

**City Council Special Meeting
Agenda
July 10, 2023
Auburn Hall, Council Chambers**

5:30 P.M. City Council Meeting - Roll call votes will begin with Councilor Morin.

Pledge of Allegiance

I. Executive sessions

- Economic development, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.
- Personnel matter (City Manager evaluation), pursuant to 1 M.R.S.A. §405(6)(A).

II. Unfinished Business

1. Ordinance 06-06202023

Amending the Auburn Code of Ordinances, DIV. 12, General Business, Sec 60-500 (2). Public hearing and second reading

2. Ordinance 07-06202023

Amending the Auburn Code of Ordinances, DIV. 13, General Business II, Sec 60-526 (2). Public hearing and second reading.

3. Ordinance 08-06202023

Amending the Auburn Code of Ordinances, DIV 15, Industrial Zoning District, Sec 60-579 (2). Public hearing and second reading.

4. Ordinance 09-06202023

Amending the zoning at 37 Loring Avenue (Parcel I.D. 211-282) from Urban Residential to Multifamily Suburban. Public hearing and second reading.

5. Ordinance 10-06202023

Amending the Code of Ordinances, Definitions and Agriculture and Resource Protection District text of Chapter 60, Zoning as shown in Proposal B (attached). Public hearing and second reading.

III. New Business

1. Order 93-07102023

Authorizing the City Manager to execute the collective bargaining agreement with MSEA SEIU 1989.

2. Order 94-07102023

Authorizing the City Manager to execute the sale of City owned property (103 Newbury Street).

3. **Order 95-07102023**
Authorizing the City Manager to execute the sale of City owned property (115 Newbury Street).
4. **Order 96-07102023**
Authorizing the City Manager to execute the sale of City owned property (351 Main Street).
5. **Order 97-07102023**
Authorizing the City Manager to market and execute the sale of City owned property (369 Main Street) through Bill Bergeron with Fontaine Family Realty.

II. **Adjournment**



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: July 10, 2023

Subject: Executive Session

Information: Economic development, pursuant to 1 M.R.S.A. Section 405(6) (C) which premature disclosure would prejudice the competitive or bargaining position of the city.

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;

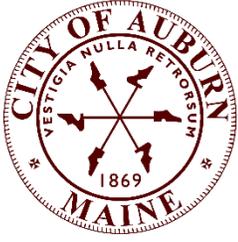
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both 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: July 10, 2023

Subject: Executive Session

Information: Personnel matter (City Manager evaluation), pursuant to 1 M.R.S.A. §405(6)(A).

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;

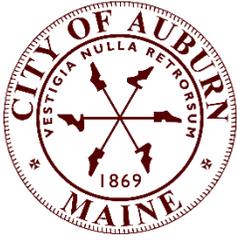
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both 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 Meeting Date: July 10, 2023

Ordinance: 06-06202023

Author: John Blais, Deputy Director of Planning & Permitting

Subject: Proposed text amendment to DIV 12, General Business, Sec 60-500 (2)

Information: Planning board provided a favorable recommendation 7-0 to increase the maximum building coverage in the General Business (GB) from 30 percent coverage to 60 percent coverage.

Staff and Planning Board looked at various communities (Waterville, Biddeford, Sanford, and South Portland) throughout Maine and found that those towns and cities do not even contain a density requirement in the commercial zones within their land use ordinances. Staff has run into many situations where the density ordinance restricts economic and community development within the City of Auburn in commercial zones.

From the Cities updated Comprehensive Plan, Future Land Use Chapter: *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 suggested increase in density would allow for more options and expansion of the site which aligns with the current comprehensive plan.

City Budgetary Impacts: None

Staff Recommended Action: Public hearing and consider passage of second reading.

Previous Meetings and History: Passage of first reading on 6/20/2023.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Codification language text amendment DIV 12, General Business, Sec 60-500 (2)



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

DRAFT

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on Zoning Text Density Change Applied to General Business, General Business II, and Industrial Zones.

Date: 06/06/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on June 6, 2023, the Planning Board forwards this report to the City Council.

Proposal: Public Hearing/ Text Amendment: Consider amending Sec. 60-500 (2), Sec. 60-526 (2), and Sec. 60-579 (2) of the zoning ordinances to increase the maximum building coverage in the General Business (GB) and Minot Avenue (GBII) zoning districts from 30 percent coverage to 60 percent coverage, and increase the maximum building coverage in the Industrial (ID) zoning district from 40 percent coverage to 60 percent coverage as shown on the attached proposed text amendments. This topic is pursuant to Sec. 2-471.- public Hearings.

MOTION: Riley Bergeron makes a motion; David Trask seconds.

I make a motion to make a favorable recommendation to City Council to amend text Chapter 60, Article IV, DIV 12, General Business, Sec 60-500 (2) DIV 13, General Business II, Sec. 60-526 (2) DIV 15 Industrial, Sec. 60-579 (2) to allow for a total lot area of 60 percent of commercial or office building density.

AMENDMENT: Tim DeRoche makes a motion; Darren Finnegan Seconds.

"I make a motion to amend the motion to raise it to 75% of commercial or office building density." **VOTE:** 2-5-0 Motion fails.

VOTE: 7-0-0 Original Motion passes.

Sec. 60-500. Dimensional regulations.

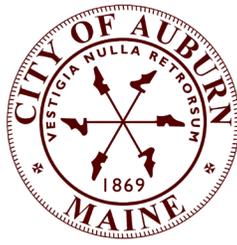
All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- (1) *Minimum lot width and depth.* No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban District (MFS), section 60-307(1).
- (2) *Density.* Not more than ~~30~~ 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.
 - b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.
 - d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
 - e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.
 - f. *Open and unbuilt spaces.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.
- (4) *Height.* No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the state historic preservations commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the airport approach zone, Federal Aviation Administration regulations shall apply. Accessory structures, including windmills, that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in

excess of the yard required pursuant to this section. In the airport approach zone, Federal Aviation Administration regulations shall apply.

- (5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.62C; Ord. of 3-22-2010; Ord. No. 11-03012021, §§ 32, 64, 3-15-2021)



City Council Order

IN CITY COUNCIL

Amending the General Business Zoning District, Sec. 60-500 (2) Dimensional Regulations

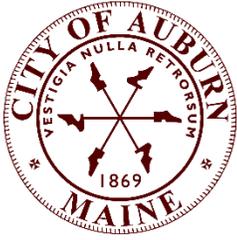
BE IT ORDAINED, that the City Council hereby amends the General Business Zoning District, Sec. 60-500 (2) Dimensional Regulations below.

(2) → *Density*. Not more than ~~30-60~~ percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2). ¶

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 Meeting Date: July 10, 2023

Ordinance: 07-06202023

Author: John Blais, Deputy Director of Planning & Permitting

Subject: Proposed text amendment to DIV 13, General Business II, Sec 60-526 (2)

Information: Planning board provided a favorable recommendation 7-0 to increase the maximum building coverage in the General Business II (GBII) from 30 percent coverage to 60 percent coverage.

Staff and Planning Board looked at various communities (Waterville, Biddeford, Sanford, and South Portland) throughout Maine and found that those towns and cities do not even contain a density requirement in the commercial zones within their land use ordinances. Staff has run into many situations where the density ordinance restricts economic and community development within the City of Auburn in commercial zones.

From the Cities updated Comprehensive Plan, Future Land Use Chapter: *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 suggested increase in density would allow for more options and expansion of the site which aligns with the current comprehensive plan.

City Budgetary Impacts: None

Staff Recommended Action: Public hearing and consider passage of second reading.

Previous Meetings and History: Passage of first reading on 6/20/2023.

City Manager Comments:

I concur with the recommendation. Signature:

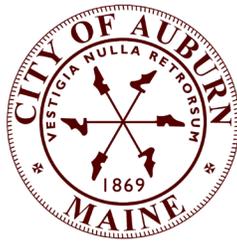
Attachments: Codification language text amendment DIV 13, General Business II, Sec 60-526 (2)

Sec. 60-526. Dimensional regulations.

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

- (1) *Minimum lot width and depth.* No building used for commercial office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban (MFS) District, section 60-307(1).
- (2) *Density.* Not more than ~~30~~ 60 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban (MFS) District, section 60-307(2).
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.
 - b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less.
 - d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
 - e. *Outdoor storage.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials, Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.
- (4) *Height.* No permitted structure shall exceed four stories or 45 feet in height, except in the airport approach zone where Federal Aviation Administration regulations shall apply.
- (5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.63C; Ord. No. 11-03012021, § 40, 3-15-2021)



City Council Order

IN CITY COUNCIL

Amending the General Business II Zoning District, Sec. 60-526 (2) Dimensional Regulations

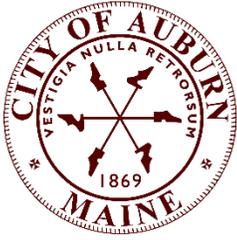
BE IT ORDAINED, that the City Council hereby amends the General Business II Zoning District, Sec. 60-526 (2) Dimensional Regulations below.

(2) → *Density*. Not more than ~~30~~⁶⁰ percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2). |

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 Meeting Date: July 10, 2023

Ordinance: 08-06202023

Author: John Blais, Deputy Director of Planning & Permitting

Subject: Proposed text amendment to DIV 15, Industrial Zoning District , Sec 60-579 (2)

Information: Planning board provided a favorable recommendation 7-0 to increase the maximum building coverage in the Industrial Zone from 40 percent coverage to 60 percent coverage.

Staff and Planning Board looked at various communities (Waterville, Biddeford, Sanford, and South Portland) throughout Maine and found that those towns and cities do not even contain a density requirement in the commercial zones within their land use ordinances. Staff has run into many situations where the density ordinance restricts economic and community development within the City of Auburn in commercial zones.

From the Cities updated Comprehensive Plan, Future Land Use Chapter: *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 suggested increase in density would allow for more options and expansion of the site which aligns with the current comprehensive plan.

City Budgetary Impacts: None

Staff Recommended Action: Public hearing and consider passage of second reading.

Previous Meetings and History: Passage of first reading on 6/20/2023.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Codification language text amendment DIV 15, Industrial Zoning District, Sec 60-579 (2)

Sec. 60-579. Dimensional regulations.

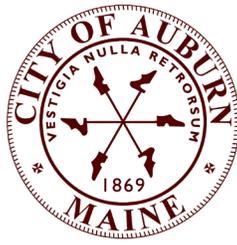
All structures in this district, except as noted, shall be subject to the following dimensional regulations:

- (1) *Minimum lot width and depth.* Each lot shall have not less than 150 feet width. No lot shall be less than 250 feet in depth.
- (2) *Density.* Not more than ~~40~~ 60 percent of the total lot area shall be covered by buildings.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 20 percent of the average depth of the lot, whichever is less.
 - b. *Side.* There shall be a distance of five feet between any building and the side property line, plus the side yard setback shall be increased one foot for every three feet or part thereof increased in street frontage over 60 feet to a maximum of 35 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 35 feet or 15 percent of the average depth of the lot, whichever is less. No front yard need be any deeper than the average depth of front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 35 feet shall be considered as having a front yard of 35 feet.
 - d. *Principal buildings.* More than one principal building may be erected on a lot provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
 - e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.
 - f. *Open and unbuilt spaces.* Any yard, space or are required to be kept open and unbuilt on may be used, if otherwise lawful, for outdoor storage of articles, supplies and materials except that such storage shall be screened from the view of abutting residential property owners and/or street by a solid wall or evergreen hedge.
 - g. *Landscaping.* Landscaping shall be provided and maintained as follows:
 1. Within a parking lot, landscaping shall be provided in an amount equal to ten percent of the area of the parking lot.
 2. The perimeter of a principal building, except for entrances and loading doors, shall be landscaped in an amount equal to 20 percent of the building footprint. Emphasis shall be given to the front and sides of the building.
 3. All lots which abut the side or rear lot line of a lot in a residential district or use shall be screened from said lot by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart. The minimum width of the screened buffer line shall be 30 feet.
 4. Side and rear lot lines between nonresidential uses shall be planted with evergreen trees in the same manner as subsection (3)g3 of this section, except that the width of the screened buffer line shall not be less than 15 feet.
 5. Landscaping is considered to be vegetative treatment with trees, shrubs, flowering plants and grass and/or bark mulch. Grass only is not deemed to satisfy this requirement.

