

**City Council Workshop & Meeting
July 19, 2021
Agenda**

5:30 P.M. City Council Workshop

- A. Public Art Workgroup Update – Sabrina Best and Beckie Conrad (20 minutes)
- B. Year End Permit Numbers FY21 – Eric Cousens (15 minutes)
- C. Executive Session – Economic Development, pursuant to 1 M.R.S.A. Sec. 405 (6)(C) **with possible action to follow during the meeting as the last item under New Business.**
- D. Contract negotiations, pursuant to 1 M.R.S.A. §405(6)(D).

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

Pledge of Allegiance

- I. **Consent Items** - All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the Agenda.
 - 1. **Order 74-07192021***
Initiating a formal request to send the Transportation Chapter and the Food Access/Growing the Agriculture Economy Chapter of the Draft Comprehensive Plan updates to the Planning Board for a recommendation.
- II. **Minutes** – June 21, 2021 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Council Communications (about and to the community)
- IV. **Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*
- V. **Unfinished Business**
 - 1. **Ordinance 25-06212021**
Amending the Chapter 60, Article IV of the Auburn Code of Ordinances to strike Division 8. - Multifamily Urban Zoning District. Public hearing and second reading.
 - 2. **Ordinance 26-06212021**

Amending Chapter 60, Article IV, Division 13, Section 60-525(b) of the Auburn Code of Ordinances to add automobile and marine sales lots and sales and service agencies to the List of special exception uses in the Minot Avenue (GBII) zoning district. Public hearing and second reading.

3. Ordinance 27-06212021

Amending Section 60-201(a) to allow two-family dwellings in the low-density country residential zoning district. Public hearing and second reading.

4. Ordinance 28-06212021

Amending Chapter 60, Article V, Section 60-608 to remove minimum off-street parking requirements for all land uses (except residential). Public hearing and second reading.

5. Ordinance 29-06212021

Amending Chapter 60, Article IV, Division 14, Section 60-554 to remove all parking requirements (except residential) in the form-based code zoning districts. Public hearing and second reading.

6. Ordinance 30-06212021

Amending the Conservation/Open Space Form-Based Code District by adding a purpose statement. Public hearing and second reading.

VI. New Business

1. Ordinance 31-07192021

Amending the Low-Density Country Residential and Rural Residential Strips abutting the Agriculture/Resource Protection Zone from the current depth of 450 Feet from center line of the roadway to a depth of 750 Feet from the centerline of the roadway or the rear property boundary, whichever is less. Public hearing and first reading.

2. Ordinance 32-07192021

Amending the zoning of the property located at 41 Steven's Mill Road (PID 208-043) from Suburban Residential to General Business II. Public hearing and first reading.

3. Ordinance 33-07192021

Amending Chapter 60, Article XII, Division 5, Section 60-992 (b) of the Auburn Code of Ordinance and Shoreland Zoning Map to allow as a Special Condition Overlay in identified areas of the Shoreland Zone, the height of all principal or accessory structures to exceed the 35-foot height limit to maximum of 50-feet. Public hearing and first reading.

4. Order 75-07192021

Allocating \$250,000.00 from the American Rescue Plan Act funds towards a city match of Efficiency Maine Residential grants for qualifying purchases, upgrades in accordance with their published residential programs as of July 8, 2021.

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

VIII. Reports (from sub-committees to Council)

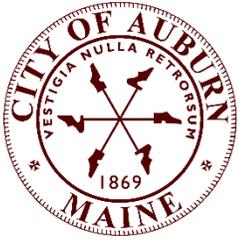
- a. Mayor's Report

- b. City Councilors' Reports
- c. City Manager Report

IX. Executive Session

- Personnel matter, pursuant to 1 M.R.S.A. Sec 405(6)(A).
- Personnel matter (City Manager's Review), pursuant to 1 M.R.S.A. Sec 405(6)(A).

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 19, 2021

Author: Sabrina Best, Recreation Director & Rebecca Swanson Conrad, Public Art Workgroup

Subject: Public Art Workgroup Update

Information: With the formal completion of the CCED grant on June 30, 2021 the Public Art Workgroup has recommendations for Council consideration to continue to refine the public art process to be more inclusive of City staff and municipal policies and ordinances.

In January of 2019, the LA Metro Chamber of Commerce and L/A Arts were awarded a \$75,000 Creative Communities - Economic Development Phase 2 Grant from the Maine Arts Commission, with funds to be expended over a three-year period to improve the image of Lewiston/Auburn and to spur economic development through public art installations in each city.

As a result of this grant a Public Art Workgroup (PAWG) was formed and has been working on the grant pieces, creating a Public Art Workplan that Council adopted in 2019 and serving as the clearing house for other public art pieces in Auburn ('French Beauty' and the 'Fish').

City Budgetary Impacts: None

Staff Recommended Action: Provide direction or support for next steps with the Public Art Plan and PAWG.

Previous Meetings and History:

Presented Plan at the Nov 18, 2019 Workshop.
Draft Resolve on Public Art Plan at the Dec 2, 2019 Council Meeting – Adopted
Review of Public Art Grant piece recommendation at the May 11, 2020 Workshop
Discussion of Public Art Grant piece recommendation at the June 1, 2020 Workshop
Approval of 'Bud Form' for Longley Park - June 11, 2020
Discussion and Approval of 'Fish' for Anniversary Park – July 20, 2020
Discussion and Approval of 'French Beauty' – June 7, 2021

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:

Auburn's Public Art Plan

Proposed Public Art Plan for the City

I. Purpose

In recognition of the value that public art can bring to the cultural, aesthetic, and economic vitality of the community, the Cities of Auburn and Lewiston successfully sought a grant from the Maine Arts Commission to support the development of a Public Art Plan as one piece of "Cultural Plan LA". A Public Art Working Group comprised of citizens of Auburn and Lewiston, including mayoral appointments, artists, educators, and business people, was established to develop this master plan in consultation with City staff from Auburn and Lewiston. The resulting plan outlines recommendations for a basic administrative structure for public art initiatives in L/A.

II. Mission and Guiding Principles

The mission of the Public Art Plan is to foster and oversee the commissioning and acquisition of permanent and temporary public art, act as a steward of the City's public art collection, and engage the public in the collection. Public art projects will be accomplished through the direct commissioning of artwork, acquisitions, community partnerships, gifts, and by encouraging public art in private development.

Guiding Principles

1. When the City, on its own or through a partnership, builds or makes a significant renovation or addition to a community facility or park, public art should, whenever possible, be part of the project.
2. Public art should grow out of the richness of the community and, in most cases, be commissioned. Artists should be invited to work in the community and with the community to ensure that the work has meaning and resonance.
3. Public art projects should be commissioned through a transparent, competitive process that values both artistic expertise and community input. The policies and procedures adopted by the City will result in the selection of highly qualified artists and will support them in creating their best work. It will follow professional standards in the field.
4. Public art should be of high artistic quality and integrity. The City, developers, and cultural institutions must pay careful attention to the design of new buildings and public spaces downtown and throughout the community, bringing in fresh design thinking as well as complementing the historic fabric of the community. New public art should be of the same design quality as other aspects of the City's built environment and should support the cultural fabric of the community.
5. Public art should be for everyone: the people who live and work in the City; the people who visit for entertainment, culture, shopping, and dining; and even the people who are

just passing through. All should have an opportunity to experience art in public places. Art should invite interaction, contemplation, and discussion.

III. Definitions

Public Art

Public art includes a variety of accessible, original cultural experiences and/or physical works of art located within a public place that enrich the City by contributing to its uniqueness and stimulating learning, reflection, and conversation. Public art may include permanent or temporary works. Public art should engage the site, its context, and audience. Public art may possess functional as well as aesthetic qualities.

Artwork

Artwork shall mean works in any style, expression, genre, and media created by an artist as defined herein that may be permanent, temporary, and/or functional. Artwork may be stand-alone and integrated into architecture, landscaping, or other site development if designed by an artist as defined herein. Excluded are gifts of state by foreign governments or by other political jurisdictions of the United States.

Public Place

- a) A public place is a publicly accessible landscape, structure, or infrastructure-- typically owned or under the jurisdiction of the City. Public places include, but are not limited to, public parks, plazas, streets and boulevards (right-of-way), bridges, stairways, buildings, and water features.
- b) Art within public places contributes to the unique identity of a location and can stimulate discussion and imagination.
- c) Privately owned places can also include public art insofar as the artwork is public facing and designed to engage the public.

Artist

An artist is an individual who creates original works of art and is typically recognized by professional peers and critics as a professional practitioner of the visual, craft, literary, musical, conceptual, or performing arts, as judged by the quality of that practitioner's body of work and experience. This recognition is demonstrated in the artist resume through credentials such as professional training, an exhibition record, past public art commissions, published work, previous performances, reviews, and recommendations.

