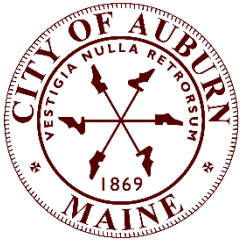
Mayoral Appointments

- ❖ **Public Safety Ad Hoc Committee** – Rick Whiting and Ryan Hawes
- ❖ **Committee to review Committees** – Rick Whiting and Joe Morin

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: January 3, 2022

Order: 05-01032022

Author: Eric J. Cousens, Director of Planning and Permitting

Subject: Initiate the discussion of Zoning Considerations from 2021 Updated Comprehensive Plan

Information: The comprehensive plan update adopted on December 6, 2021 identified zoning map and text amendments needed to implement the goals of the plan updates. We do not have capacity to consider all the changes at once, but we plan an ambitious effort to have changes under consideration going forward. Below are four changes that staff suggests we start discussing by having the Council initiate their consideration pursuant to Chapter 60, Article XVII Division 2 of City Ordinances. Initiation of these discussions will direct staff to draft the amendments and forward them to the Planning Board for a public Hearing and recommendation back to the Council on how to proceed.

- a. **Gracelawn area;** 148 acres from Agriculture and Resource Protection to Commercial Development District (CDD). Approximately, 37 acres are not shown as CDD in approved FLU mapping, but the council did approve utilizing the Auburn Lake Watershed Study. In that study they suggested moving the watershed boundary out and a result from that, we are suggesting moving the proposed CDD boundary out to match the new watershed boundary another 37 +/- acres as intended. (See attached a.)

Proposed Zone Change:

COMMERCIAL DEVELOPMENT DISTRICT (CDD)

Objective – Allow for the development of a wide range of uses including those that involve the sales of motor vehicles and/or that generate significant truck traffic. The district will allow for both existing and new residential use at a density of up to 16 units per acre.

Allowed Uses – The Commercial Development District generally follows the boundaries of the General Business and General Business II (Minot Avenue) Zoning Districts, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed in the General Business Development District:

- Low and High Residential Density Uses
- Retail uses including large-scale uses (>100,000 square feet)
- Personal and business services

- Business and professional offices
- Medical facilities and clinics
- Restaurants
- Hotel, motels, inns, and bed & breakfast establishments
- Low and High-Density Residential Uses
- Community services and government uses
- Research, light manufacturing, assembly, and wholesale uses
- Truck terminals and distribution uses
- Contractors and similar activities
- Motor vehicle and equipment sales
- Motor vehicle service and repair
- Recreational and entertainment uses and facilities

Development Standards – The City’s development standards for the Commercial Development District should provide property owners and developers flexibility in the use and development of the property. The standards should include provisions to manage the amount and location of vehicular access to the site, minimize stormwater runoff and other potential environmental impacts, require a landscaped buffer along the boundary between the lot and the street, and provide for the buffering of adjacent residential districts.

- b. Washington Street Area**; 716 acres from General Business to Commercial Form Based Code Gateway Development District. Approximately 9.63 acres were not included in the FLU mapping. But approved in the order by the council for the approval of the specific lot PID 199-052. (See attached b.)

COMMERCIAL FORM-BASED CODE GATEWAY DEVELOPMENT DISTRICT (WASHINGTON STREET) (CFBCGD-W)

Objective – To allow for mixed use development while protecting and providing transitions to the abutting residential neighborhoods. Within this area attractive road fronts should be established that enhance a complete street city gateway and provide the essence of a welcoming, vibrant community, with neighborhood and community retail, business and service establishments that are oriented to and built close to the street. The zone is appropriate in areas where a more compact urban development pattern exists or where a neighborhood-compatible commercial district is established which exhibits a pedestrian scale and character. The CFBCGD-W should enhance development and design standards to allow this area to evolve into an attractive gateway into the city. Specifically, a portion of this designation pushes a transformation of Washington Street South/Routes 4 and 100 to a two-lane high-speed connector while Washington Street North Routes 4 and 100 becomes a local connector with future Form Based Code Commercial Development. Residential uses should be allowed at a density of up to 16 units per acre provided they are accessory to commercial uses.