Evergreen trees shall be used as required in subsections (3)g3 and (3)g4 of this section
Trees shall be a minimum of six feet at the time of planting. Where possible, existing trees shall be preserved, building shall be oriented with respect to natural landscape features, topography and natural drainage areas.

- (4) *Height.* Buildings shall not exceed 75 feet in height, except in the airport approach zone where Federal Aviation Administration height regulations shall apply.
- (5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.71C; Ord. No. 11-03012021, § 36, 3-15-2021)



City Council Order

IN CITY COUNCIL

Amending the Industrial Zoning District, Sec. 60-579 (2) Dimensional Regulations

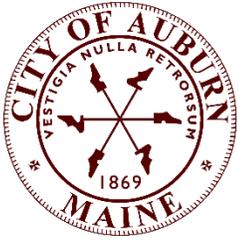
BE IT ORDAINED, that the City Council hereby amends the Industrial Zoning District, Sec. 60-579 (2) Dimensional Regulations below.

(2) → *Density*. Not more than ~~40~~60 percent of the total lot area shall be covered by buildings. ¶

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: July 10, 2023

Ordinance: 09-06202023

Author: Planning and Permitting Dept.

Subject: First Reading of Zone Change Petition for 37 Loring Avenue (Parcel I.D. 211-282)

Information: On June 6, 2023, Auburn Planning Board held a public hearing on a petition to amend the zoning of a 15.5-acre parcel of land at 37 Loring Avenue (Parcel I.D. 211-282) from the Urban Residential (UR) district to the Multifamily Suburban (MFS) district in order to support higher density opportunities in a residentially zoned neighborhood along Loring Avenue. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance or Zoning Map.

During the public hearing, Planning Board raised questions about access to and through the property, stating the concern about the entry being only on Loring Ave. They also inquired why the proposal was to change the zone to Multifamily Suburban rather than T-4.2B, anticipating that a zone change covering a larger area to T-4.2B would come before the planning board soon. The applicant submitted a petition to rezone the property to MFS rather than T-4.2B because the property is adjacent to another property which is already zoned MFS, and this zone change would constitute an expansion of an existing zone which would still allow for greater housing density. The Planning Board voted to not accept the zone change. They cited safety and traffic concerns as their reason for not supporting the proposed zone change.

City Budgetary Impacts: N/A

Staff Recommended Action:

Staff originally supported the zone change petition from Urban Residential to Multifamily Suburban because it is a step closer to achieving higher density housing supported in the Comprehensive Plan, providing similar results to T-4.2B. The Planning Board will consider applying T4.2B zoning to a larger area, including this parcel, in July. Staff suggests Council review the Planning Board's findings, discuss, and vote not to pass the Change to Multi-Family Suburban on the first reading. Public hearing and second reading on 7/10/2023.

Previous Meetings and History:

June 6, 2023- Planning Board Public Hearing. Unanimously failed first reading on 6/20/2023.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: 6/6/2023 Staff Report, Signed Petition initiating zone change, Chapter 60, Division 7-Multifamily Suburban District, Planning Board Recommendation to Council (Motion).

DIVISION 7. MULTIFAMILY SUBURBAN DISTRICT

Sec. 60-305. Purpose.

This district is intended to stabilize and protect medium to high density residential areas by providing for a varied denser urban pattern made suitable to the needs of the population by encouraging a range of dwelling types. This multifamily zone has a maximum density of 17 dwelling units per acre, yet retains the open character of residential areas by requiring 50 percent green space. It is intended that this district will provide the maximum possible freedom in the design of structures and their grouping and will encourage flexible and imaginative layouts and designs.

(Ord. of 9-21-2009, § 3.44A)

Sec. 60-306. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings.
- (2) Two-family dwellings.
- (3) Multifamily dwellings in existence on September 23, 1988.
- (4) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.
- (5) Farming of field crops, row crops, orchards or truck gardens.
- (6) Shelter for abused persons.
- (7) Accessory uses, buildings or structures.
- (8) Newly constructed multifamily dwellings and existing structures expanded to contain three or more additional dwelling units within a five-year period, provided that they are approved by the planning board as a subdivision under division 4 of article XVI of this chapter.
- (9) Municipal uses and buildings.

(b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:

- (1) All uses are permitted by special exception in the Urban Residence (UR) District (division 6 of article IV of this chapter).
- (2) Off-street parking lot, provided that:
 - a. Such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same zone.

- b. Reasonable conditions imposed by the planning board regarding location, fencing, screening, drainage, ingress and egress, signs and lighting and total capacity of the parking area designed to protect the residential character of the neighborhood are met.
- (3) Professional offices.
- a. Shall be in buildings which are listed on the state resource list and/or federal historic register.
 - b. All renovations to the building either internally and externally or both to accommodate the office use shall be accomplished in conformance with accepted historic preservation and rehabilitation guidelines.
 - c. A single sign to identify the building and its uses, conforming to the requirements contained in article VI of this chapter. Signs shall not be lighted.
- (4) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.44B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 22, 23, 3-15-2021)

Sec. 60-307. Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* For each building erected, there shall be provided lot areas as follows:
- a. Building housing one family: 10,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
 - b. Buildings housing two families: 12,000 square feet minimum lot area, not less than 100 feet width, and 100 feet in depth.
 - c. Multifamily buildings: 10,000 square feet minimum lot area for the first dwelling unit and 2,000 square feet minimum lot area for each additional dwelling unit. No lot shall be less than 100 feet width and 100 feet in depth. More than one principal building per lot is allowed.
- (2) *Density.* The following maximum densities per acre shall apply, according to housing type:

One-family	4 units per acre
Two-family	6 units per acre
Multifamily	17 units per acre

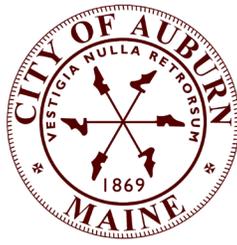
Not less than 50 percent of the net acreage shall be devoted to green area. Green space shall be deemed to include patios, whether paved or not, pedestrian walks, and landscaping within parking lots, but no off-street parking spaces, driveways, or common roads. For townhouse projects, the green area of individual lots may be counted toward the 50 percent green space requirement of the project. Net acreage shall include all land contained within the project except dedicated streets or street rights-of-way shown on the city's adopted master development plan or proposed to be so included within a reasonable period of time.

- (3) *Yard requirements.*
- a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.

-
- b. *Side.* There shall be a minimum distance of five feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 15 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
 - d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
- (4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet, except as follows:
- a. Multifamily buildings shall have a maximum height of 45 feet from grade.
 - b. A church or temple or windmill may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.44C; Ord. No. 11-03012021, §§ 24, 59, 3-15-2021; Ord. No. 19-05032021, 5-17-2021)

Secs. 60-308—60-332. Reserved.

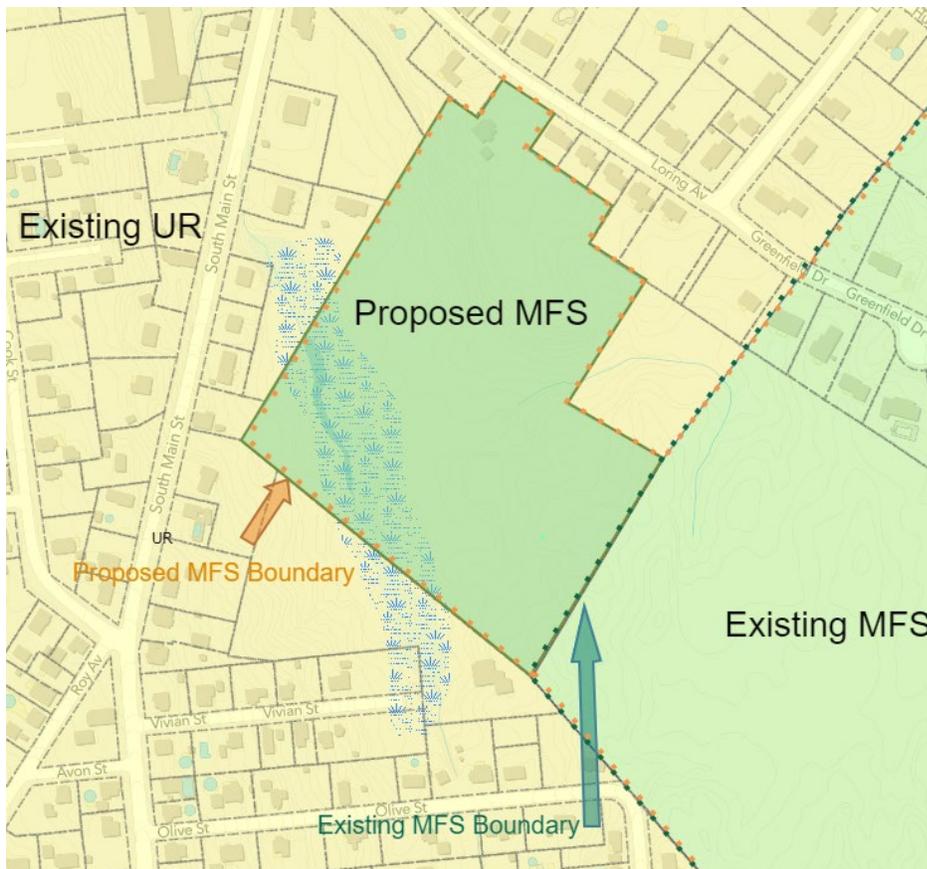


City Council Ordinance

IN CITY COUNCIL

TITLE: Zone Change Petition to amend the zoning at 37 Loring Avenue (Parcel I.D. 211-282) from Urban Residential to Multifamily Suburban

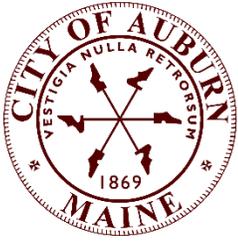
Be it ordained, That the Auburn City Council amend the zoning of a 15.5-acre parcel of land at 37 Loring Avenue on Auburn Tax Map Parcel I.D. 211-282 from the Urban Residential (UR) district to the Multi-Family Suburban (MFS) district as shown in this packet.



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: July 10, 2023

Ordinance: 10-06202023

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

Subject: The City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-In General (Definitions)).

Information: Additional information about the collaboration with various interest groups leading up to this First reading is available in the attached AGRP Staff report to the Planning Board dated 6/6/2023. At the 6/6/2023 Planning Board Public Hearing the Board passed a favorable recommendation on to the City Council to adopt "Proposal B," with recommended amendments to the draft. Those recommended amendments are detailed in the attached memo (Titled: Planning Board recommendation to City Council on AGRP Zone Proposals A and B) from The Auburn Planning Board to the City Council dated 6/6/2023. Staff worked with legal counsel to determine which amendments could be made without a new public hearing at the Planning Board and it is staff's opinion that some are more substantive than others. Our Counsel recommends that all the Planning Board recommended changes to Proposal B should be reviewed at a Public Hearing with the Planning Board prior to adopting the changes to Proposal B. The Council has a choice to reject or adopt Proposal A, Proposal B or adopt Proposal B with changes recommended by Planning Board. We know that the process has taken longer than desired by the Council and we are past the deadline given for the process. One option is to approve Proposal B and then choose to refer some or all of the recommended changes from Planning Board back to the Planning Board for a Public Hearing and then they will return for future consideration by the Council. The draft Proposal B with recommended changes appears to have wide community support. The legal process makes it difficult to adopt all of the changes recommended by the Planning Board tonight and to stay on schedule for a second and final reading on July 10th.