IV. Administration

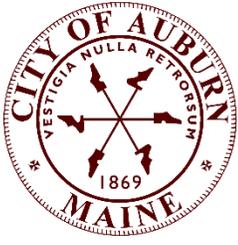
Public Art Committee (PAC)

To support the Cities of Auburn and Lewiston in managing inquiries about public art and the vetting, creation, installation, and maintenance of public artworks, a Public Art Committee (PAC) shall be established. The PAC shall ordinarily be comprised of ten members: 2 mayoral appointments--one from each City--and the following to be appointed in accordance with procedures established by the body or organization making the appointments: 2 public school appointments--one from each school district; 2

appointments from Arts and Culture LA; 2 appointments from L/A Arts; and 2 appointments from the LA Metro Chamber of Commerce. The PAC shall convene semi-annually or as needed to consider updates to the Public Art Plan as well as inquiries or requests related to public art. During the Maine Arts Commission implementation grant period (2019-2021), the Public Art Working Group (PAWG) shall function as the PAC.

The PAC shall provide expert advice to the Cities in the following areas:

- a) Public Art Plan policies and procedures
- b) Artist selection review panels and processes for art associated with municipal development projects on City-owned property
- c) Artwork review and approval recommendations for municipal development projects on City-owned property
- d) Artwork review and recommendations for murals on City-owned property
- e) Maintenance and conservation of artwork on City-owned property
- f) Review and recommendations on proposed deaccession of artwork on City-owned property
- g) The incorporation of public-facing, public-engaging artwork in private development, should advice on such artwork be in order



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 19, 2021

Author: Sue Clements-Dallaire, City Clerk

Subject: Year End Permit Numbers FY21

Information: Eric Cousens, Director of Planning and Permitting will provide a Permitting Report for FY21.

City Budgetary Impacts: N/A

Staff Recommended Action: Discussion

Previous Meetings and History: N/A

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Communication from Eric Cousens, a permit data summary



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

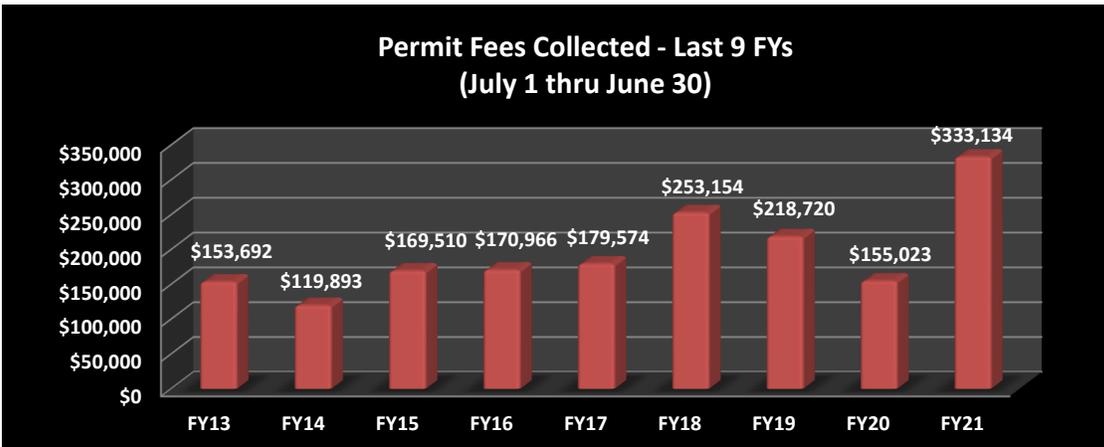
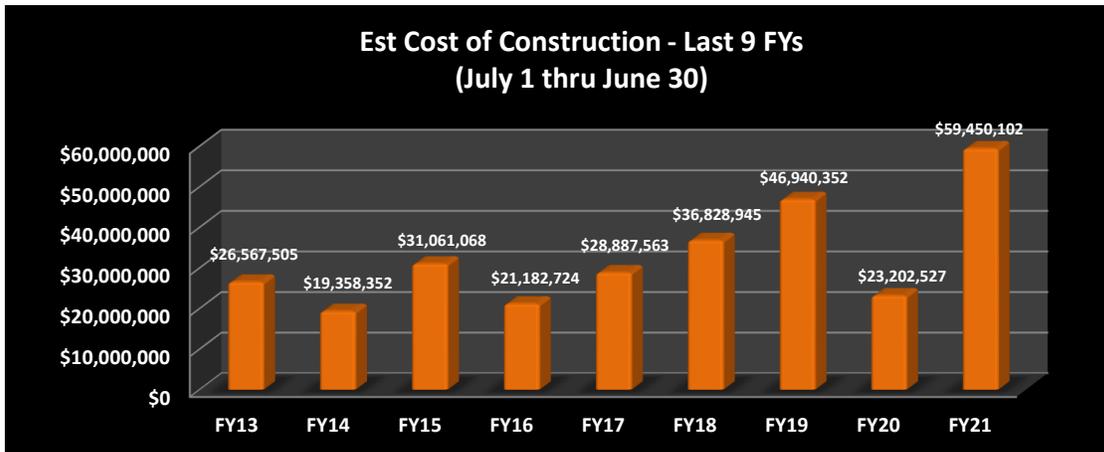
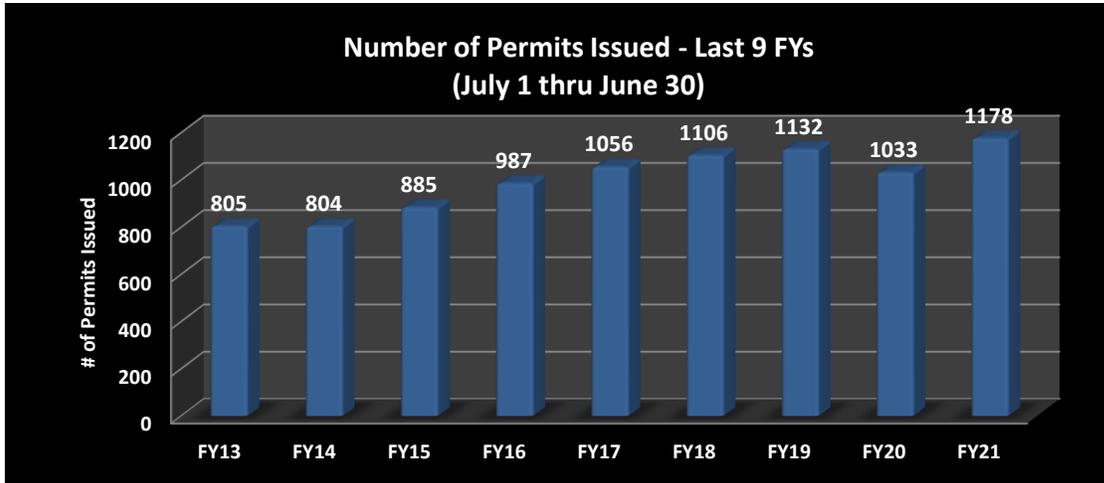
To: Auburn Mayor and City Council
From: Eric J. Cousens, Director of Planning and Permitting
Re: Communication - FY 2021 Permitting Report
Date: July 14, 2021

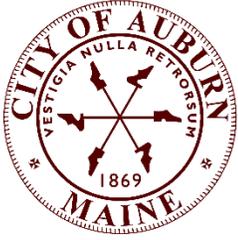
Fiscal year 21 ended June 30th and it was a year to remember. The positive permit numbers and new record for development activity is a reassurance that the work that The Council, Planning Board, and staff have been doing to simplify ordinances, expand development options and promote Auburn as a place to live, play and do business is helping to meet the Council's goals of attracting residents and expanding business investment. Our previous record for declared permit values in a fiscal year was set in FY2019 at \$46.9 Million. FY21 set a record of \$59.4 Million, without counting the \$110 Million Highschool project which we believe is the largest single plan review ever to be completed by the Department. Permit fees collected and the total volume of permits also set new records for the city this year. Staff is moving resources from optional services to permitting capacity to manage permit review times and remain responsive to project needs. We will be breaking down the numbers to compare new housing starts to previous years soon. The projects in discussion currently look very promising for the coming year to continue the positive trend.

Attached is a permit data summary for the past 9 years for the Council to review.

**12 Months Totals - Last 9 Fiscal Years
(July 1 thru June 30)**

	<u>FY13</u>	<u>FY14</u>	<u>FY15</u>	<u>FY16</u>	<u>FY17</u>	<u>FY18</u>	<u>FY19</u>	<u>FY20</u>	<u>FY21</u>
Number of Permits Issued	805	804	885	987	1056	1106	1132	1033	1178
Estimated Cost of Construction	\$26,567,505	\$19,358,352	\$31,061,068	\$21,182,724	\$28,887,563	\$36,828,945	\$46,940,352	\$23,202,527	\$59,450,102
Permit Fees Collected	\$153,692	\$119,893	\$169,510	\$170,966	\$179,574	\$253,154	\$218,720	\$155,023	\$333,134





City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: July 19, 2021

Subject: Executive Session

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

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

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

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

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

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

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

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

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

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

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

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



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: July 19, 2021

Subject: Executive Session

Information: Contract Negotiations, pursuant to 1 M.R.S.A. Section 405(6) (D).