Allowed Uses – The Commercial Form-Based Code Gateway Development District – W generally follows the boundaries of the existing General Business areas along Washington Street, in effect at the time of the 2021 Comprehensive Plan update. The Commercial Form-Based Code Gateway Development District – W should allow for medium-scale, multi dwelling development with up to three stories (plus attic space), with multiple

commercial uses allowed that mirror existing form based code within the city to include, but not be limited to general offices, government uses, lab and research facilities, low impact industrial, studios, parks and open spaces, veterinary services, medical and dental clinics, general retail, restaurants, schools, churches, convenience stores with gas stations, specialty shops, auto service stations, care facilities, lodging, clinics and hotels.

Development Standards – New development, redevelopment and substantial expansions should be subject to an enhanced set of development and design standards to assure that this area evolves as an attractive gateway. These standards should maintain appropriate setbacks for new development, encouraging shallow or no front setbacks, screen parking areas from Washington Street and provide incentives for the use of shared driveways and curb-cuts. Provisions for on street parking should be encouraged. All uses in this district should be located, sited, and landscaped in such a manner as to preserve open space, control vehicle access and traffic and provide adequate buffering and natural screening from Washington Street. This designation is intended for areas near, in, along neighborhood corridors and for transit-supportive densities.

- c. **Court Street/City Core of Urban Residential Area**; 1,687.41 acres of Urban Residential to Traditional Neighborhood Development District Areas. (See attached c.)

TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND)

Objective – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

Allowed Uses – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

Development Standards – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 10 feet. Side and rear setbacks should be 5-15 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

- d. **Subsurface Wastewater Disposal in the Lake Auburn Watershed;** Maintain a requirement for a minimum depth of 36 inches above the limiting factor/constraining layer (groundwater or bedrock), while allowing the use of State-approved alternative septic system and leach field designs that meet statewide standards.
-

City Budgetary Impacts: Up to \$5,000 in approved Comprehensive Plan Implementation funds for State Geologist/Soil Scientist/Site Evaluator and mapping consultation. The changes will result in new investment and create new taxable value.

Staff Recommended Action: Direct staff to draft amendments consistent with the adopted Comprehensive Plan for consideration by the Planning Board and direct the Planning Board to review proposed amendments, hold Public Hearings on each and forward a recommendation back to the City Council.

Previous Meetings and History: December 6th Council adoption.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Comp Plan Update - Future Land Use Chapter Excerpts, Lake Auburn Study Excerpts, full report here:

https://www.auburnmaine.gov/CMSContent/City_Manager/LakeAuburn_FinalReport%20UPDATED.pdf

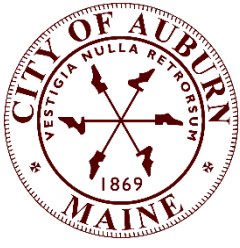


City Council Order

IN CITY COUNCIL

ORDERED, that the City Council direct staff to draft amendments consistent with the adopted Comprehensive Plan for consideration by the Planning Board and direct the Planning Board to review proposed amendments, hold Public Hearings on each and forward a recommendation back to the City Council on the following four amendments:

- a. **Gracelawn area**; 148 acres from Agriculture and Resource Protection to Commercial Development District (CDD). Approximately, 37 acres are not shown as CDD in approved FLU mapping, but the council did approve utilizing the Auburn Lake Watershed Study. In that study they suggested moving the watershed boundary out and a result from that, we are suggesting moving the proposed CDD boundary out to match the new watershed boundary another 37 +/- acres as intended.
- b. **Washington Street Area**; 716 acres from General Business to Commercial Formed Based Code Gateway Development District. Approximately 9.63 acres were not included in the FLU mapping. But approved in the order by the council for the approval of the specific lot PID 199-052.
- c. **Court Street/City Core of Urban Residential Area**; 1,687.41 acres of Urban Residential to Traditional Neighborhood Development District Areas.
- d. **Subsurface Wastewater Disposal in the Lake Auburn Watershed**; Maintain a requirement for a minimum depth of 36 inches above the limiting factor/constraining layer (groundwater or bedrock), while allowing the use of State-approved alternative septic system and leach field designs that meet statewide standards.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 3, 2022

Ordinance: 01-01032022

Author: Sue Clements-Dallaire, City Clerk

Subject: Proposed ordinance amendment, Sec. 2-58. Time and place of regular meetings.