City Budgetary Impacts: None immediately. New homes will come with new costs for services and new tax revenues, but exact numbers will depend on home values and service demands.

Staff Recommended Action: Public hearing and consider passage of second reading.

Previous Meetings and History: September 9, 2022—City Council passes Resolve 06-09062022, October 11, 2022—Planning Board is introduced to Resolve 06-09062022, November 7, 2022—City Council passes Order 151-11072022, November 15, 2022—Planning Board holds first workshop to consider Resolve 06-09062022, and Order 151- 11072022. Received recommendation from SNRB, December 5, 2022—City Council responds to questions submitted by SNRB, December 13, 2022—Planning Board workshop to consider Resolve 06-09062022, and Order 151-11072022, and received SNRB recommendation, January 10, 2023—Planning Board workshop on Resolve 06-09062022, and Order 151-11072022 and decide conservation values and prioritization

matrix for mapping and community survey, February 14, 2023— Planning Board workshop on Resolve 06-09062022, and Order 151-11072022/ received survey and mapping results, March 6, 2023—City Council extends recommendation deadline to April 18, 2023, March 28, 2023—Public Hearing on text and map amendments, April 2, 2023—Planning Board delivers Council recommendations, April 18, 2023 Joint PB and CC Workshop drafted Proposal A, May 9, 2023 Planning Board Public hearing and directive to staff to draft Proposal B incorporating public comments and strengthening connection between home and permitted land use, June 6 Planning Board Public hearing and recommendation. Passage of first reading on June 20, 2023.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Proposal B, Staff Report to Planning Board 6/6/2023, Planning Board recommendation to City Council on AGRP Zone Proposals A and B



City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP Zone Proposals A and B.

Date: 06/06/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on June 6, 2023, the Planning Board forwards this report to the City Council.

Proposal: City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-In General (Definitions)). This public hearing will consider two proposed sets of text amendments: “Proposal A”, the same proposal considered at the public hearing on May 9, 2023; and “Proposal B”, as the Planning Board directed staff to prepare at its May 9, 2023, meeting. The proposed text changes are available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the Planning Department in City Hall. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance, and Division 3-Public Hearing.

MOTION: Tim DeRoche makes a motion; Toni seconds.

“I make a motion to recommend amending Sec. 60-1 of Article I, In General, as shown in Proposal “B”, Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2, Agricultural and Resource Protection District as shown in Proposal “B”, and amend Sec. 60-952 of Article XII- Environmental Regulations, Divisions 4, Lake Auburn Watershed Overlay District, also as shown in “Proposal B.”

The following motions are amendments to the main motion, above.

Motions 1-7 are directly from Evan Cyr’s proposed amendments to Proposal “B”, submitted 6/6/2023.

Motions 8-9 are from AGRP Zone Group public comment from Steve Beale dated 6/5/2023.

1. MOTION: Riley Bergeron; Second: David Trask

Riley Bergeron suggests an amendment for “Sec. 60- 145 (a)(1)(a) to include the language 20% of 2 acres, which ever is less” in reference to lot size. Dave Trask seconds. **VOTE:** Amendment passes 7-0-0

2. MOTION: Riley Bergeron; Second: David Trask

Riley Bergeron offers another amendment that 60-145(a)(1)(b)(ii) should be amended to consider all permitted agricultural uses rather than just farming. Dave Trask Seconds. **VOTE:** Amendment passes 7-0-0

3. MOTION: Riley Bergeron; Second: Toni Ferraro

Riley Bergeron would also like to include an amendment for Section 60-145(a)(1)(b)(vii) to read not be sited in any portion of a parcel that has been classified as being: “a. Enrolled in the State of Maine Farmland Tax Program in the last five years, or” **VOTE:** Amendment passes 6-1-0

4. MOTION: Riley Bergeron; Second: Tim DeRoche

Riley Bergeron offers another amendment for section 60-145(a)(1)(c) which only references Section 60-145(a)(1)(a) but there are also requirements for a residence later in that section. This could be accomplished by reading, “No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirements set forth in Section 60-145(a)(1)(a) and Section 60-145(a)(1)(b)(ii) have been presented” **VOTE:** Amendment passes 7-0-0.

5. MOTION: Riley Bergeron; Second: Toni Ferraro

Riley Bergeron also offers an amendment to Sec. 60-145 (a)(1)(d) for it to read: “which the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) or the residence fails to remain accessory to an approved plan in accordance with Section 60-145(a)(1)(b)(ii). **VOTE:** Amendment passes 6-1-0

6. MOTION: Riley Bergeron; Second: Tim DeRoche

Riley Bergeron offers another amendment for Section 60-146(1) to read, “and measuring less than 250 feet in width at the street frontage along a publicly accepted street,” **VOTE:** Amendment passes 4-3-0

7. MOTION: Riley Bergeron; Second: Toni Ferraro

Riley Bergeron offers an amendment on Section 60-146(3) to read a maximum depth of 30% or 400 feet, whichever is less.

Riley Bergeron clarifies that his amendment refers to where the house should be set on the lot, the same text provided as public comment. David Trask also seconds after this clarification. **VOTE:** Amendment passes 7-0-0

8. MOTION: Tim DeRoche; Second: Riley Bergeron

Tim DeRoche proposes an amendment found in Mr. Beale’s public comment in Section 145(a)(3) that ‘firewood processing and Christmas tree cultivation’ should follow the words maple sugaring.” **VOTE:** Amendment passes 7-0-0

9. MOTION: David Trask; Second: Toni Ferraro

David Trask offers an amendment that in Section 145(b)(8)(a) the words except for approved conservation cemeteries which shall be at least 10 acres in size” should be added. **VOTE:** Amendment passes 7-0-0

10. MOTION: David Trask; Second: Toni Ferraro

David Trask would like to amend where referenced the Lake Auburn watershed to include the Taylor Pond watershed as well. **VOTE:** Amendment passes 7-0-0

MOTION: Tim DeRoche; Second: David Trask

“I make a motion to approve the B option with said amendments (1-10)” **VOTE:** Motion passes 7-0-0.



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Public Hearing and Text Amendment on AGRP Zone Proposals A and B

Date: June 6, 2023

I. Proposal:

The City Council directed the Planning Board to make a recommendation on whether to eliminate the income standard in all areas outside the Lake Auburn watershed overlay district as an ordinance text amendment within Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. (It also affects Chapter 60, Article I-General (Definitions)). This public hearing will consider two proposed sets of text amendments: "Proposal A", the same proposal considered at the public hearing on May 9, 2023; and "Proposal B", as the Planning Board directed staff to prepare at its May 9, 2023, meeting. The proposed text changes are available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the Planning Department in City Hall. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance, and Division 3-Public Hearing.

II. Materials:

1. Staff Report 6/6/2023
2. AGRP District Zoning Text Amendments- Proposal "A"- presented at the Planning Board Public Hearing 5/9/2023.
3. AGRP District Zoning Ordinance Text Amendments- Proposal "B" as directed by Planning Board for Planning Board Public Hearing 6/6/2023
4. Public Comment submitted 5/16/2023
5. Public Comment Submitted 5/30/2023

III. Planning Board Action:

The purpose of this public hearing is to hear from the community, to review the latest draft ordinance text, and to make a recommendation to the City Council on eliminating the income standard (outside Lake Auburn watershed). At the May 9, 2023, Planning Board meeting, the Planning Board held a public hearing on Proposal "A", drafted by the Planning Board and City Council. Staff recommended at the meeting that the Planning Board not approve the proposed text amendments and offered an alternative that a text and/or map amendment changing the zoning to Residential in defined areas in AGRP zone outside the Lake Auburn watershed could meet residential demand with fewer unintended consequences. That combined a modified version of the residential strip map while maintaining the concept of growing outward from the core. It also creates significant new opportunities for housing and leaves much of the AGRP zone functions in place. The option that staff recommended at the May 9, 2023, meeting would have upheld the income requirement in the remaining AGRP zone. Also, during this meeting, staff supported the possibility of an alternative proposal reflecting alternative connections between housing and agriculture as well as other permitted uses, not just traditional farms, as recommended by the Comprehensive Plan.

At the May 9, 2023, meeting, in addition to Proposal “A”, a group of interested residents of Auburn, calling themselves the AGRP zone group, offered an alternative ordinance draft amendment as public comment which also eliminated the income standard, but added criteria to maintain the connection of housing to agriculture. The Board found strengths in Proposal “A” and in the public comment ordinance draft; specifically, that Proposal “A” afforded environmental protections that were not explicitly named in the existing, codified AGRP zone, but also that the public comment ordinance draft maintained a connection to agriculture that Proposal “A” did not. The Board decided to hold a hearing on a draft ordinance text amendment which accomplished the strengths in both Proposal “A” and the public comment ordinance draft. As such, Evan Cyr made a motion to table (the vote on whether to remove the income standard) until the next meeting (June 6, 2023) with direction to staff to create ordinance text amendment options for the Planning Board to review that incorporates the ideas presented in the AGRP zone group draft (presented as public comment during the May 9, 2023 public hearing) regarding tying residences to uses within the AGRP zone that would be congruent with the Comprehensive Plan and Proposal “A” originally presented for the May 9, 2023 meeting.

Staff has responded to this direction by drafting Proposal “B”, which maintains the environmental protections and eliminates the income requirement as introduced in Proposal “A” and maintains the connection of housing to agriculture as a prerequisite for residential development. Proposal “B” goes further to expand the possible connection of housing as accessory to not only agriculture, but also other allowed uses in the AGRP zone including forestry, natural resource uses, and recreational uses. These connections expand the possibility of residential development in the AGRP zone because the range of uses which allow an accessory residential dwelling will be broadened, but it maintains the purpose and much of the fabric of the AGRP zone, while eliminating the income standard. Two proposed ordinance text amendments are before the Planning Board as Proposal “A” presented at the Planning Board Public Hearing 5/9/2023, and Proposal “B” as directed by Planning Board for Planning Board Public Hearing 6/6/2023. We have outlined the differences between the two proposals below.

The differences between Proposal “A” and Proposal “B” are as follows:

1. **Proposal “B”** adds the definition of “natural resource uses” to Sec. 60-2
2. **Proposal “B”** updates Sec. 60-2 by adding the definition of “recreational uses of land” to include sports field complexes larger than one acre in area, health and wellness centers, facilities for wedding or event venues when used for two or more events during a calendar year and includes “major recreational uses of land” and “recreational uses of land, small scale”.
3. **Proposal “B”** adds the definition of “Recreational uses of land, small scale”.
4. In Sec. 60-145(a)(1), **Proposal “A”** strikes the requirement that new dwellings are accessory to farming operations while **Proposal “B”** expands the requirement that new dwellings be connected to agriculture and recreational and natural resource uses, and adds criteria for determining whether the farm, recreational or natural resource use plan is acceptable. Both proposals add specification that residential development must be restricted to 20% of land coverage, and both define what constitutes residential development and introduce environmental restrictions for siting this development. Both also remove the provision that dwellings connected to farm uses must remain connected to such uses.
5. **Proposal “B”** expands Sec. 60-145(a)(3) by including maple sugaring and mushroom cultivation, and other similar forest product uses.

6. **Proposal “B”** expands Sec. 60-145(a)(10) expands on the handling, storage and dale of agricultural products to add “processing” and “forestry products” and removes the provision that such products be derived from the property where the dwelling is sited.
7. **Proposal “B”** adds Sec. 60-145(a)(17) “natural resource uses”.
8. **Proposal “B”** adds Sec. 60-145(a)(18) “small -scale recreational uses of land designed or intended for public use”.
9. **Proposal “B”** changes Sec. 60-145(b)(5) special exception recreational uses are as “non-small scale”.
10. **Proposal “A”** adds the same environmental restrictions as Sec. 60-145(a)(1) to Sec. 60-145 (b)(18) while **Proposal “B”** strikes any lot size distinctions for dwellings on legally existing lots from 6.1 to 10 acres in area.
11. In Sec. 60-146(1)(c), **Proposal “B”** adds the word “lawfully” to specify which lots existing as of October 1, 2017, are buildable, and strikes the requirement that these cases be treated as special exceptions.
12. **Proposal “B”** changes Sec. 60-952(b) prohibits new dwellings in the Lake Auburn Watershed portions of the AGRP zoning district.