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:

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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;

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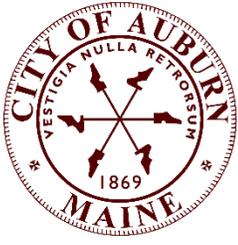
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E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to 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 19, 2021

Order: 74-07192021

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

Subject: Comprehensive Plan Update: Forward to Planning Board for Public Hearing

Information: In November of 2020, the City Council voted to create a Comprehensive Plan Workgroup to focus on revising the following topics in the 2010 Comprehensive Plan:

1. Future Land Use Map – Potential Turnpike Exit near 136 and/or South Main Street.
2. Future Land Use Map – Industrial Transition Zone near Broad and South Witham Road. Council, Planning Board, Staff and Landowners have considered this as a potential residential growth area that would require less infrastructure than an industrial change. Easy Turnpike access from Exit 75.
3. Future Land Use Map – Consider expanded downtown form-based code to reduce setbacks and density limitations in urban neighborhoods. Ensure consistency with existing development patterns or forge new direction in certain areas.
4. Future Land Use Plan/Map - Review to see if a reduction in the number of proposed Zoning Districts is feasible.
5. Future Land Use Map – Downtown. Review current tasks, progress to date, and adjust policy as needed with a focus on walkability, livability and economic expansion opportunities.
6. Gateways/Fragmentation - Looking at the proposed Future Land Use Map for access points to the City and their designated zoning to reduce fragmentation in the City.
7. Recreation and River Access. Review status, identify opportunities, needs and update implementation plans. Include recreation open space priorities, resource access and policy towards subdivision requirements that currently pose a challenge to urban developments.
8. Promoting Food Access and Growing the Agricultural Economy.
9. Equity - Researching to see if anything in the Comprehensive Plan currently promotes inequity in the City.

The workgroup split up into three “sub-workgroups” to focus on the three topic areas identified above: Turnpike Interchange, Future Land Use Map Updates and Recreation/Food Economy. At their May 20, 2021 meeting the group voted to move the revisions to the Recreation/Open Space chapter forward to City Council and Planning Board. The City Council began discussing the draft at their June 7, 2021 meeting and the Planning Board discussed as a workshop at their June 8, 2021 meeting.

At the June 22, 2021 Workshop the Council informally directed staff to move the Transportation Chapter and the Food Access/Growing the Agriculture Economy forward to the Planning Board workshop and place the item on the next CC agenda to formally send it for Public Hearing. The Council asked to delay the Future Land Use Chapter until the Lake Auburn Study is delivered and considered. We are trying to formalize affirmative

directives like this with a vote to avoid any confusion on what the Council wants as a whole, rather than as individuals.

City Budgetary Impacts: N/A

Staff Recommended Action: Vote to send these two chapters to the Planning Board for a recommendation at their August meeting.

Previous Meetings and History: May 20, 2021 – Comprehensive Plan Workgroup, June 7, 2021 – City Council Meeting, June 8, 2021 – Planning Board Meeting, June 16, 2021 – Comprehensive Plan Workgroup- June 22, 2021 CC Workshop - July 13 PB Workshop.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Transportation Chapter, Food Access/Growing the Agriculture Economy Chapter, Order referring to PB.

K. Promoting Food Access and Production and Growing the Agriculture Economy Policies

PURPOSE

The purpose of the Food Access and Production/Growing the Agriculture Economy section is to consider how greater equity in accessing healthy food can be established in Auburn, and to identify tools and strategies for ensuring the continuing existence and growth of the farming and agriculture economy as a way of life in our city, which in turn sustains our population with locally produced and healthy foods. We know that food insecurity is unfortunately a challenge faced by Auburn residents. Income is the greatest indicator of one's health, and US Census data from 2012-2016 indicates on average that 32% of Auburn's population -- nearly 1 of every 3 people -- lives in a household earning less than 185% of the Federal Poverty Level, which is typically the highest threshold for receiving household income-based support such as food assistance and medical coverage (Source: Auburn Economic Data Book, Crossroads Resource Center, 2018). Auburn can work to ensure healthy food is available and accessible to all its residents while also building an economy, including the agricultural sector, which provides households with the adequate wages they need to purchase healthy food.

Goal K.1: Ensure that fresh, local food is equitably accessible to everyone regardless of income or geography.

VISION

Local planning and zoning policies can reduce or reinforce structural barriers that prevent our food supply from being as healthy, equitable, affordable, and resilient as we would like it to be. Policy change that promotes greater access to healthy foods can significantly reduce these barriers. Planning and Economic Development staff, boards and committees, and elected/appointed officials can make and implement long-term decisions for the design of the City and the surrounding region to improve healthy food access, food skills of community members, and the surrounding region's food infrastructure. Systematic assessments that identify barriers and track progress over time are essential for informing all of the goals and strategies below. By including food, equity, and health-related policy and systems changes in planning documents and zoning codes, Auburn can establish:

** Support for food and farm enterprises of all sizes*

- * *Zoning that supports a healthy food infrastructure*
 - * *Access to and preservation of land for food production*
 - * *Development of community food assets (such as community gardens, farmers' markets, food hubs, and pollinator-friendly habitats)*
 - * *Affordable, safe and reliable transportation to food sources*
 - * *Support for growth of local markets that are critical for farm businesses to succeed*
-

POLICIES

K.1 FOOD IS EQUITABLY ACCESSIBLE

Goal K.1: Ensure that fresh, local food is equitably accessible to all, regardless of income or geography.

Objective K.1.1:

Work with organizational partners to gather baseline data about Auburn's food access picture that will help inform future planning.

Strategies to achieve this objective:

Strategy K.1.1.a: Compile data from existing resources and if needed, conduct new research on Auburn's food security indicators (refer to inventories).

Objective K.1.2:

Continue to expand the customer base, accessibility, and affordability of the Auburn Farmers' Market

Strategies to achieve this objective:

Strategy K.1.2.a: Establish programs for low-income customers, vendor recruitment, marketing/promotion investments, and permanent year round indoor/outdoor locations.

Objective K.1.3:

Support practices that facilitate access to healthy food in residential settings:

Strategies to achieve this objective:

Strategy K.1.3.a: Build and encourage partnerships that work to expand residential access to healthy food.

Strategy K.1.3.b: Use a food system lens when planning housing developments to inform site layout, landscape design, residential amenities, and access to retail food sources.

Strategy K.1.3.c: Ensure that future land use designations provide flexibility for sufficient open space for community gardens and private residential gardening plots.

Objective K.1.4:

Review and simplify or remove regulation of food- and farm-related land uses in order to improve the variety and availability of healthy food outlets.

Strategies to achieve this objective:

Strategy K.1.4.a: Support updating local ordinances governing food processing businesses—such as commercial kitchens, flash freezing businesses, small scale home kitchen businesses, and meat processing/butchering enterprises—to increase business growth.

Strategy K.1.4.b: Support updating local ordinances concerning food outlets, such as grocery stores, small food stores, farmers’ markets, seasonal food stands, and farm/food trucks to support growth in the types and number of food outlets throughout the City and their hours and locations.

Strategy K.1.4.c: Support a buy local food campaign that includes a directory of local food producers, where to purchase goods and highlights the value of buying local for economic benefits. Information and advertising about the campaign should be widely distributed to the public using avenues such as social media/websites, public transportation, city buildings and paper handouts.

Strategy K.1.4.d: Support a local food pledge to increase local purchasing by institutions.

Strategy K.1.4.e: Work with producers to determine if a “Grown in Auburn” label/logo for their products would be valuable.

Strategy K.1.4.f: Collaborate with the Auburn School Department to coordinate and increase local food sourcing, utilizing the following programs created to support this work:

- Maine Harvest of the Month
- Local Produce Fund (matching fund for schools to leverage)
- Maine Farm to School Network

Strategy K.1.4.g: Promote Auburn as a regional center for agriculture.

Strategy K.1.4.h: Reliable markets are critical to any business. The City’s Economic & Community Development Department should assist in developing local markets for agricultural products. This could include discussions with grocery store chains, discussions with restaurants and efforts to use more locally produced products in Auburn’s school lunch program.

Objective K.1.5:

Improve access to healthy foods by enhancing transportation systems and infrastructure for transit riders, pedestrians, bicyclists, and motorists.

Strategies to achieve this objective:

Strategy K.1.5.a: Undertake a systematic assessment of the bicycle and pedestrian routes that connect consumers to healthy food sources, including priorities for snow removal during the winter (because some pedestrian routes disappear altogether after a storm), and address deficiencies through physical improvements to bicycle and pedestrian networks.