Information: Under our current ordinance, if a regular meeting night falls on a legal holiday or the night before a legal holiday, then the stated meeting shall be held on the following Monday. There has been discussion about amending the ordinance, so those meetings are held on the following Tuesday instead.

Sec. 2-58. - Time and place of regular meetings.

The dates and time of the regular meetings of the city council shall be the first and third Mondays of each calendar month at 7:00 p.m. If a regular meeting night falls on a legal holiday or the night before a legal holiday, then the stated meeting shall be held on the following ~~Monday~~ Tuesday at the same time and place unless the city council shall, at the meeting held next prior to the meeting falling on the holiday or the night before the holiday, fix a different alternate meeting date. The place of such meetings shall be the city council chamber in the city building, hereby designated to be the regular meeting place, unless the council designates another meeting place. All meetings of the city council shall be open to the public and may be continued to another location.

City Budgetary Impacts: N/A

Staff Recommended Action: Motion to approve the proposed amendment.

Previous Meetings and History: Prior to January of 2016, if a regular City Council meeting fell on a holiday, the meeting was held the following Tuesday. In January of 2016, an amendment was made to change that to the following Monday, one week later.

Attachments:

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



City Council Ordinance

IN CITY COUNCIL

ORDINANCE AMENDMENT, Sec. 2-58. Time and Place of Regular Meetings

Be it ordained, that the City Council hereby amends the Code of Ordinances, Sec. 2-58, Time and place of regular meetings as follows:

Sec. 2-58. Time and place of regular meetings.

The dates and time of the regular meetings of the city council shall be the first and third Mondays of each calendar month at 7:00 p.m. If a regular meeting night falls on a legal holiday or the night before a legal holiday, then the stated meeting shall be held on the following ~~Monday~~ Tuesday at the same time and place unless the city council shall, at the meeting held next prior to the meeting falling on the holiday or the night before the holiday, fix a different alternate meeting date. The place of such meetings shall be the city council chamber in the city building, hereby designated to be the regular meeting place, unless the council designates another meeting place. All meetings of the city council shall be open to the public and may be continued to another location.

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: January 3, 2022

Ordinance: 02-01032022

Author: Sue Clements-Dallaire, City Clerk

Subject: Proposed amendment to the Code of Ordinances Sec. 2-430 – Membership; responsibility (Regulatory Advisor Board)

Information: On December 6, 2021 the City Council adopted an ordinance, Sec. 2-441 to compensate members of the regulatory advisory board, \$600 annually (Ordinance 41-11152021). Since that time, it was discovered that there is another section of our Code that conflicts with the newly adopted section of the ordinance. This proposed amendment would strike language that states that the board will serve without compensation, removing the conflicting language.

Sec. 2-430. Membership; responsibility.

A board of regulatory advisory shall be appointed by the city council, consisting of seven members, ~~to serve without compensation.~~

The purpose of the regulatory advisory board is to perform the responsibilities of the board of assessment review, board of appeals, and all other regulatory review functions as directed by the city council. The board shall develop such rules to govern its meetings (to include meetings dates and times) and operations as it deems advisable.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage of the ordinance amendment.