IV. Suggested Motion:

I make a motion to recommend amending Sec. 60-1 of Article I, In General, as shown in Proposal “B”, Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations. Division 2, Agricultural and Resource Protection District as shown in Proposal “B”, and amend Sec. 60-952 of Article XII- Environmental Regulations, Divisions 4, Lake Auburn Watershed Overlay District, also as shown in “Proposal B”.

BE IT ORDAINED, that the City Council hereby approves the amendment of the text and map of Chapter 60, Zoning, of the Code of Ordinances as follows:

-
1. Amend Sec. 60-2 of ARTICLE I, IN GENERAL, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE I. IN GENERAL

• • •

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

• • •

Major recreational use of land means permanent use of at least 100 acres of outdoor space limited to ski areas with at least two lifts and public and private golf courses with a minimum of 18 holes.

• • •

Natural resource uses means uses that utilize naturally occurring assets such as air, water, soils, fuel, minerals, plants or animals to provide public benefit through the provision of raw materials and/or energy.

• • •

Recreational uses of land means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, sports field complexes larger than one (1) acre in area, health and wellness centers, motorhome or recreational vehicle parks or commercial campgrounds, and facilities for wedding or event venues when used for two or more events during a calendar year, or facilities for mass gatherings when used for two or more events during a calendar year. See also "Major recreational use of land" and "Recreational uses of land, small-scale".

Recreational uses of land, small-scale means permanent uses of outdoor space that are intended or designed for public use that are smaller or lower impact than other types of recreational uses of land, and include, but are not limited to, trails, water access or boat access facilities, foraging, outdoor education or training facilities, sports field complexes one (1) acre or less in area, and public gardens.

• • •

2. Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS



DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of ~~Section~~ Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:
 - a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:~~
 - (i) Residential structures; and
 - (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and
 - (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS - **PROPOSAL "B"** AS DIRECTED BY PLANNING BOARD
Planning Board Public Hearing 6/6/2023

(iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and

(v) Structures accessory to the residential use; and

(vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District; and

(ii) Provide a farm, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.

b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.

c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter;

and

(iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and

(v) Avoid being sited on wetlands; and

(vi) Avoid being sited on slopes greater than 25%; and

(vii) Not be sited on any portion of a parcel that is classified as being:

a. Currently enrolled in the State of Maine Farmland Tax Program; or

b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or

c. Currently enrolled in the State of Maine Open Space Tax Program.

cb. No certificate of occupancy shall be issued for any such farm-residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications satisfactory evidence that the

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~~requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal officialer charged with authority to issue the certificate of occupancyenforcement are 75 percent completed.~~

~~d.~~ In no case shall any ~~farm~~ residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).~~

~~d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.~~

- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest, including, but not limited to, maple sugaring or mushroom cultivation.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage or processing and sale of forestry products or agricultural produceproducts and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
- (15) Marijuana manufacturing accessory to a licensed cultivation site.
- (16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in Ssec.tion 60-1501.

(17) Natural resource uses.

(18) Small-scale recreational uses of land designed or intended for public use.

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:

- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
 - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.

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- b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
 - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
- (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
- (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
- (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
- (5) Non-small scale Rrecreational uses of land intended or designed for public use subject to the following conditions:
- a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
- (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
- a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
- (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
- (8) Cemeteries, subject to the following conditions:
- a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
- (9) Municipal sanitary landfills, subject to the following conditions:
- a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.

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- (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
 - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (11) Wholesale nurseries, subject to the following conditions:
 - a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
 - a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
 - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
 - a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.
 - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
 - e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
 - a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (16) Adaptive reuse of structures of community significance.

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- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
 - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
 - c. The recreational or agricultural use is located on the parcel for which the special exception is (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in ~~Section~~ 60-1501, subject to the following conditions:
- (18) ~~[RESERVED] One family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing greater than 6.1, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:~~
- ~~a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and~~
 - ~~b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed; and~~
 - ~~c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:~~
 - ~~1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.~~
 - ~~2. The parcel can reasonably accommodate the proposed farm.~~
 - ~~3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:~~
 - ~~4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.~~
 - ~~5. The proposed residence shall be accessory to farming.~~
 - ~~6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.~~
 - ~~d. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.~~
 - ~~e. In no case shall any farm residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.~~

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~~f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.~~

- (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in ~~s~~Section 60-1501, subject to the following conditions:
- a. Must comply with the provisions of article XVIII under this chapter;
 - b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
 1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
 2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
 3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
 - c. Lot coverage shall not exceed 30 percent, as defined under ~~S~~ubsection 60-1506(a)(2).
 - d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.
 - e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
 - f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:
 1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
 2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
 3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:
 1. Non-prime farmland is not reasonably available on the subject property.
- h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
 1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
 2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
 3. To the extent possible, infrastructure shall not be located on steep slopes; and
 4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.
- i. All operations and maintenance plans shall also include:
 1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
 2. A plan that provides habitat for native plants and animals and native pollinators.

Sec. 60-146. Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* No lot shall be created after October 1, 2017 containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally existing nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in Section 60-2.
 - c. A dwelling may be constructed on lots lawfully existing as of October 1, 2017 and containing ~~greater than 6.1 acres but~~ less than ten acres, only if approved ~~as a special exception~~ pursuant to ~~sub~~Section 60-145(~~ab~~)(~~118~~).

- (2) *Density.* The density of ~~year-round~~ dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)(c) above.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

3. Amend Sec. 60-952 of ARTICLE XII, ENVIRONMENTAL REGULATIONS, DIVISION 4, LAKE AUBURN WATERSHED OVERLAY DISTRICT, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE XII. – ENVIRONMENTAL REGULATIONS

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

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Sec. 60-952. Use and environmental regulations.

- (a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.
- (b) *Residential dwellings in the agriculture and resource protection zoning district.* ~~Notwithstanding subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c),~~ New one-family detached dwellings are ~~only permitted prohibited~~ in the Lake Auburn Watershed District as of the date of adoption of amendments to this ordinance evidenced by Ordinance #XXXX ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses.~~

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BE IT ORDAINED, that the City Council hereby approves the amendment of the text and map of Chapter 60, Zoning, of the Code of Ordinances as follows:

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1. Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS



DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT

Sec. 60-144. Purpose.

The purposes of this district are to allow for conservation of natural resources and open space land, and to encourage agricultural, forestry, and certain types of recreational uses. It is declared to be in the public interest that these areas should be protected and conserved because of their natural, aesthetic and scenic value, the need to retain and preserve open space lands, their economic contribution to the city, and primarily because these areas are so remote from existing centers of development that any added uncontrolled growth could result in an economic burden on the city and its inhabitants. This section shall be construed so as to effectuate the purposes outline here and to prevent any attempt to establish uses which are inconsistent with these purposes or any attempt to evade the provisions of this division.

Sec. 60-145. Use regulations.

- (a) *Permitted uses.* The following uses are permitted:
 - (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of ~~Section~~ Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, ~~provided that the dwelling is accessory to farming operations and~~ subject to all of the following restrictions:
 - a. ~~At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according the most recent census data. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:~~
 - (i) Residential structures; and
 - (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and

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- (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and
- (iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and
- (v) Structures accessory to the residential use; and
- (vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

- (i) Not be built within the Lake Auburn Watershed Overlay District; and
- (ii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
- (iii) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
- (iv) Avoid being sited on wetlands; and
- (v) Avoid being sited on slopes greater than 25%; and
- (vi) Not be sited on any portion of a parcel that is classified as being:
 - a. Currently enrolled in the State of Maine Farmland Tax Program; or
 - b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or
 - c. Currently enrolled in the State of Maine Open Space Tax Program.

cb. ~~No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal officialer charged with authority to issue the certificate of occupancyenforcement are 75 percent completed.~~

de. ~~In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).~~

d. ~~Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.~~

- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.

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- (3) Forest products raised for harvest.
 - (4) Field crop farms.
 - (5) Row crop farms.
 - (6) Orchard farms.
 - (7) Truck gardens.
 - (8) Plant and tree nurseries.
 - (9) Greenhouses.
 - (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
 - (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
 - (12) Wayside stands.
 - (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
 - (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
 - (15) Marijuana manufacturing accessory to a licensed cultivation site.
 - (16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in [Section 60-1501](#).
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
 - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
 - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
 - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
 - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
 - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
 - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
 - (5) Recreational uses of land intended or designed for public use subject to the following conditions:

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- a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
 - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
- (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
- a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
 - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
- (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
- (8) Cemeteries, subject to the following conditions:
- a. At least 20 acres in area.
 - b. Not located in any environmental overlay district or over any known aquifer.
- (9) Municipal sanitary landfills, subject to the following conditions:
- a. Not located in any environmental overlay district or over any known aquifer.
 - b. Provisions shall be made to avoid surface water and groundwater pollution.
 - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
- a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
 - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (11) Wholesale nurseries, subject to the following conditions:
- a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
 - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
- a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
 - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.

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- c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
- a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.
 - b. The proposed use shall not occupy more than 10,000 square feet of building area.
 - c. The number of employees shall be limited to not more than 15.
 - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
 - e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
 - b. Provisions shall be made to avoid surface and groundwater pollution.
 - c. Provisions shall be made to counteract vermin, insects and odors.
 - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
 - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
 - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
 - c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.
- (18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of ~~Section~~ Section 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing ~~greater than 6.1, but~~ less than ten acres, ~~provided that the dwelling is accessory to farming operations and~~ subject to all of the following restrictions:
- a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS
Planning Board Public Hearing 5/9/2023

coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:

- (i) Residential structures; and
- (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and
- (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and
- (iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and
- (v) Structures accessory to the residential use; and
- (vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

b. New one-family detached dwellings shall:

- (i) Not be built within the Lake Auburn Watershed Overlay District; and
- (ii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Planning Board that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
- (iii) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Planning Board that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
- (iv) Avoid being sited on wetlands; and
- (v) Avoid being sited on slopes greater than 25%; and
- (vi) Not be sited on any portion of a parcel that is classified as being:
 - a. Currently enrolled in the State of Maine Farmland Tax Program; or
 - b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or
 - c. Currently enrolled in the State of Maine Open Space Tax Program.

cb. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official or authority to issue the certificate of occupancy charged with enforcement are 75 percent completed; and

c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS
Planning Board Public Hearing 5/9/2023

- ~~1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.~~
 - ~~2. The parcel can reasonably accommodate the proposed farm.~~
 - ~~3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:~~
 - ~~4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.~~
 - ~~5. The proposed residence shall be accessory to farming.~~
 - ~~6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.~~
- d. The parcel was existing as of October 1, 2017, ~~contains more than five acres of land area,~~ and otherwise meets the requirements of this chapter.
- e. In no case shall any ~~farm~~ residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the ~~principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(b)(18)(a).~~
- ~~f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.~~
- (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in ~~Section~~ Section 60-1501, subject to the following conditions:
- a. Must comply with the provisions of article XVIII under this chapter;
 - b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
 1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
 2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
 3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
 - c. Lot coverage shall not exceed 30 percent, as defined under Subsection 60-1506(a)(2).
 - d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or

AGRP DISTRICT ZONING ORDINANCE TEXT AMENDMENTS
Planning Board Public Hearing 5/9/2023

diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.

- e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
- f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:
 - 1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
 - 2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
 - 3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.
 - 4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:
 - 1. Non-prime farmland is not reasonably available on the subject property.
- h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
 - 1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
 - 2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
 - 3. To the extent possible, infrastructure shall not be located on steep slopes; and
 - 4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.
- i. All operations and maintenance plans shall also include:
 - 1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
 - 2. A plan that provides habitat for native plants and animals and native pollinators.