Strategy K.1.5.b: Assess transportation needs and whether current public transit provides adequate service to stores selling healthy food, and/or farmers markets. Support transit service improvements to connect people at peak times to healthy food sources.

Strategy K.1.5.c: Adopt site design standards for food stores that provide safe and convenient pedestrian access to the front door and bicycle parking.

Strategy K.1.5.d: Collaborate with regional economic development agencies, such as AVCOG, the LA Metro Chamber, and others, on efforts to improve food distribution infrastructure.

Strategy K.1.5.e: Support innovative practices such as mobile food markets and mobile food pantries/food shelves that can bring food closer to under-resourced customers.

K.2 FARMING CAPACITY

GOAL K.2 Strengthen and grow Auburn's existing subsistence, community, and commercial gardening and farming capacity.

Objective K.2.1:

Support the development of ordinance and zoning changes that decrease barriers to food production in all areas of the City.

Strategies to achieve this objective:

Strategy K.2.1.a: As part of this initiative particular emphasis should be placed on permitting season-extension structures (e.g. hoopouses), supporting edible and pollinator-friendly landscaping, allowing on-site sale of goods, and allowances for livestock/fowl (e.g. for chickens, ducks, goats, bees, etc.), and any accessory structure they require, that do not conflict with existing residential land uses

Objective K.2.2:

Grow the productive capacity of commercial farms.

Strategies to achieve this objective:

Strategy K.2.2.a: Inventory existing commercial farms to identify productive capacity, current needs, and anticipated succession plans to support continuity of production.

Strategy K.2.2.b: Work with producers, buyers, and food sector service providers to strengthen existing and develop new local and regional markets, including direct sales, wholesale, and institutional buyers.

Strategy K.2.2.c: Establish economic programs that support the viability of existing and new farms such as:

- Establish a low- or no-interest revolving loan fund to assist new and beginning farmers with getting stable access to land and with equipment startup capital by partnering with businesses, government, farming, banking, land trusts and other organizations;
- Establish a voluntary municipal support program to allow for tax incentives and increased investments;
- Adopt policies and economic incentives needed to attract commercial infrastructure such as storage, refrigeration, processing, or any other type of food infrastructure.

Objective K.2.3:

Continue to support the establishment and maintenance of community gardens throughout the city to provide residents with easy access to healthy food.

Strategies to achieve this objective:

Strategy K.2.3.a: Establish clear policy support for community gardens, while determining the appropriate balance between community gardens and land redevelopment.

Strategy K.2.3.b: Ensure permanent sites and a “no net loss” policy for community gardening space in underserved areas if relocation is necessary.

Strategy K.2.3.c: Where relocation is necessary, strive to relocate in off-seasons, provide clear and early disclosure, and help gardens get established in new locations.

Strategy K.2.3.d: Support a process to add community gardens as a permitted use in all residential areas, with clear site and operational standards.

Strategy K.2.3.e: Continue to utilize organizational partnerships to proactively support community gardens through soil testing, water provision, and continue leasing publicly owned property to community gardens.

Strategy K.2.3.f: Incentivize the integration of community gardens into housing developments and create incentives through density bonuses for community gardens in housing developments.

Strategy K.2.3.g: Encourage single-family subdivisions and multi-family development models that incorporate community gardens.

Objective K.2.4:

Create a land use map that inventories Auburn’s existing and potential food production and processing capacity, which identifies existing food production,

processing and sales locations, and determines good locations for future development of food systems activities.

Strategies to achieve this objective:

Strategy K.2.4.a: This map would include the following information:

- Prime and statewide significant soils
- Existing farmlands and active farms
- Existing community gardens
- Existing food retail/market/farm stand locations
- Designated areas that are being held for future commercial and industrial development (for more information, refer to Comprehensive Plan Section I.2.3.b)
- Open spaces currently owned by the public, land trusts, or other organizations where farming could take place.
- Possible locations for food processing and other “in demand” agricultural services, based on factors such as available resources needed like utilities, transportation access, and land appropriate for development.

Strategy K.2.4.b: Utilize the above map for future land use planning and for identifying priority development locations. This can be used by the City to encourage in-demand food systems development in beneficial areas, and to identify areas where more food production and access can be provided.

K.3 DEVELOPMENT OF PROCESSORS OF ALL SIZES

Goal K.3: Facilitate and support the development of processors of all sizes of healthy food, with special focus on developing those that provide a service which is not adequately available within the region (e.g. involves significant transportation distances or time delays).

Objective K.3.1:

Support the development of local food-processing businesses.

Strategies to achieve this objective:

Strategy K.3.1.a: Develop or expand business grant and loan programs to help with start-up and capital costs .

Strategy K.3.1.b: Support efforts and work to clarify and streamline business-licensing processes for food-processing businesses.

Strategy K.3.1.c: Review local land use restrictions on food-processing businesses to determine whether additional locational flexibility can be provided under appropriate conditions.

K.4 FOOD RELATED ECONOMIC DEVELOPMENT

Goal K.4 Support food-related businesses and initiatives that equitably advance the development of local and regional economies.

Objective K.4.1:

Seek the establishment of more essential service-providing small scale commercial development in the downtown (such as those that offer a variety of healthy, locally-sourced foods).

Objective K.4.2:

Allow production of food on open land, e.g. green spaces, and within/on structures to increase the opportunity for urban farm businesses.

Objective K.4.3:

Pursue activities that both improve healthy food access and advance economic development to include value added venues to existing and new farms.

Strategies to achieve this objective:

Strategy K.4.3.a: Support agritourism efforts as a means of enhancing income streams for small farmers and producers.

Strategy K.4.3.b: Purchase healthy foods from local food businesses when catering events, meetings, and other gatherings.

Strategy K.4.3.c: Review local ordinances to ensure that they do not unduly restrict sidewalk and rooftop dining.

Strategy K.4.3.d: Highlight the region's food culture as a community branding strategy.

Strategy K.4.3.e: Partner with neighboring communities to pursue a regional food marketing strategy.

Strategy K.4.3.f: Support the development of jobs that pay adequate wages ensuring community members can afford to purchase healthy food and support local businesses.

Objective K.4.4:

Take steps to identify and reduce barriers to business creation by other historically marginalized communities (e.g. people of color, low-income, Veterans).

G. TRANSPORTATION POLICIES

PURPOSE

The Transportation section establishes objectives and strategies for the implementation of a safe, equitable, and sustainable multi-modal transportation network that supports the needs of all users and the goals of the City land use plan.

BACKGROUND

The heaviest demand on the transportation system has traditionally been generated by commuters to work. Much of that demand occurs in peak travel hours in the morning and evening. Over the years the locations of employment centers in and around Auburn have changed. Jobs are no longer only located in the downtown core in mills, shops, offices, and retail stores.

Instead, employment has been dispersed to the north around the north Auburn retail district, to the south in industrial parks near the Turnpike interchange, as well as some staying downtown. Many Auburn residents work in Lewiston, where the largest employers in the region are located, or greater Portland, due to Auburn's housing affordability attracting households north. Many people employed in Auburn and Lewiston live in growing nearby suburban towns. Auburn is unavoidably part of a regional transportation network.

The transportation network is affected by the presence of two natural barriers, the Androscoggin River and Little Androscoggin River. The Androscoggin River separates the two largest employment centers, Lewiston and Auburn. Vehicular traffic between the two communities is channeled to four bridges that cross the River. The Little Androscoggin River creates significant gaps in access to land in New Auburn, with Washington Street (U.S. Route 202/Maine Route 4) running north and south to its west.

Transportation Goals:

Goal G.1: Auburn supports real-estate growth patterns that fully utilize the utility of all road networks in the city, making necessary additional connections between road networks to advance this goal. Transportation network expansions are supported by land use changes that result in economically sustainable outcomes.

Goal G.2: Auburn has a well-designed—and functioning road network that safely and equitably moves all manner of users (cars, buses, bikes, and pedestrians) into and through the community while expanding traditional residential neighborhood growth patterns in Danville and New Auburn. Expansions in neighborhood growth are in keeping with traditional transportation network patterns, such as interconnected streets that provide multiple travel patterns, avoiding a rigid hierarchy of streets.

Goal G.3: Auburn remains a multi-modal hub providing access to rail, air, truck, and transit amenities, and seeks to continually improve these connections with economically sustainable expansions where feasible.

Connections to other cities in Maine and New England are limited. Access to the one nearby section of the regional expressway system, the Maine Turnpike, is five miles from downtown Auburn and seven miles from the commercial area north of downtown. With the exception of those employers located in the industrial parks near the Turnpike interchange, connections from the Turnpike to the employment and business centers of both cities are limited and can benefit from a number of changes. Given the open-barrier nature of the Turnpike between Exit 75 Auburn and Exit 86 Sabattus, the lack of access to this transportation capacity limits potential land-use opportunities.