Previous Meetings and History: November 1, 2021, November 15, 2021, December 6, 2021.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:



City Council Ordinance

IN CITY COUNCIL

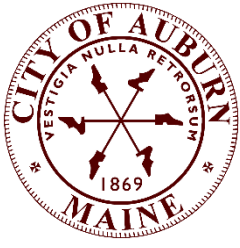
**Ordinance Amending Chapter 2, Article V, Division 2, amending
Sec. 2-430 – Membership; responsibility**

Be it ordained, that the following ordinance be amended:

Chapter 2, Article V, Division 2, amending Sec. 2-430 – Membership; responsibility

A board of regulatory advisory shall be appointed by the city council, consisting of seven members.,~~to serve without compensation.~~

The purpose of the regulatory advisory board is to perform the responsibilities of the board of assessment review, board of appeals, and all other regulatory review functions as directed by the city council. The board shall develop such rules to govern its meetings (to include meetings dates and times) and operations as it deems advisable.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: January 3, 2022

Order: 06-01032022

Author: Sue Clements-Dallaire, City Clerk

Subject: Proposed amendments to the Board & Committee Appointment Process

Information: Staff is recommending amending the Board and Committee Appointment Policy (see attachment) in order to streamline the process and to shorten the turnaround time on appointments.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Amendments were in 2014 and again in June of 2021.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: Board & Committee Appointment Policy with proposed amendments, and Order 06-01032022.



ORDER 06-01032022

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby amends the Board and Committee Appointment Policy as attached.

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: 06-01032022 (ATTACHEMENT)

**CITY OF AUBURN
BOARD AND COMMITTEE APPOINTMENT POLICY**

The Mayor shall appoint a three member committee hereinafter called the “Appointment Committee”. The Appointment Committee shall review all applications to boards or committees assigned per attachment “Committees of the City of Auburn”; the Committees may interview applicants, including incumbents, for vacancies on all City boards, commissions and committees.

The Appointment Committee may review term expirations and propose appointments as frequently as necessary. The Clerk shall notify the various boards, commissions, and committees of the upcoming expirations and any current vacancies., ~~the Mayor, the City Manager and the City Council members of the upcoming expirations and any current vacancies periodically, but not less than once per year.~~

Incumbents will receive notification from the Clerk reminding them of the expiration of their term and letting them know they need to reapply. Additionally, the Clerk shall post on the City website a notice of vacancy for at least 30 14 days. However, if a term becomes vacant due to a resignation, death, residency, disqualification, or other sudden vacancy, the committee may shorten or eliminate the ~~30-14~~ day posting. The Clerk will also notify all alternate members so that they may apply-submit a letter of interest for full membership, if interested.

A notice shall be placed on the City’s website. The Clerk may create an email group of neighborhood group contacts, Chamber, contacts and other interested individuals to which the advertisement may be sent.

Applications shall only be accepted during the posted period and must be postmarked no later than the deadline. Emails are acceptable and must be time stamped in advance of the deadline. Incumbents must reapply-submit a notice of interest each time. All new applicants are required to send a completed application form and it is recommended that they also send a resume and a cover letter to apply.

The Clerk shall notify the staff person to the board, commission, or committee in question, so that he/she can also have a conversation with any incumbents to let them know their term is expiring.

All boards, commissions, and committees will be provided with a brief description of that board’s duties and the qualifications for appointment will be in the header, notebooks containing the ordinances/by-laws pertaining to each board, commission, or committee, and a list of the incumbents on all boards.

The Appointment Committee meetings are considered a Public Meeting. The date and time of the meeting will be posted on the City website at least 2 days prior to the meeting. All City

Councilors will receive copies of the applications to review at least ~~one week~~two days prior to the Appointment Committee meeting. During the Appointment Committee meetings, the Committee may enter into Executive Session to review applications.

The Appointment Committee may vote by hand or by consensus on the nominee for each vacancy. If the Appointment Committee does not agree on a nominee, a vacancy may be re-advertised or presented to the City Council.