Sec. 60-146. Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* No lot shall be created [after October 1, 2017](#) containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
 - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
 - b. On legally [existing](#) nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in [Section 60-2](#).
 - c. A dwelling may be constructed on lots existing as of October 1, 2017 and containing [greater than 6.1 acres but less than ten acres, only](#) if approved as a special exception pursuant to subsection 60-145(b)(18).
 - (2) *Density.* The density of ~~year-round~~ dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)[\(c\)](#) above.
 - (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, [and having a maximum depth of 30% of the average depth of the lot.](#)
 - (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
 - (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.
-

2. Amend Sec. 60-952 of ARTICLE XII, ENVIRONMENTAL REGULATIONS, DIVISION 4, LAKE AUBURN WATERSHED OVERLAY DISTRICT, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE XII. – ENVIRONMENTAL REGULATIONS

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

• • •

Sec. 60-952. Use and environmental regulations.

- (a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff.
- (b) *Residential dwellings in the agriculture and resource protection zoning district.* ~~Notwithstanding subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c),~~ New one-family detached dwellings are ~~only permitted~~ prohibited in the Lake Auburn Watershed District as of the date of adoption of amendments to this ordinance evidenced by Ordinance #XXXX ~~on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses.~~

• • •

To: Auburn Planning Board
FROM: Evan Cyr

RE: AGRP Zoning Test Amendment, Proposal B

I am unable to attend this evening's Planning Board meeting, but would like to provide some comments regarding "Proposal B" in the Planning Board packet under the proposed AGRP zoning text amendment.

I think staff has done a very good job of integrating a tie into agriculture and natural resource uses and that their draft represents the comments a directive given to the by the Planning Board. Overall, I believe that "Proposal B" represents the best solution for eliminating the income standard in the AGRP Zone that I have seen in my time on the Board. It eliminates the income standard while still avoiding conflict with the Comprehensive Plan. Additionally, "Proposal B" maintains much of the natural resource protection language that was first proposed in prior to "Proposal A". I believe "Proposal B" represents a reasonable alternative to the current income standard.

Having said this, I do have the following comments:

1. Sec. 60-145(a)(1)(a) should be reviewed considering some of the very large parcels in the AGRP zone. If a landowner uses the entirety of the 20% allowed, there could be unintended consequences. If a landowner were to do this, they necessarily could not then split their parcel because doing so would create non-conformity with ordinance. Their 20% residential envelope would be more than 20% of their new, smaller, lot. Specifically, the landowner would no longer be able to occupy their home as a residence under Sec. 60-145(a)(1)(d). This should be avoided. The Planning Board should consider identifying a maximum allowed envelope size on lots larger than 10 acres. Using "20% or two acres, whichever is less" could be a reasonable solution.
2. Sec. 60-145(a)(1)(b)(ii) should be amended to consider all permitted agricultural uses, rather than just farming. This should also be reflected in the subsections of this same section. There are several agricultural uses allowed in the AGRP zone that are not specifically farming.
3. Sec. 60-145(a)(1)(b)(vii) is superfluous. The original language included a prohibition 10 years after land had been unenrolled. This was meant to disincentivize the quick conversion of specific land types into residential land. I believe this is still worthwhile, but that the current language does not accomplish this goal. I believe the Planning Board should consider adding language that prohibits siting the residential development envelope on land that has been enrolled in one of the three State tax programs within the last 5 years. An example might look like the following:

Sec. 60-145(a)(1)(b)(vii):

“(vii) Not be sited on any portion of a parcel that has been classified as being:

a. Enrolled in the State of Maine Farmland Tax Program within the last 5 years, or..”

4. Sec. 60-145(a)(1)(c) only references Sec. 60-145(a)(1)(a), but there are also requirements for the residence in a later section. Reference to Sec. 60-145(a)(1)(b) should also be made. This could be accomplished by revising to read:

“No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirements of Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii) have been presented...”

5. Sec. 60-145(a)(1)(d) suffers the same deficiency as the section mentioned in number 4 of this list. The Planning Board should consider amending the end of the sentence to read:

“... which the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) or the residence fails to remain accessory to an approved plan in accordance with Sec. 60-145(a)(1)(b)(ii).”

6. Sec. 60-146(1) can be confusing. The implication is that the frontage must be on a publicly accepted street, but this may not be obvious to all readers. The Planning Board should consider amending the frontage requirement to read:

“...and measuring less than 250 feet in width at the street frontage along a publicly accepted street,...”

7. Sec.60 146(3) utilizes a maximum depth of 30%. This could be a very deep setback depending on the depth of the lot itself. The Planning Board should consider whether the language should utilize the 30% maximum depth in conjunction with a maximum setback in feet, then require the use of whichever is less. 400ft may be an appropriate number to consider.

From: [Steve Beale](#)
To: ["Katherine Cook"](#)
Subject: June 5, 2023 suggested final amendments to proposal B
Date: Monday, June 5, 2023 4:40:05 PM

Katherine,

In electronic format, here are the suggested changes to Proposal B which we discussed earlier this afternoon.

In Section 145(a)(1)(a) insert the words "...or two acres, whichever is less." After the word "constructed."

In Section 145(a)(1)(b)(ii) insert the words "...or other permitted agricultural,..." after the word "farming."

In Section 145(a)(1)(b)(ii)(a) insert the words "...or other permitted agricultural..." after the word "farming..."

In Section 145(a)(1)(b)(iv) we believe that the State's exclusive authority over the definition of "essential habitat" renders this subsection, which is subject to interpretation and application by the local Code Enforcement Officer, unenforceable and of no legal effect, and that it should therefore be deleted.

In Section 145 (a)(1)(b)(vi) another provision of the City's ordinances contains an absolute prohibition on construction of a residence on any slope of greater than 25 degrees in any of the City's zoning districts and thus makes this subsection, with its less than mandatory language, conflicting and inoperable. It should therefore be deleted.

In Section 145(a)(3) the words "...firewood processing, Christmas tree cultivation..." are recommended for insertion after the words "maple sugaring..."

In Section 145(a) the word "Beekeeping" is recommended as a new subsection (a)(12), with subsequent subsections renumbered accordingly.

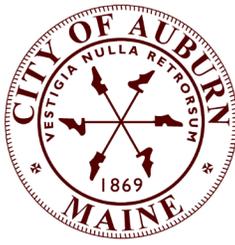
In Section 145(b)(8)(a) the words “...except for approved conservation cemeteries, which shall be at least 10 acres in size.” should be added at the end of the present subsection.

From: scncfairchild@aol.com
To: kcook@auburnmaine.gov
Subject: Public comment for Planning Board packet
Date: Monday, June 5, 2023 3:36:09 PM

For public comment/Planning Board packet:

Just as restrictions to development in the Lake Auburn Watershed District are being proposed, so too, the AG/RP land in the Taylor Pond Watershed district should not be developed residentially, in order to help protect the quality of the water, on which the uses and value of the pond and property values to the city depend.

Carol Dennis
Terrace Rd., Auburn



City Council Ordinance

IN CITY COUNCIL

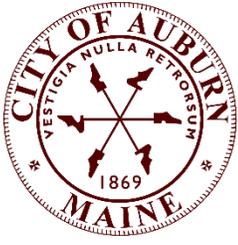
Amending the zoning ordinance Section 60-2 Definitions and Article IV District Regulations, Division 2 Agriculture and Resource Protection District.

Be it ordained, That the Auburn City Council amend the zoning ordinance Section 60-2 Definitions and Article IV District Regulations, Division 2 Agriculture and Resource Protection District as shown in the attached "Proposal B" with an amendment to replace the text "Ordinance #XXXX" on page 10 of Proposal B with the text " Ordinance # 10-06202023.

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: July 10, 2023

Order: 93-07102023

Author: Brian Wood, Assistant City Manager

Subject: Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the MSEA SEIU 1989 covering 07/01/2023 to 06/30/2026

Information: Authorization for the City Manager to execute the Collective Bargaining Agreement between the City of Auburn and the MSEA SEIU 1989 covering 07/01/2023 to 06/30/2026

The following is a summary of the changes:

- FY 24: \$1.00; 2% Performance Increase;
 - FY 25: 2.5% Cola; 2.5 % Performance;
 - FY 26: 2.5 % Cola; 2% Performance;
 - \$100 increase in annual clothing allowance for certain positions;
 - 6 Floaters in for 6 holidays for certain positions
-

City Budgetary Impacts:

- \$229,446.00 over three-year contract.
-

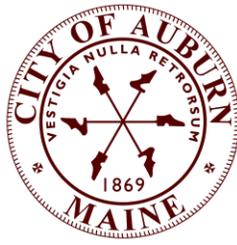
Staff Recommended Action: Staff recommends the City Council vote for passage.

Previous Meetings and History:

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



ORDER 93-07102023

City Council Order

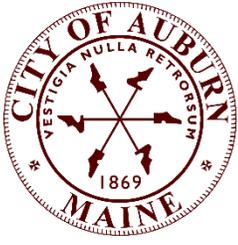
IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes the City Manager to execute the Collective Bargaining Agreement with the MSEA SEIU Local 1989, effective 07/01/2023.

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
July 10, 2023**

Council Workshop or Meeting Date: July 10, 2023

Orders: 94-07102023 through 97-07102023

Author: Jay Brenchick, Director of Economic Development

Subject: Sale of City-Owned Properties Bids

Information: The Economic Development Department issued a for Sale by Sealed Bid request on four city owned properties: 103 Newbury Street, 115 Newbury Street, 351 Main Street, and 369 Main Street.

The request included the following text. "The City shall consider which proposal will result in an overall higher benefit than comparable proposals; Net tax revenues, overall compatibility with the neighborhood and purchase price will be considered. The City reserves the right to reject all proposals...The proposed purchase price must be included in the submitted proposal. Each proposal must include a short narrative, on a separate sheet of paper, explaining what the property will be used for and what, if anything, will be built on the property. Sketches, drawings, and renderings are welcome, but not required."

103 Newbury Street and 115 Newbury Street:

Staff recommends accepting the bids from Oleg Opalnyk for 103 Newbury Street and 115 Newbury Street because his bids show the greatest potential to result in an overall higher benefit in net tax revenues, while providing a greater number of residential units. In addition, Mr. Opalnyk is a building contractor with experience in similar projects. (Details are included in the attachments for this information sheet.)

351 Main Street:

Staff recommends accepting the bid from Oleg Opalnyk for 351 Main Street because his bid shows the greatest potential to result in an overall higher benefit in net tax revenues by providing commercial space on the first floor while providing a greater number of residential units. In addition, Mr. Opalnyk is a building contractor with experience in similar projects. (Details are included in the attachments for this information sheet.)

369 Main Street:

Staff recommends retaining 369 Main Street and authorizing the City Manager to market and execute the sale of 369 Main Street through Bill Bergeron with Fontaine Family Realty.

City Budgetary Impacts: None

Staff Recommended Action: Approve the orders as presented.

Previous Meetings and History: None

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Bid Sheets

PROPOSAL FORM:

Due: Tuesday, May 09, 2023

To: City of Auburn
Derek Boulanger,
Facilities Manager/Purchasing Agent
60 Court Street
Auburn, ME 04210

The undersigned individual/firm/business guarantees this price for thirty days (30) from the proposal due date. The undersigned submits this proposal without collusion with any other person, individual, firm or agency. The undersigned ensures the authority to act on behalf of the corporation, partnership or individual they represent; and has read and agreed to all of the terms, requests, or conditions written herein by the City of Auburn, Maine.

By signing this form, the firm listed below hereby affirms that its bid meets the minimum specifications and standards as listed above.

Signature: *[Signature]* Company: _____

Name (print): Ian J. McCarty Telephone #: 207-232-8326

Title: _____ Fax #: _____

Address: 246 Oak St., Apt. 2, Lewiston, ME 04240

Email Address: ianmccartyme@gmail.com

STATE OF MAINE, County of Androscoggin SS.