The goals set forth in the City's 2010 Comprehensive Plan, as well as previous planning efforts completed regionally and at a state level call for more direct connections to both Washington Street and the Maine Turnpike, which, in turn, would help leverage the goals of creating gateways along Washington Street (Route 202/100) and Riverside Drive (Route 136).

The ultimate vision would be an extension of Rodman Road through Washington Street northbound, Broad Street, South Main Street, possibly to Vickery Road or nearby, directly tied to a new Exit 77. Neighborhoods with bicycle and pedestrian provision would link to these connector roadways as well as an extension and integration into existing and future off-road and trail networks.

Much of the travel demand in the region takes place in automobiles and light trucks, often with only one occupant. One way to reduce congestion is to reduce the reliance on travel by single occupant vehicles.

One of the recurring themes in the Comprehensive Plan is the interaction between land use and transportation. This Plan seeks to maximize use of the existing transportation capacity in the road network that traverses Auburn and expand as needed to provide access in a way that mitigates unnecessary vehicle trips through residential neighborhoods, where complete streets give equal priority to pedestrians and cyclists. This is achieved in part by protecting the role of control of access highways that move east to west and north to south in Auburn, and through land use policies that prioritize development form.

VISION

Auburn's transportation network of roads, sidewalks, and bike lanes along with rail, air, and mass transit systems provide all users with safe and equitable movement throughout the community and beyond. **Better integration of the interstate system into Auburn's existing road network shall be sought to enhance smart growth infill development.**

The road network is safe and efficient and accommodates drivers, pedestrians, and cyclists. A variety of street connections ensures that traffic moves through the community on various routes, providing appropriate access and suitable traffic flow. It also protects the integrity of established residential neighborhoods and gives

priority to pedestrians, cyclists, and transit (bus, rail, etc.) in the densely built-up areas of the City, such as New Auburn and Downtown Auburn. Major roads provide access through the community to significant local and regional destinations. Collector roads provide links within Auburn that serve the needs of additional traffic created by community and regional growth areas. Local roads provide safe and attractive neighborhood access for all users – drivers, pedestrians, and cyclists.

The community supports long-range transportation planning that is linked to sustainable land use outcomes that mitigate the potential for unsafe routes and to provide for greater regional access. Such planning seeks to push through-traffic out of established neighborhoods and downtowns to make walking and biking and increased commercial activity more inviting. Such planning also involves the Maine Department of Transportation, the Maine Turnpike Authority, the Maine Port Authority, the Northern New England Passenger Rail Authority, the Lewiston/Auburn Complete Streets Committee and other local and regional transportation agencies. It seeks to ensure appropriate turnpike development, ready access, and road infrastructure redevelopment projects that meet the needs of the community and the region.

Auburn prides itself on its role as a regional intermodal hub that includes the potential for high- volume rail and airfreight service. Auburn seeks to implement regional passenger/commuter hub options to expand rail and air travel opportunities that connect Greater Lewiston-Auburn first to Portland and Boston and later to destinations such as Montreal, PQ.

POLICIES

G.1 TRANSPORTATION DEMAND MANAGEMENT

Goal G.1: Auburn supports real-estate growth patterns that fully utilize the utility of all road networks in the city, making necessary additional connections between road networks to advance this goal. Transportation network expansions are supported by land use changes that result in economically sustainable outcomes.

An important mechanism for mitigating potential traffic congestion is integrating land-use objectives complimentary transportation needs and utilizing “transportation demand management,” a strategy to reduce traffic during peak travel hours. Without linking transportation capacity with future growth plans, transportation networks in Auburn may have periods of significant congestion during the AM and PM peak hour periods. The efficiency of the road network can be improved by making strategic new connections, shifting vehicle trips from peak to off-peak periods, and by increasing car- and van-pooling and public transit, including intra and intercity commuter options (bus and rail).

Objective G.1.1:

Manage the share of new vehicle trips during the AM and PM peak hours generated by new nonresidential development.

Strategies to achieve this objective:

Strategy G.1.1.a:

Require that applicants for site plan review incorporate transportation demand management strategies into their traffic study, including the consideration of car- and van-pooling and transit use. Utilize these approaches to manage peak hour trips when possible.

Strategy G.1.1.b:

Require that new nonresidential developments which add a large number of employees include facilities that encourage transportation demand management, such as preferential parking for car and van pools, and transit stops where feasible.

Objective G.1.2:

Reduce the number of vehicle trips during the AM and PM peak hours generated by existing major employers (more than 50 employees).

Strategies to achieve this objective:

Strategy G.1.2.a:

Develop a program to work with major employers to explore the feasibility of implementing transportation demand measures such as car- and van pools, and/or shift of work hours.

Objective G.1.3:

Ensure that expansions in the transportation network are justified by economically viable and sustainable land use changes.

Strategy G.1.3.a:

Expansions of land use and associated transportation outcomes include a 25-year calculation of no net new cost to the overall City tax base, i.e. the community impact of the properties and the additional burden on utilities will be net zero due to increased assessments and utility fees.

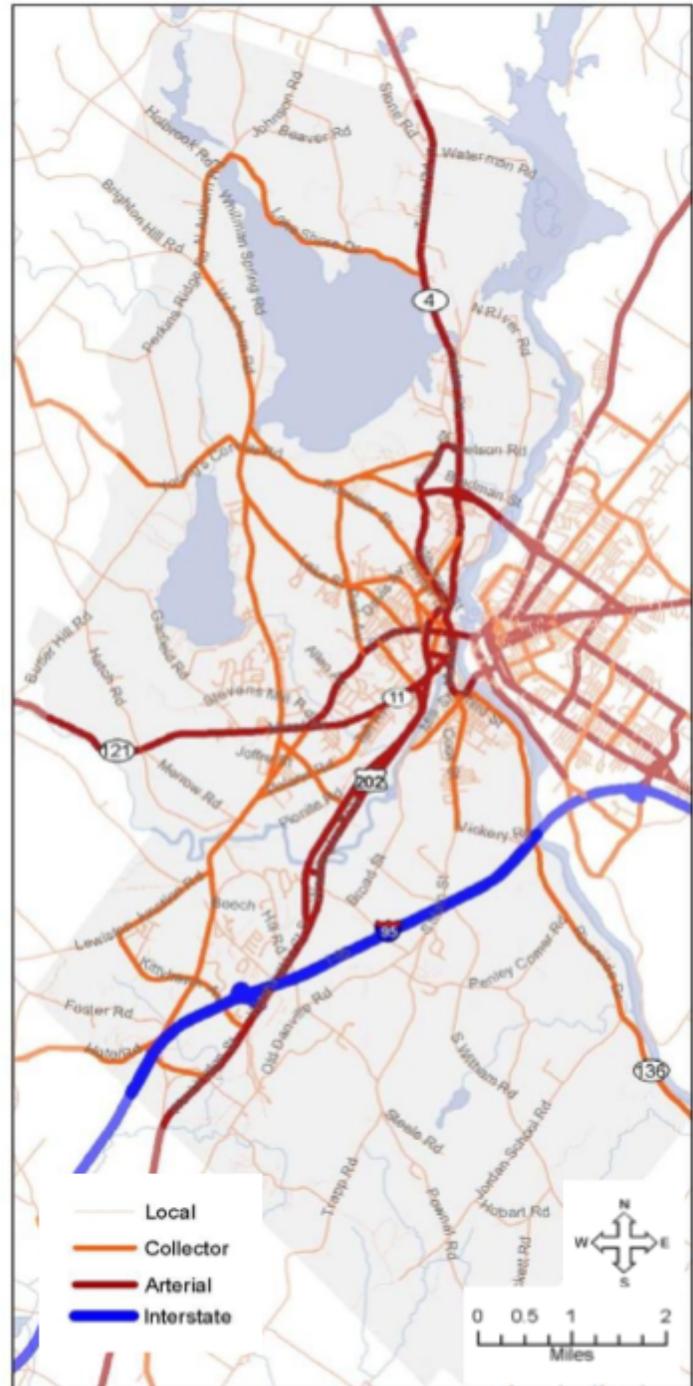
G.2 ROAD NETWORK

Goal G.2: Auburn has a well-designed—and functioning road network that safely and equitably moves all manner of users (cars, buses, bikes, and pedestrians) into and through the community while expanding traditional residential neighborhood growth patterns in Danville and New Auburn. Expansions in neighborhood growth are in keeping with traditional transportation network patterns, such as interconnected streets that provide multiple travel patterns, avoiding a rigid hierarchy of streets.

The road network in Auburn serves a variety of users including local residents, commuters, and visitors traveling to destinations in and around the City, and to communities to the north, south, east, and west. The network includes a series of *major arterial roads* that move traffic through the community and link people to the Turnpike, the Downtown, the North Auburn Retail District, as well as outlying communities. A *network of collector roads* connect local roads with arterials, and help to address the changing traffic pattern, particularly around the North Auburn Retail District area, that has developed since the year 2000. A series of *local public and private roads* connect neighborhoods to business, recreation, and educational destinations through automobile, pedestrian, and bicycle links. These categories can shift and blur for the typical Auburn traveler, being part of an interconnected urban network.