Within two business days after the nominations are completed, the Clerk shall notify the employees who staff the boards, commission, or committees, to let them know who is being nominated or that a position is being re-advertised. Also on that day, the Clerk shall notify applicants who are being nominated. Nominees shall be told when their appointment is going to the full Council agenda. Appointments will appear under the consent agenda and 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~~agenda under new business with possible Executive Session if needed. ~~Nominees will be asked to attend the meeting.~~

Except for legal retention purposes, resumes will not be kept for future vacancies, ~~once interviews have been held~~. The process shall start fresh each time, ensuring that resumes are current and received from applicants qualified to fill the positions.

The Clerk shall prepare the order for the Council meeting, noting the names, board to which members are being appointed and the term expiration date. ~~At the meeting, the Mayor shall ask the new board members to stand and introduce themselves, once the order has passed.~~

Within two business days, after the Council appointments are passed, the Clerk shall notify each new member, congratulating them, advising them of the expiration date of their term, telling them who the staff person is and letting them know they must be sworn in before their first meeting. A copy of the notification shall be sent to the staff person for that committee along with the new member's resume.

The website shall provide a complete list of all the board and committee members currently serving, ~~date of end of term, and date of original appointment.~~

All appointments in this policy are those subject to the approval of the City Council. ~~Appointments of the Mayor as conferred in Charter are subject to this process or processes.~~

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Alternate Member

An alternate member shall participate in all meetings with the same rights as a full member, except they shall not have the right to vote. The right to vote shall only be conferred by a vote of full members present to fill an absence, temporarily vacated seat, or to replace a member who has removed themselves due a conflict of interest. Alternate members shall be appointed to voting rights on a rotating basis, so as to preserve fairness. The purpose of alternate members is to sustain a full voting board and to educate new interested persons before becoming

a full member. It is the intent but not mandate of the Council to promote Alternate Members to full membership before accepting new members to a board or committee.

Reports and Vacancies

A vacancy on any appointive board, commission, or committee of the city shall exist upon the occurrence of any of the following events:

- (a) Death of a member.
- (b) Resignation of a member.
- (c) Moving by a member of the member's place of residence from the City of Auburn. When a member moves from the City of Auburn, the vacancy shall occur immediately and the member shall not serve at any further meetings.
- (d) Failure of a member to attend more than three (3) consecutive meetings or absence from five (5) meetings during the preceding twelve-month period.

Reporting actions and vacancies.

The chairman of each board or commission of the city shall certify or cause the secretary of the board or commission to certify to the city council each month the actions of said board or commission, together with the record of absences of members. In such report, the chairman or secretary of each such board or commission shall notify the city council of any vacancy occurring on such board or commission. In the event that a vacancy occurs, the board or commission may, by majority vote of its membership, exclusive of the member affected, recommend to the city council that the attendance provision be waived for cause, in which case no vacancy shall exist until the city council disapproves the recommendation.

Removal from Office

An official or officials who are alleged to have caused grounds for removal from office are subject to the "Policy for Removal of Officials Appointed to Boards, Commissions and Committees" approved as part of this policy.

**POLICY FOR REMOVAL OF OFFICIALS APPOINTED TO BOARDS,
COMMISSIONS AND COMMITTEES**

1. Purpose. The purpose of this policy is to have in place a process for the removal of officials appointed to boards, commissions and committees
2. Authority. The City Council exercises its authority to remove officials under Title 30-A, section 2601 which allows the removal for cause after notice and hearing.
3. Cause. All grounds constituting cause cannot be detailed. However, the following are examples of conduct which may result in removal for cause:
 - A. More than three consecutive absences or five absences within a calendar year, unexcused by the Board, Commission or Committee by majority vote. This subsection may not be used unless the records of the Board, Commission or Committee reflect the facts constituting grounds. Nothing in this subsection shall be interpreted to prevent an official from requesting a leave of absence from the Council for unusual circumstances. Unusual circumstances could include, but not be limited to, illness of the official or an immediate family member; temporary relocation for employment, military duty or educational reasons; and increased temporary child care responsibilities. In making the decision whether or not to grant a leave of absence, the Council shall balance the needs of the City and the Board, Commission or Committee with the needs of the official.
 - B. Inappropriate public conduct or conduct to other officials related to the office held. Examples include but are not limited to verbal abuse to other officials or members of the public, or obstruction of meetings of the Board, Commission or Committee.
 - C. Impairment by alcoholic beverages or drugs at Board, Commission or Committee functions.
 - D. Indictment or conviction (1) for a Class C or higher Crime, or (2) for a Class D or lower crime or a civil violation, directly or indirectly affecting the office held. Examples of Class D or lower crimes or civil violations affecting the office held would be shoplifting a compact disk where the office involved the handling of money; or violations of a protected resource where the Board, Commission or Committee deals with that resource. These provisions apply even when the conduct leading to the indictment or conviction has taken place outside the City of Auburn or State of Maine.
 - E. Other reasons related to the good of the Committee, the City or the office held.
 1. Removal procedure.