Date: 05/08/2023

Ian McCarty personally appeared and acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity and the free act and deed of said company.

ANGELA T. RICHARDSON
Notary Public, State of Maine
My Commission Expires Mar. 08, 2030

[Signature]
Notary Public

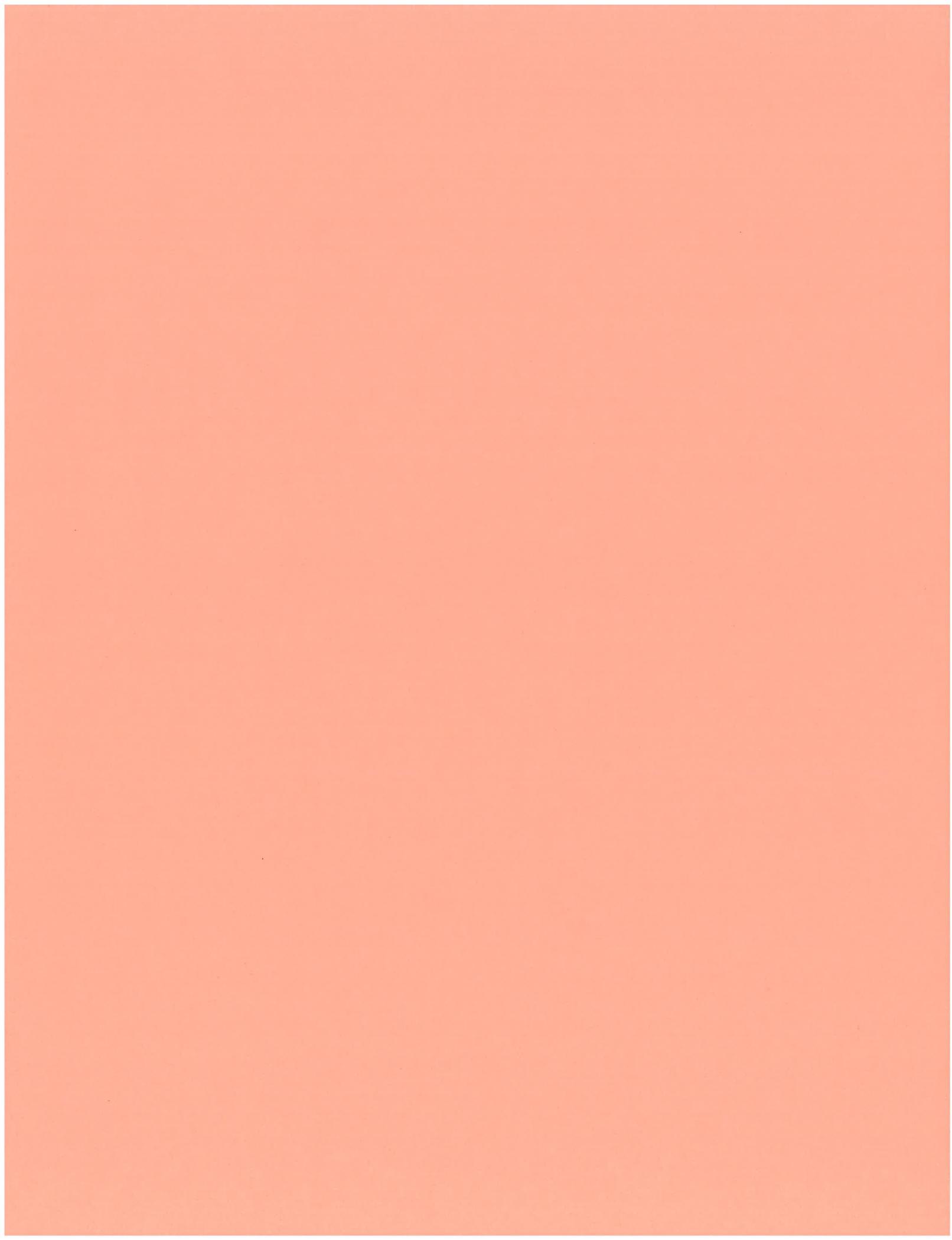
Angela Richardson
Print Name

March 8, 2030
Commission Expires



I bid \$6,000 on Parcel ID 221-044,
369 Main Street. I would like to create a short-term
rental focused on bass and pike fishing on our
under-appreciated Androscoggin River. Focusing attention
on this under-utilized resource could bring sportsmen
and women to Auburn from far away.
Thank you for your consideration.

- *Ter [Signature]*



PROPOSAL FORM:

Due: Tuesday, May 09, 2023

To: City of Auburn
Derek Boulanger,
Facilities Manager/Purchasing Agent
60 Court Street
Auburn, ME 04210

The undersigned individual/firm/business guarantees this price for thirty days (30) from the proposal due date. The undersigned submits this proposal without collusion with any other person, individual, firm or agency. The undersigned ensures the authority to act on behalf of the corporation, partnership or individual they represent; and has read and agreed to all of the terms, requests, or conditions written herein by the City of Auburn, Maine.

By signing this form, the firm listed below hereby affirms that its bid meets the minimum specifications and standards as listed above.

Signature: *Oleg Opalnyk*

Company: OPD Custom Design & Restoration LLC

Name (print): Oleg Opalnyk

Telephone #: 207 210 2888

Title: Owner / President

Fax #: none

Address: 25 Tryon Rd Pownal ME 04069

Email Address: opalnyk@gmail.com

STATE OF MAINE, County of Androscoggin, SS.

Date: May 9, 2023

Oleg Opalnyk personally appeared and acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity and the free act and deed of said company.

Angela Richardson

Notary Public

Angela Richardson

Print Name

March 8, 2030
Commission Expires

ANGELA T. RICHARDSON
Notary Public, State of Maine
My Commission Expires Mar. 08, 2030

CITY OWNED PROPERTY BID SPECIFICATION SHEET

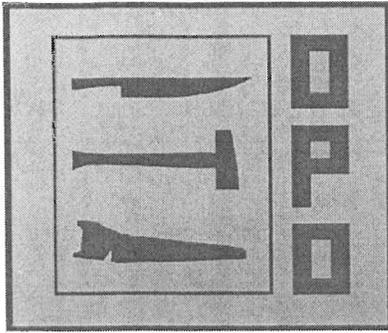
PROPERTY LOCATION	PARCEL ID	MINIMUM BID	BID
369 Main Street	221-044	\$5,000	
351 Main Street	221-048	\$5,000	
115 Newbury Street	221-055	\$5,000	
103 Newbury Street	221-058	\$5,000	1,000. —
GRAND TOTAL			1,000. —

Bidders may bid on one or more properties using this Bid Specification Sheet.

BIDDER INFORMATION					
Name:	Oleg Opalnyk / OPO Custom Design & Restoration ^{LLC}			Phone:	207 210 2888
Address:	25 Tryon Rd				
Email:	opalnyk@gmail.com				
City:	Pownal	State:	ME	Zip:	04069
Amount of Bid:	\$1,000. —	Amount of Deposit Enclosed:	\$ 1,000. —		

A 10% deposit is required with each bid. If the bid is successful, this amount will be subtracted from the balance due. If you are not the successful bidder, this amount will be returned to you immediately.

Please indicate on the outside of the sealed envelope, the parcel ID and location of the property you are bidding on. Bids must be submitted to Derek Boulanger, Facilities Manager/Purchasing Agent by **2:00 p.m. on Tuesday, May 09, 2023**. The City Council reserves the right to reject all bids received.



CUSTOM DESIGN
&
RESTORATION, LLC

DATE: 5/8/2023

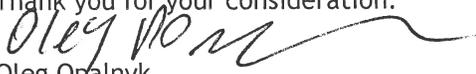
Letter to:
City of Auburn, ME

Oleg Opalnyk, President
25 Tryon Road
Pownal, ME 04069
(207) 210-2888

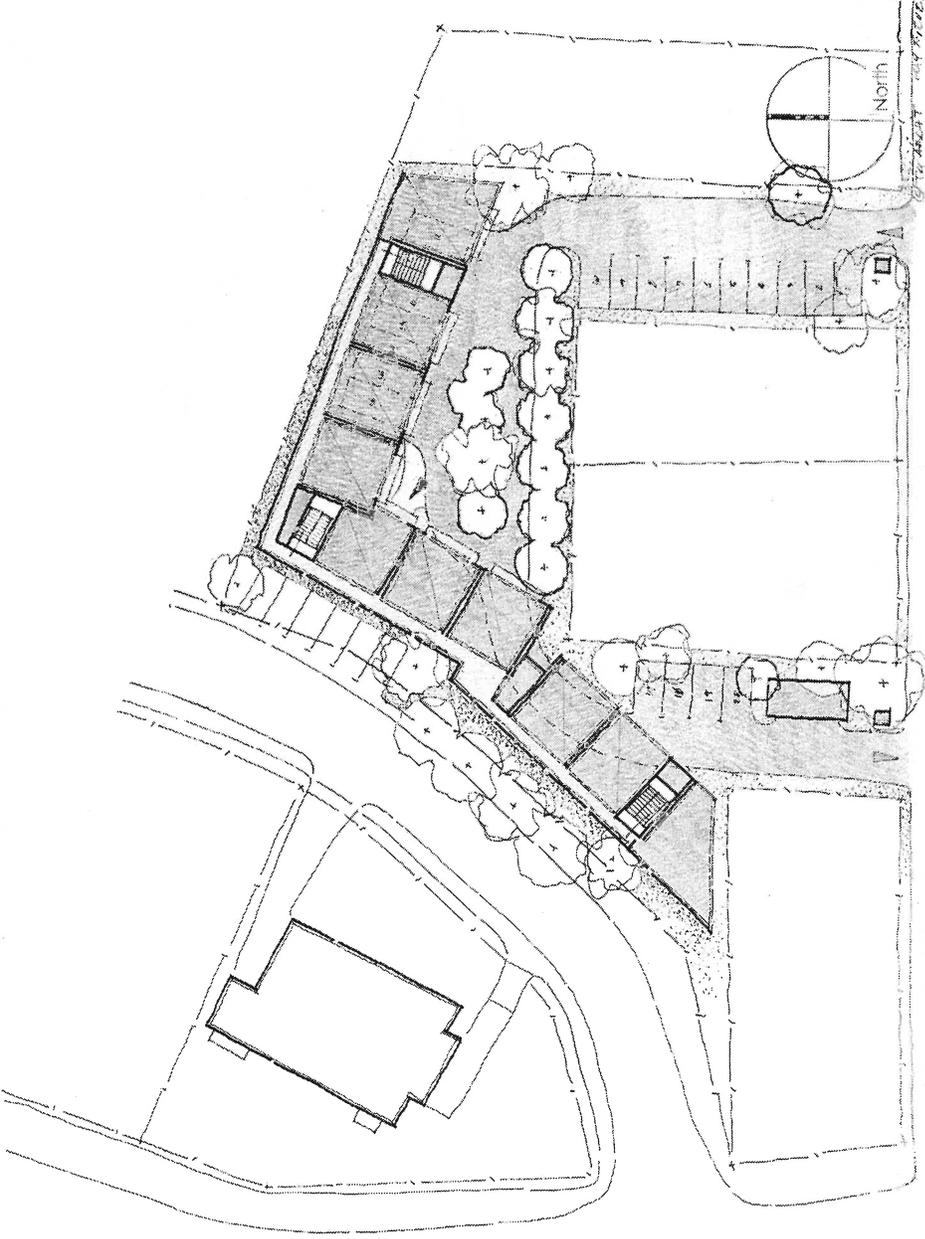
I, Oleg Opalnyk/OPO Custom Design & Restoration, LLC am the owner of 34 Laurel Avenue #221-051. I would like to build multi-unit apartment building on this parcel. The parcel is landlocked. In order for me to build on this land, I would like to purchase 103 Newbury Street #221-058 to provide access to my landlocked parcel. This will address the access and parcel needs for these apartments. I request to purchase this parcel from the City of Auburn for \$1,000.00.