MAJOR ROAD NETWORK

Major roads serve traffic moving in and out of Auburn, as well as traffic moving around the City. They provide clear linkages between neighborhood, business, and community destinations; and the major employment centers near the Turnpike and Airport. Major roads include Route 4 (Center Street/Union Street), Minot Avenue, Washington Street, and Riverside Drive.



Objective G.2.1:

Ensure that the Route 4 corridor (Union Street/Center Street/Turner Road) allows for the effective movement of traffic, while continuing to provide safe access to area businesses and neighborhoods.

Strategies to achieve this objective:

Strategy G.2.1.a:

Address volume and congestion along Center Street/Turner Road.

- i. Conduct a study of lane configuration and utilization to determine if a road diet is a viable solution to enable better access to non-vehicular access of Center Street.
- ii. Support the short-term goal of the *2008 Center Street Traffic Management Study* to implement a signal coordination plan.
- iii. Support the continued review and appropriate implementation of the *2008 Center Street Traffic Management Study* to address on-going traffic management and safety issues, including those for cyclists and pedestrians.
- iv. Study the possibility of new road reconfiguration and/or signalization changes to alleviate congestion due to turning traffic at the intersection of Turner Street/Center Street by refining and further moving along the design from the *2008 Center Street Traffic Management Study* and aligning these improvements to downtown gateway land use plans.

Strategy G.2.1.b:

Review and revise access management measures to limit the number of curb cuts along Center Street and Turner Road (Route 4) and promote the development of interconnected lots and shared parking areas using the *2008 Center Street Traffic Management Study* as a reference.

Strategy G.2.1.c:

Improve pedestrian and bicycle access along the Route 4 Corridor.

- i. Develop safe pedestrian crossings through the installation of relief medians and raised crosswalks at major intersections and the establishment of longer pedestrian crossing signals.
- ii. Require, as part of any road redevelopment project, that sidewalks, signaled crosswalks, and dedicated bike lanes be included and/or upgraded as needed.
- iii. Assess the feasibility of establishing a midblock pedestrian crossing to connect Pettengill Park and its surrounding neighborhoods to the downtown.

Strategy G.2.1.d:

Establish streetscape and site design criteria that promote the creation of an attractive gateway along the Route 4 Corridor. (See Chapter 2. Future Land Use Plan)

- i. Require, as part of any road redevelopment project, landscaped esplanades separating sidewalks from travel lanes, when feasible.
- ii. Establish site design standards that support appropriate access to new developments including:
 - Shared parking lots located at the side and rear of buildings.
 - Buffers separating commercial uses from residential areas to ensure that lighting, noise, and traffic do not negatively impact neighborhoods.

- Well-landscaped pedestrian access amenities (sidewalks, lighting, and medians) within and between parking lots, buildings, and the street.
- Adequate bicycle parking facilities.

Objective G.2.2:

Encourage the use of Minot Avenue as a primary east-west travel corridor through the community.

Strategies to achieve this objective:

Strategy G.2.2.a:

Address volume and safety along Minot Avenue and adjoining streets.

- i. Examine the potential for reducing traffic lanes in each direction with a turning lane on Minot Avenue from the Minot town line to Academy Street as discussed in the *Route 4/Route 11 Feasibility Study dated October of 2011*.
- ii. Address access concerns at the intersection of Poland Road and Minot Avenue to improve function and safety.
- iii. Utilize a variety of design strategies to discourage excessive vehicular travel speeds on Court Street and Park Avenue to keep through traffic on Minot Avenue.

Strategy G.2.2.b:

Review and revise access management measures to limit the number of curb cuts along Minot Avenue and to promote the development of interconnected lots and shared parking areas.

Strategy G.2.2.c:

Support initiatives to reconfigure the Minot Avenue Rotary with the purpose of simplifying the connection from Minot Avenue to the downtown to increase safety. This should occur in coordination with the strategy to shift Washington Street North (in-bound) to two-way traffic and South (out-bound) to a two-way controlled access highway. (See also G.2.3.b.i and G.2.3.c.i)

Strategy G.2.2.d:

Establish streetscape and site design criteria that promote the creation of an attractive gateway along Minot Avenue (see Chapter 2. Future Land Use Plan).

- i. Require, as part of any road redevelopment project, that sidewalks, signaled crosswalks, and dedicated bike lanes are included and/or upgraded as needed.
- ii. Establish site design standards that support appropriate development along the corridor including:
 - Shared parking lots located at the side and rear of buildings.
 - Buffers separating commercial uses from residential areas ensuring that lighting, noise, and traffic do not negatively impact neighborhoods.
 - Well-landscaped pedestrian access amenities (sidewalks, lighting, and medians) among parking lots, buildings, and the street.

- Adequate bicycle parking facilities and dedicated bike lanes throughout Minot Avenue.

Objective G.2.3:**Establish Washington Street as the gateway to Auburn.**

Strategies to achieve this objective:

Strategy G.2.3.a:

Work with MaineDOT and other agencies/entities to modify Washington Street southbound to accommodate controlled access through traffic in both directions in support of regional mobility, including a new intersection/interchange with Rodman Road. Reconstruct the existing Washington Street northbound to serve local land uses, accompanied by new zoning guidance. Implement recommended changes as appropriate and feasible.

Strategy G.2.3b:

Establish streetscape and site design criteria to promote attractive mixed-use development along Washington Street-northbound:

- i. Require, as part of any road redevelopment project, paved shoulders dedicated for pedestrian and bicycle travel.
- ii. Provide appropriate form-based code to support multi-modal development outcomes, resulting in street that is more local in use and accommodation.

Strategy G.2.3.c:

Review and revise access management measures to limit the number of curb cuts along Washington Street-Northbound and Outer Washington Street (from Beech Hill Road to the New Gloucester Town Line), and to promote the development of interconnected lots and shared parking areas.

Objective G.2.4:**Establish Riverside Drive as the southern gateway to Auburn.**

Strategies to achieve this objective:

Strategy G.2.4.a:

Promote appropriate development along Riverside Drive that meets current needs while allowing for changes in the development pattern consistent with the possible future development of additional turnpike access. (See *Chapter 2. Future Land Use Plan* and the *New Auburn Master Plan*)

- i. Require paved shoulders dedicated for pedestrian and bicycle travel as part of any road redevelopment project south of the turnpike bridge.
- ii. Require, as part of any road redevelopment project north of the turnpike bridge, that sidewalks, crosswalks, and dedicated bike lanes are included and/or upgraded in all

situations to ensure connectivity.

- iii. Establish site design standards that support appropriate development along the corridor including:
 - Shared parking lots located at the side and rear of buildings.
 - Landscaped buffers between existing parking lots and the right-of-way

Strategy G.2.4.b:

Review and revise access management measures to limit the number of curb cuts along Riverside Drive and maintain significant frontage requirements, encourage shared access, and limit curb cut development.

Objective G.2.5:

Support long-term regional transportation and land use/zoning efforts to provide additional access to areas of the community that envision sustainable growth, such as Danville and New Auburn, north and west of the Maine Turnpike.

Strategies to achieve this objective:

Strategy G.2.5.a:

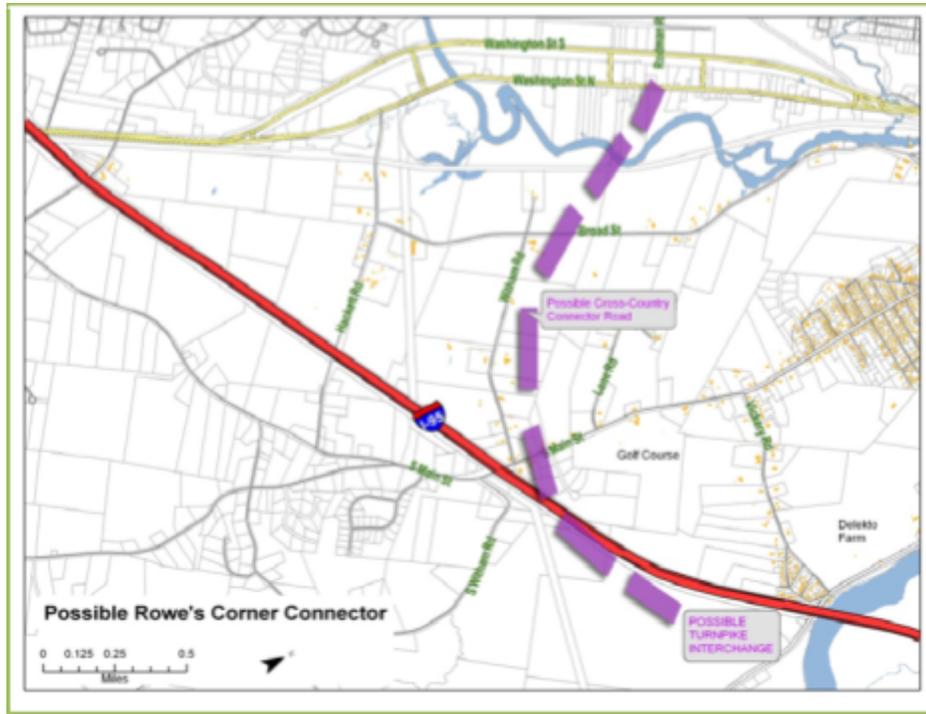
Continue to engage in dialogue with the Maine Department of Transportation, Maine Turnpike Authority (MTA), and regional transportation agencies to pursue the construction of a new turnpike interchange between South Main Street and Riverside Drive (State Route 136).