- A. Separation of roles. While a City Councilor sitting in a removal proceeding may be aware of the facts and circumstances leading to the proceeding, the City Council recognizes that no individual Councilor may prejudge the proceedings. Therefore, in a proceeding to remove an appointed official, the facts and circumstances shall be investigated by the City Manager or the City Manager's designee (hereinafter "the City Manager"), rather than an individual Councilor. Should allegations be brought to an individual Councilor, which the individual Councilor believes may be cause for removal, the individual Councilor shall turn the facts and circumstances over to the City Manager, and refer further inquiries to the City Manager. Inquiries to other Councilors shall be turned over to the City Manager. No Councilor shall participate in any removal hearing if that Councilor has an interest, a conflict, or is disqualified, under the Rules of Order and Procedure for Auburn City Council.
- B. Investigation. The City Manager shall investigate the allegations as soon as reasonably possible. If the City Manager determines the allegations create probable grounds for removal, the City Manager shall notify the official in writing that the City Manager is contemplating a recommendation to the City Council that the official be removed, outlining the City Manager's reasons. The City Manager shall provide the official a reasonable amount of time to provide the official's position on the allegations, before the City Manager finalizes the recommendation to the City Council.
- C. Hearing. If the City Manager recommends removal, the City Council shall schedule a hearing on the official's removal. The hearing shall be scheduled at a time which will allow the City Manager and the official an adequate opportunity to prepare their presentations to the City Council. At the hearing, the City Manager shall present the City's case with the official's case following. The presentations may include witnesses and exhibits, including documents. The City Manager and the officials shall provide each other a list of witnesses and exhibits at least seven days before the hearing date unless another time is agreed upon. Each party shall be allowed to ask questions of the other party's witnesses. Evidence will be admissible if it is evidence which would be relied upon by persons in the conduct of serious affairs. This means, for example, that hearsay evidence will not be excluded, and that the procedure will be conducted according to the principles of fair play rather than of strict rules of evidence.
- D. Confidentiality. The hearing shall be conducted in open session unless the Council determines public discussion could reasonably be expected to cause damage to the official's reputation or the official's

right to privacy would be violated. If the Council makes that determination, all related materials will be confidential until a final, non-appealable decision. Regardless of the Council's decision on public discussion, the official may request in writing that the hearing be conducted in open session, and that all related materials be public.