The tentative plans for parcel #221-051 on 34 Laurel Avenue have been emailed along with this letter. The plans are for a 16 unit residential rental property. This will generate tax revenue for the City of Auburn. That tax revenue will be considerably higher than potential tax revenue for a building on parcel #221-058.

Thank you for your consideration.


Oleg Opalnyk

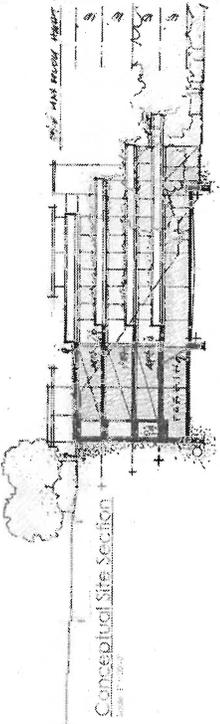
President, OPO Custom Design & Restoration, LLC



Site Plan
Scale: 1" = 30'-0"

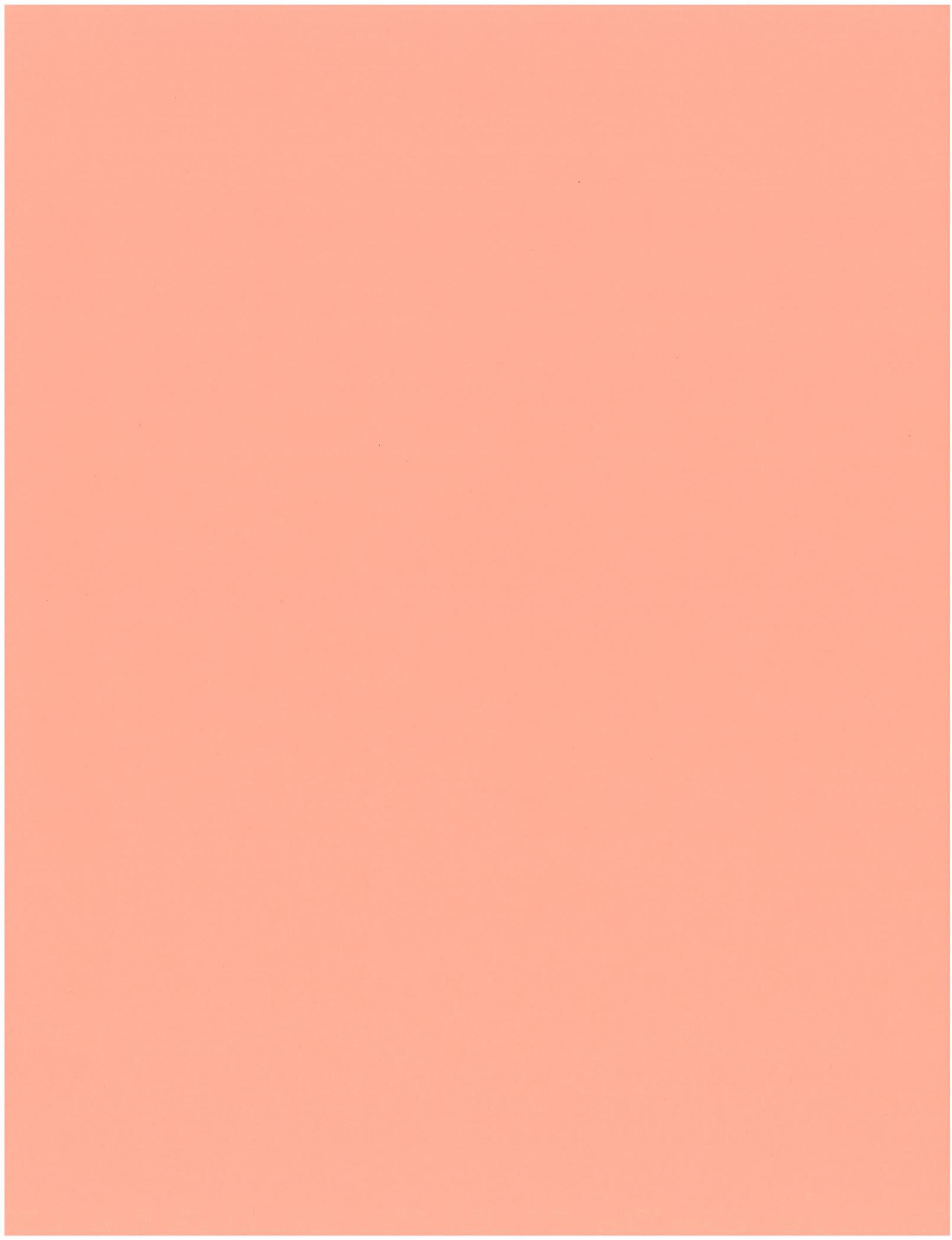
Study B

Laurei Avenue Hillside Apartments
 24, 25, 26 Laurel Avenue, Adelphi, MD
 © 2008 Starobin Architects, LLP, P.O. Box 1000, Adelphi, MD 20781-1000



Conceptual Site Section
Scale: 1" = 30'-0"





PROPOSAL FORM:

Due: Tuesday, May 09, 2023

To: City of Auburn
Derek Boulanger,
Facilities Manager/Purchasing Agent
60 Court Street
Auburn, ME 04210

The undersigned individual/firm/business guarantees this price for thirty days (30) from the proposal due date. The undersigned submits this proposal without collusion with any other person, individual, firm or agency. The undersigned ensures the authority to act on behalf of the corporation, partnership or individual they represent; and has read and agreed to all of the terms, requests, or conditions written herein by the City of Auburn, Maine.

By signing this form, the firm listed below hereby affirms that its bid meets the minimum specifications and standards as listed above.

Signature: *Oleg Opalnyk* Company: *OPD Custom Design & Restoration, LLC*
Name (print): *Oleg Opalnyk* Telephone #: *207 210 2888*
Title: *Owner / President* Fax #: *none*
Address: *25 Trjon Rd Pownal ME 04069*
Email Address: *opalnyk@gmail.com*

STATE OF MAINE, County of *Androscoggin*, SS. Date: *May 9, 2023*

Oleg Opalnyk personally appeared and acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity and the free act and deed of said company.

Angela Richardson
Notary Public

ANGELA T. RICHARDSON
Notary Public, State of Maine
My Commission Expires Mar. 08, 2030

Angela Richardson
Print Name
March 8, 2030
Commission Expires

CITY OWNED PROPERTY BID SPECIFICATION SHEET

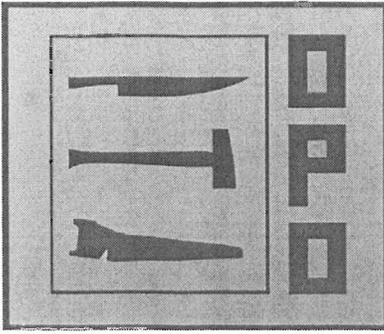
PROPERTY LOCATION	PARCEL ID	MINIMUM BID	BID
369 Main Street	221-044	\$5,000	
351 Main Street	221-048	\$5,000	
115 Newbury Street	221-055	\$5,000	1,000. —
103 Newbury Street	221-058	\$5,000	
		GRAND TOTAL	1,000. —

Bidders may bid on one or more properties using this Bid Specification Sheet.

BIDDER INFORMATION					
Name:	Oleg Opalnyk / OPO Custom Design & Rest.			Phone:	207 210 2888
Address:	25 Tryon Rd Pownal ME 04069				
Email:	opalnyk@gmail.com				
City:	Pownal	State:	ME	Zip:	04069
Amount of Bid:	\$ 1,000. —	Amount of Deposit Enclosed:	\$ 1,000. —		

A 10% deposit is required with each bid. If the bid is successful, this amount will be subtracted from the balance due. If you are not the successful bidder, this amount will be returned to you immediately.

Please indicate on the outside of the sealed envelope, the parcel ID and location of the property you are bidding on. Bids must be submitted to Derek Boulanger, Facilities Manager/Purchasing Agent by **2:00 p.m. on Tuesday, May 09, 2023**. The City Council reserves the right to reject all bids received.



CUSTOM DESIGN
&
RESTORATION, LLC

DATE: 5/8/2023

Letter to:
City of Auburn, ME

Oleg Opalnyk, President
25 Tryon Road
Pownal, ME 04069
(207) 210-2888

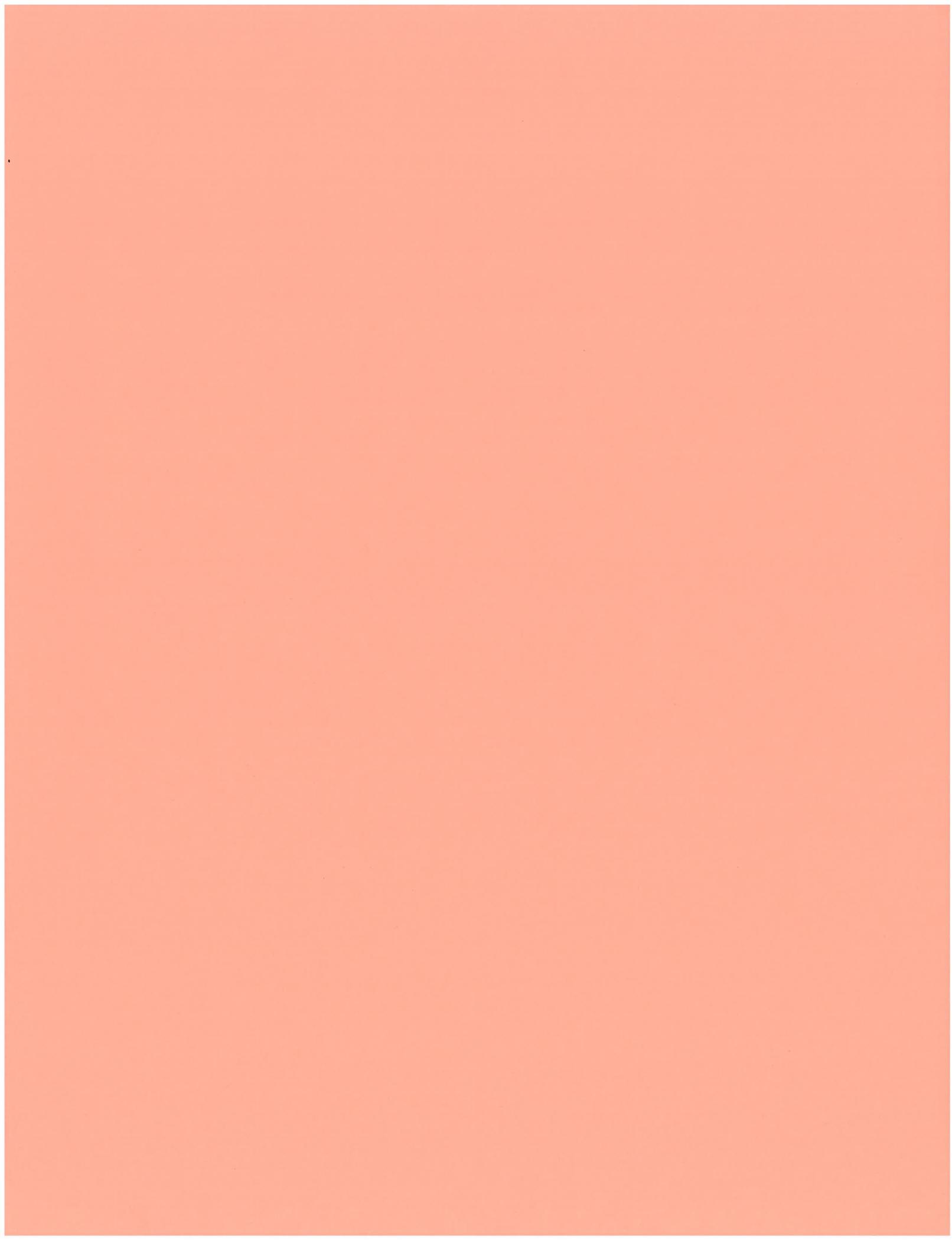
I, Oleg Opalnyk/OPO Custom Design & Restoration, LLC am the owner of 34 Laurel Avenue #221-051. I would like to build multi-unit apartment building on this parcel. The parcel is landlocked. In order for me to build on this land, I would like to purchase 115 Newbury Street #221-055 to provide access to my landlocked parcel. This will address the access and parcel needs for these apartments. I request to purchase this parcel from the City of Auburn for \$1,000.00.