Strategy G.2.5.b:

Study the feasibility of creating a connector road between the new turnpike interchange and Washington Street-northbound/Rodman Road that would efficiently connect to a controlled access Washington Street-southbound. This would increase access to the proposed Rowe's Corner business/ industrial development area, and connect the Washington Street corridor to Riverside Drive.

Strategy G.2.5.c:

Define the need for new connectivity from a perspective of supporting enhanced access to sustainable land use changes, as identified in Goal G.2., as opposed to resolving existing transportation deficiencies.



CONNECTOR ROAD NETWORK

To accommodate growth in traffic, a designated connector road network should be established. Two areas of particular concern are the North Auburn Retail District, and traffic flowing east and west to and from Oxford County. The increase in the North Auburn Retail District traffic has led to congestion in the Route 4 corridor. This has caused motorists to seek alternative routes to and from the North Auburn Retail District, the Veteran's Bridge, and the I-95 interchange. This *Plan* proposes the use of Mt Auburn Avenue and Hotel Road as a means of connecting the two areas. Increased development in outlying towns, including Turner and Minot, has also led to additional traffic pressures and the establishment of two emerging connector routes – Turner Street and the Young's Corner/Mt Auburn crossing to the west. This *Plan* seeks to address traffic in these areas by establishing road and land use standards that support appropriate traffic flow along the designated connector road network.

In addition to outlying connector roads, the *Plan* also considers the reconfiguration of in-town traffic as a means of providing safe and efficient movement into and out of the downtown. To this end, proposed below are a realignment of traffic along Elm Street and High Street, and the reconfiguration of downtown New Auburn's road network.

Objective G.2.6:

Ensure that Turner Street, adjoining the Route 4 Corridor, is well maintained and provides for appropriate access to neighborhoods and businesses.

Strategies to achieve this objective:

Strategy G.2.6.a:

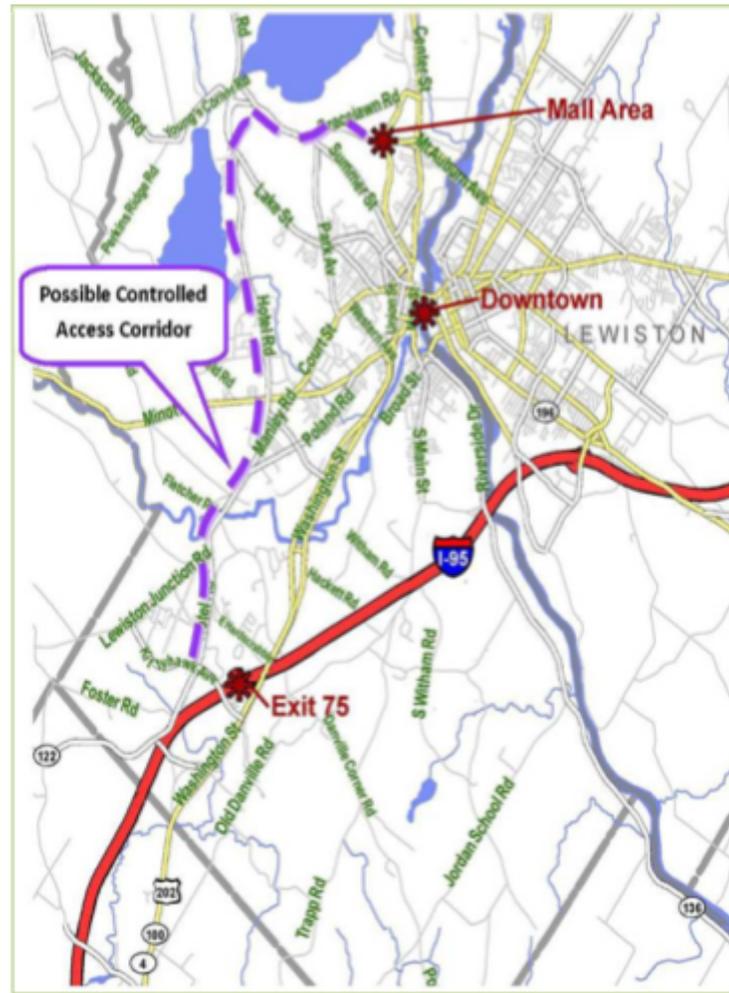
Establish Turner Street, between Mt. Auburn Avenue and Center Street, as an “access management corridor” that promotes efficient movement of local traffic and provides bicycle, pedestrian, and transit access to the Community College and Lake Auburn.

- i. As part of any road redevelopment project, require that sidewalks, crosswalks, dedicated bike lanes, and landscaped esplanades (separating sidewalks from travel lanes), be included and/or upgraded where feasible.

Strategy G.2.6.b:

Establish Turner Street, between Union Street and Mt. Auburn Ave, as a local corridor providing local vehicle, bicycle, pedestrian, and transit access to the downtown and the North Auburn Retail District area.

- i. Develop a comprehensive plan for upgrading the Turner Street corridor to make it a more livable, “complete” street including complete connections of sidewalks.
- ii. Identify appropriate improvements at the intersection of Dennison Street and Turner Street to slow traffic and discourage the use of Dennison as an alternative to the Union Street Bypass.
- iii. Consider moving the left turn movement to access Turner Street at the intersection of Turner, Union, and Center from Turner Street to Union Street, in order to discourage the use of Dennison Street, as discussed in the 2008 Center Street TSM Study.
- iv. Establish additional appropriately designed connections from Broadview Avenue to Turner Street as a means of diverting residential traffic from Center Street to Turner Street, while discouraging “cut-through” commuter and truck traffic.
- v. Require, as part of any road redevelopment project, sidewalks, crosswalks, and dedicated bike lanes to be included and/or upgraded where feasible.



Strategy G.2.7.b:

Study the impacts of increased traffic from western communities along Jackson Hill Road, Holbrook Road, Marston Hill Road, Hatfield Road, Hersey Hill Road and at the Young's Corner/ Mt Auburn/ Summer Street crossing, and implement appropriate traffic control and intersection configuration to maintain and improve function of the roads.

Objective G.2.8:

Work to ensure that through traffic primarily uses designated travel routes.

Strategies to achieve this objective:

Strategy G.2.8.a:

Install signage to direct traffic to appropriate through travel routes, including to and from the turnpike and the North Auburn Retail District via either Washington Street/Route 4 or Hotel Road/Mt Auburn Avenue.

Strategy G.2.8.b:

Enforce City truck routes to ensure that truck traffic remains on roads designated to accommodate it.

Strategy G.2.8.c:

Enable a road diet on Court Street from Minot Avenue to Lewiston, encouraging commuter traffic to utilize Route 4 and the Veteran's Bridge.

Objective G.2.9:

Encourage a safe, vibrant downtown road network that accommodates all users.

Strategies to achieve this objective:

Strategy G.2.9.a:

Establish Elm Street as a primary route from Main Street and the downtown neighborhoods to Minot Ave, developing an attractive, well-designed streetscape:

- i. Streetscape improvements should include landscaped esplanade, designated on-street parking, bike lanes, and well-maintained sidewalks and crosswalks.
- ii. Consider eliminating the ability to make left turns onto or from High Street, and removing the signal at the intersection of High Street and Minot Avenue, in order to encourage traffic to use Elm Street.
- iii. Consider eliminating the Academy Street connection between High Street and Main Street if necessary for the Great Falls School site redevelopment.

Strategy G.2.9.b:

Extend the Main Street streetscape improvements along all of Main Street and, continuing along Mill Street, into New Auburn.

- i. Support the establishment of a green gateway along underdeveloped portions of Main Street to re-establish views of the Little Androscoggin River.

Strategy G.2.9.c:

Redesign the Pleasant Street/Turner Street connection to discourage high speed through traffic bound for Center Street.

- i. Limit Pleasant Street to one way heading south.
- ii. Provide on-street parking and landscaping to narrow the roadway.

Strategy G.2.9.d:

Provide creative parking solutions to meet the needs of downtown neighborhoods and businesses.