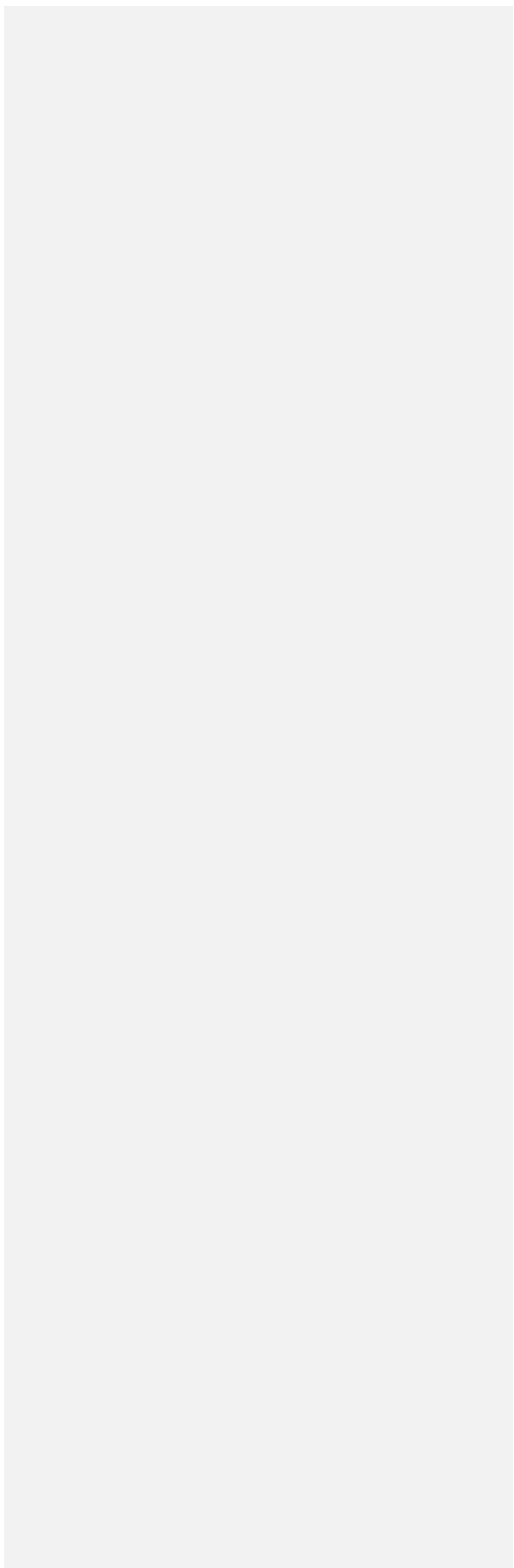
Even if the hearing is conducted in open session, it is not a public hearing. Stated differently, the only persons presenting testimony or evidence will be those persons selected by the City Manager or official. The general public will not be invited to testify at the hearing.

- E. Decision. After the City Council hears the evidence, it shall issue a written decision of those present and voting. The written decision shall state the facts and conclusions upon which the City Council relies in making its decision. If the written decision removes the official from office, the written decision shall become public as soon as it is a final, non-appealable, decision. The vote on the written decision shall be by majority vote.

- 5. Resignation. If the official elects to resign at any stage of this process, the process shall terminate, and any pending investigation or hearing under this process shall cease.

Boards & Committees of the City of Auburn – see Appendix

COMMITTEES & BOARDS OF THE CITY OF AUBURN



APPENDIX

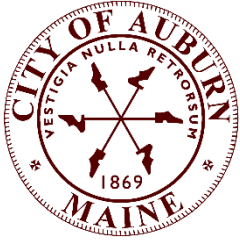
COMMITTEES & BOARDS OF THE CITY OF AUBURN

Board Name

911 Committee
Age-Friendly Community Committee
Agriculture Committee
Androscoggin County Budget Committee
Androscoggin Transportation Resource Center (ATRC)
Androscoggin Valley Council of Governments (AVCOG)
Appointment Committee
Auburn Business Development Corp (ABDC)
Auburn Housing Authority
Auburn & Lewiston Municipal Airport
Auburn Public Library Board of Trustees
Auburn Sewer District Board of Trustees
Auburn Water District Board of Trustees
Audit Committee
~~Cable TV Advisory Board~~
Citizen's Advisory Committee (CAC)
City Council
Community Development Block Grant (CDBG) Loan Committee
Complete Streets Committee
Conservation Commission

- Community Forest Subcommittee
- Parks Subcommittee

Ethics Panel
Lewiston-Auburn Railroad Company (LARC)
L/A Transit Committee (LATC)
L/A Water pollution Control Authority
Maine Waste-to-Energy
Parks & Recreation Advisory Board
Planning Board
Registration Appeals Board
Regulatory Advisory Board
School Committee



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: January 3, 2022

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C).

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

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.