The tentative plans for parcel #221-051 on 34 Laurel Avenue have been emailed along with this letter. The plans are for a 16 unit residential rental property. This will generate tax revenue for the City of Auburn. That tax revenue will be considerably higher than potential tax revenue for a building on parcel #221-055.

Thank you for your consideration.


Oleg Opalnyk

President, OPO Custom Design & Restoration, LLC



PROPOSAL FORM:

Due: Tuesday, May 09, 2023

To: City of Auburn
Derek Boulanger,
Facilities Manager/Purchasing Agent
60 Court Street
Auburn, ME 04210

The undersigned individual/firm/business guarantees this price for thirty days (30) from the proposal due date. The undersigned submits this proposal without collusion with any other person, individual, firm or agency. The undersigned ensures the authority to act on behalf of the corporation, partnership or individual they represent; and has read and agreed to all of the terms, requests, or conditions written herein by the City of Auburn, Maine.

By signing this form, the firm listed below hereby affirms that its bid meets the minimum specifications and standards as listed above.

Signature: [Handwritten Signature] Company: DPO Custom Design & Restoration LLC
Name (print): Oleg Opalnyk Telephone #: 207 210 2888
Title: Owner/President Fax #: none
Address: 25 Tryon Rd Bowdoin ME 04069
Email Address: opalnyk@gmail.com

STATE OF MAINE, County of Androscoggin, SS. Date: May 9, 2023

Oleg Opalnyk personally appeared and acknowledged the foregoing instrument to be his/her free act and deed in his/her capacity and the free act and deed of said company.

ANGELA T. RICHARDSON
Notary Public, State of Maine
My Commission Expires Mar. 08, 2030

[Handwritten Signature]
Notary Public
Angela Richardson
Print Name
March 8, 2030
Commission Expires

CITY OWNED PROPERTY BID SPECIFICATION SHEET

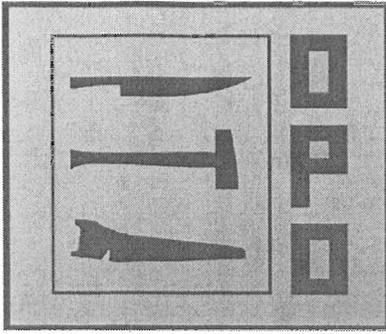
PROPERTY LOCATION	PARCEL ID	MINIMUM BID	BID
369 Main Street	221-044	\$5,000	
351 Main Street	221-048	\$5,000	1,000.—
115 Newbury Street	221-055	\$5,000	
103 Newbury Street	221-058	\$5,000	
		GRAND TOTAL	1,000.—

Bidders may bid on one or more properties using this Bid Specification Sheet.

BIDDER INFORMATION					
Name:	Oleg Opalnyk/OPO Custom Design's Rest.			Phone:	207 210 2888
Address:	25 Tryon Rd				
Email:	opalnyk@gmail.com				
City:	Pownal	State:	ME	Zip:	04069
Amount of Bid:	\$ 1,000.—	Amount of Deposit Enclosed:	\$ 1,000.—		

A 10% deposit is required with each bid. If the bid is successful, this amount will be subtracted from the balance due. If you are not the successful bidder, this amount will be returned to you immediately.

Please indicate on the outside of the sealed envelope, the parcel ID and location of the property you are bidding on. Bids must be submitted to Derek Boulanger, Facilities Manager/Purchasing Agent by **2:00 p.m. on Tuesday, May 09, 2023**. The City Council reserves the right to reject all bids received.



CUSTOM DESIGN
&
RESTORATION, LLC

DATE: 5/8/2023

Letter to:
City of Auburn, ME

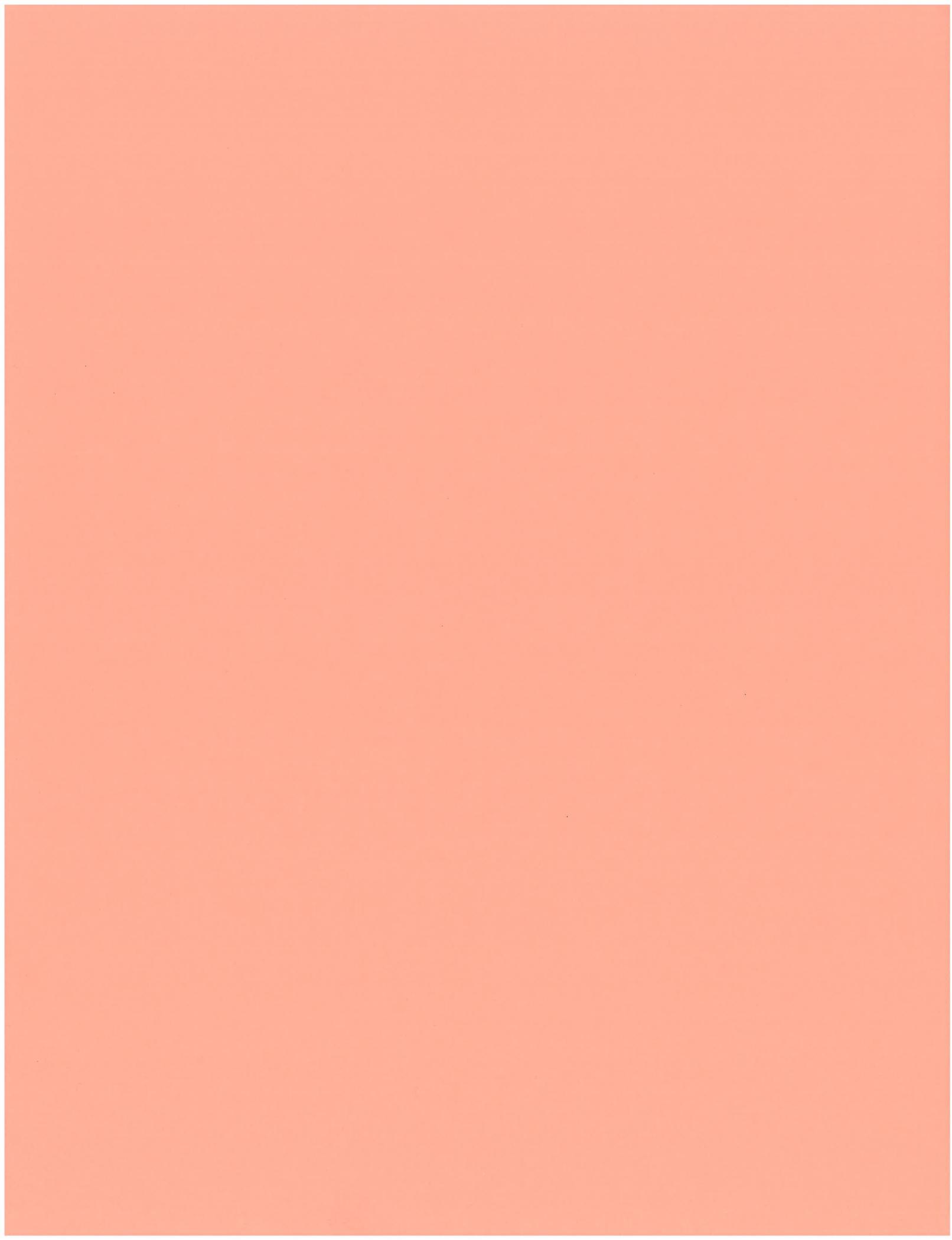
Oleg Opalnyk, President
25 Tryon Road
Pownal, ME 04069
(207) 210-2888

I/OPO Custom Design & Restoration, LLC am the owner of 345 Main Street parcel #221-049. It is my plan to build on this parcel. The building would include a commercial space and a residence above it. There are currently no renderings available. I request to purchase a neighboring lot: 351 Main Street parcel #221-048 for \$1,000.00. This lot will provide additional parking for the building on 345 Main Street.

Thank you for your consideration.


Oleg Opalnyk

President, OPO Custom Design & Restoration, LLC



CITY OWNED PROPERTY BID SPECIFICATION SHEET

PROPERTY LOCATION	PARCEL ID	MINIMUM BID	BID
369 Main Street	221-044	\$5,000	—
351 Main Street	221-048	\$5,000	5,500
115 Newbury Street	221-055	\$5,000	—
103 Newbury Street	221-058	\$5,000	6,800
		GRAND TOTAL	12,300

Bidders may bid on one or more properties using this Bid Specification Sheet.

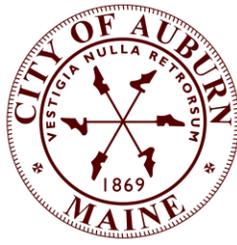
BIDDER INFORMATION						
Name:	Jacob Weisberg			Phone:	508-596-1301	
Address:	32 Powder House Blvd					
Email:	jake.weisberg@gmail.com					
City:	Somerville	State:	MA	Zip:	02144	
Amount of Bid:	\$12,300		Amount of Deposit Enclosed:	\$1,230		

A 10% deposit is required with each bid. If the bid is successful, this amount will be subtracted from the balance due. If you are not the successful bidder, this amount will be returned to you immediately.

Please indicate on the outside of the sealed envelope, the parcel ID and location of the property you are bidding on. Bids must be submitted to Derek Boulanger, Facilities Manager/Purchasing Agent by **2:00 p.m. on Tuesday, May 09, 2023**. The City Council reserves the right to reject all bids received.

I would be interested in purchasing either lot 221-048 or lot 221-058 with the intent of developing small dwelling units (possibly using the state's recently-adopted building code for homes under 400 sq ft), placing one or multiple units on each lot with design elements consistent with the traditional New Englander-style homes in the neighborhood. I am nearing completion on renovations of a tax-acquired property that I purchased from the city a few years ago, and these would appeal as a project for the near future.

Jake Weisberg



ORDER 94-07102023

City Council Order

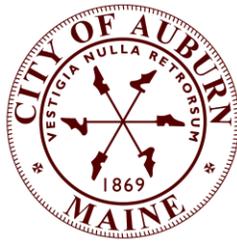
IN CITY COUNCIL

ORDERED, that the City Council hereby accepts the sealed bid from Olan Opalnyk for 103 Newbury Street and authorizes the City Manager to execute the sale.

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 95-07102023

City Council Order

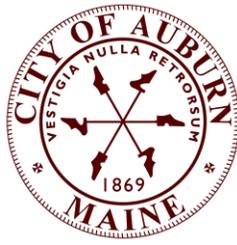
IN CITY COUNCIL

ORDERED, that the City Council hereby accepts the sealed bid from Olan Opalnyk for 115 Newbury Street and authorize the City Manager to execute the sale.

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 96-07102023

City Council Order

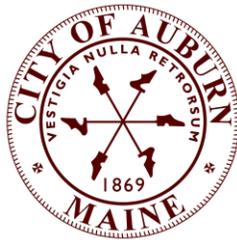
IN CITY COUNCIL

ORDERED, that the City Council hereby accepts the sealed bid from Olan Opalnyk for 351Main Street and authorizes the City Manager to execute the sale.

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 97-07102023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby authorizes retaining 369 Main Street and further authorizes the City Manager to market and execute the sale of 369 Main Street through Bill Bergeron with Fontaine Family Realty.

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