- i. Eliminate parking minimums for all commercial properties, including multifamily developments.
- ii. Encourage on-street parking, install meters to increase turnover in highly desirable locations. Use some revenue from the meters to fund enforcement of on street parking time limits.
- iii. Strategically allow off-street parking in the rear of new buildings, where it makes sense to do so.
- iv. Allow for tandem parking spaces where feasible.
- v. Allow for the development of communal off-street lots within a reasonable distance of new residential and nonresidential developments.
- vi. Encourage the landscaping and lighting of parking lots; and provide pedestrian access from parking lots to traditional downtown businesses, the riverfront, and the street.
- vii. Consider the development of satellite parking areas connected to the downtown by shuttles or other transit services to alleviate the need for parking downtown, and free up space for more valuable commercial development. Work with other communities to establish ideal locations for park and ride.
- viii. Examine the potential for increased on-street parking along Main Street between Elm and Academy streets, supported by lane use and signalization changes.

Strategy G.2.9.e:

Develop a greenbelt bicycle/pedestrian connection between Pettengill Park and West Pitch Park that includes a safe, feasible pedestrian railroad crossing.

Strategy G.2.9.f:

Develop a greenbelt bicycle/pedestrian connection from West Pitch Park into Moulton Field and New Auburn via the Little Androscoggin River/Barker Mill Trail.

Strategy G.2.9.g: Look at possible elimination of infrequently used turning lanes for conversion of downtown Court to on-street parking.

LOCAL STREET NETWORK

Local streets primarily serve residential areas, and connect neighborhoods to the larger road network. Local streets should not be used for through traffic or as short-cuts. The plan recommends that all streets be built to City standards and provide appropriate pedestrian and bicycle connections.

Objective G.2.10:

Encourage appropriate local road development that minimizes the impact of such development on City services.

Strategies to achieve this objective:

Strategy G.2.10.a:

Require all new and renovated private roads to meet appropriate City standards for roads.

Strategy G.2.10.b:

Explore revising road standards to require that new rural and suburban style developments establish and maintain private roads, while also prohibiting the conversion of private roads to public roads.

- i. Notify homebuyers of the legal and monetary ramifications of purchasing property on a private road.
- ii. Ensure that deeds preclude the conversion of private roads to public roads, clearly define ownership and maintenance responsibilities for private road ownership, and provide legal remedies for property owners who do not contribute to private road upkeep.

Strategy G.2.10.c:

Limit the need for new roads by encouraging infill development within the identified growth areas. (See Chapter 2. Future Land Use Plan). Where new roads are needed for in-fill associated with the Future Land Use Plan, ordinances should be established to ensure a grid system is planned and built for the efficient delivery of public services.

Objective G.2.11:

Provide a network of safe, interconnected pedestrian and bicycle amenities.

Strategies to achieve this objective:

Strategy G.2.11.a:

Undertake a comprehensive review of pedestrian and bicycle access within Auburn addressing location, need, and maintenance. (*Also see M.3.4 in Public Facilities*)

- i. Develop a cost-effective and appropriate pedestrian and bicycle plan to meet the

- needs of urban and rural residents.
- ii. Ensure that the local plan is compatible with the long-term goal of the 2008 ATRC *Regional Bicycle and Pedestrian Plan* to create a regional network of sidewalks, bike lanes, and trails.
 - iii. Share information on bicycle and pedestrian facilities, and desired improvements, with the Maine Department of Transportation, L/A Trails, and the Bicycle Coalition of Maine. This will assure that planning and funding are done on a comprehensive basis.

Strategy G.2.11.b:

Require, where appropriate within designated residential and mixed use growth areas, that all local roads include at least a 6-foot wide sidewalk.

- i. Encourage, where right-of-way widths allow, the establishment of landscaped esplanades between travel lanes and the sidewalk and commit to the planting of street trees to ensure equitable access to nature as reconstruction projects occur.

Strategy G.2.11.c:

Establish neighborhood bicycle routes to link riders to major destinations via safe streets.

Strategy G.2.11.d:

Outside of the designated growth areas, require all local roads to include a paved shoulder of at least 4-feet in width. This will provide pedestrian and bicycle connections to local and connector roads, to community destinations, and to existing/proposed trails.

Objective G.2.12:

Design local streets to encourage the slowing of traffic passing through neighborhoods.

Strategies to achieve this objective:

Strategy G.2.12.a:

When residential streets are improved or reconstructed, incorporate design elements that slow traffic and benefit local cyclists and pedestrians, particularly the elderly and children.

Strategy G.2.12.b:

Implement a sign program to provide a sense of neighborhood, signaling to through traffic that motorists are not on a major arterial or some other higher-speed roadway.

Strategy G.2.12.c:

Make enforcement of speed limits on local streets a priority when other measures prove unsuccessful.

G.3 TRANSPORTATION NETWORK

Goal G.3: Auburn remains a multi-modal hub providing access to rail, air, truck, and transit amenities, and seeks to continually improve these connections with economically sustainable expansions where feasible.

As a transportation service center, the City plays an important role in regional and state efforts to expand and improve rail, air, and truck services. The *Comprehensive Plan* supports continued City, regional, and state efforts to expand and enhance freight and passenger intermodal facilities. This includes continued support for existing rail and air facilities, and the promotion of passenger service. The *Plan* also acknowledges the City's strong ties to the turnpike, and seeks to ensure that Auburn is well positioned to benefit from local and regional turnpike development projects.

Auburn plays an integral role in regional traffic and transit services that goes beyond the services of its intermodal facility. The *Plan* encourages the City to work closely with Androscoggin Transportation Resource Center (ATRC) to promote regional and long-range traffic studies, ensure that Auburn streets can continue to adequately support local and commuter traffic, and provide feasible options for regional mass transit (including bus and rideshare programs).

Objective G.3.1:

Support the development of additional transportation infrastructure to promote continued growth in and around the Auburn freight intermodal facility, and support the construction of a passenger intermodal facility at the Auburn/Lewiston Airport.

Strategies to achieve this objective:

Strategy G.3.1.a:

Support the efforts of private railroads serving Auburn to enhance business development activities and expanded rail access, and coordinate with the Lewiston and Auburn Railroad Company (LARC) in their efforts to grow freight movement along the LARC mainline, the Rangeley Branch and into the Auburn-owned Intermodal Facility.

- I. Consider policies to reinvest lease proceeds from the Intermodal Facility in business development and infrastructure to grow Auburn as a freight hub in the northeast United States.

Pursue recognition of Auburn as an in-land port for the State of Maine in state policy and in the operation of the state-funded Maine Port Authority.

Strategy G.3.1.c:

Discuss full acquisition of the Auburn/Lewiston Airport by the City of Auburn to maximize the economic benefits of the land and operations to Auburn and the region.

- I. In review of acquisition of airport assets, consider a near-term action to acquire the land at the access to the Intermodal Facility to avoid the costs

incurred with paying the airport to access this city asset. If acquisition is not possible, consider developing alternative access points to eliminate airport management from a role in Auburn's rail freight facility.

Strategy G.3.1.d:

Support the implementation of the 2006 Airport Master Plan Update as it relates to development of airline freight services.

Objective G.3.2:

Promote appropriate local and regional mass transit opportunities.

Strategies to achieve this objective:

Strategy G.3.2.a:

Continue to study the establishment of passenger rail and air service at a passenger intermodal facility at the airport, paying particular attention to determining the market need for such a facility, and how such a facility would be accessed.

- i. If passenger service is viable at this location, ensure that the development of a passenger facility includes adequate parking to meet projected demand and that the facility provides adequate public transit connections to the downtown and other significant community destinations.

Strategy G.3.2.b:

Work with regional and state agencies to assess the potential for the expansion of passenger rail service from Portland to Auburn, and at some future time from Brunswick to Auburn via Lewiston. Also, encourage the state to work with SLA to upgrade rail lines and expand the current high-speed line designation from Auburn to Canada, as a step towards establishing passenger rail service from Auburn to western Maine and into New Hampshire and the Canadian provinces.

Strategy G.3.2.c:

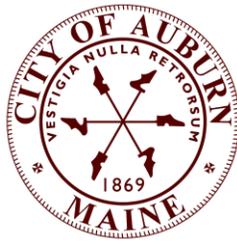
Expand, as necessary, the local fixed-route bus service.

- i. Encourage the expansion of night and weekend bus service to provide residents and visitors with increased mobility and access to community destinations.
- ii. Encourage efficient routes that link residents to major employment centers in and around Auburn, such as the industrial parks.
- iii. Work with ATRC, as well as Lewiston and surrounding communities, to support the Lewiston Auburn Transit Committee (LATC) in its efforts to establish public/private partnerships and other creative financing mechanisms to fund additional bus service.
- iv. Plan for the interconnection of rail service in downtown Lewiston-Auburn and at Exit 75/Airport with the local bus system to provide a seamless transit system that reduces reliance on single-occupancy vehicles to access major residential and commercial areas in Auburn.

Strategy G.3.2.d:

Continue to participate in regional commuter transit programs.

- i. Support commuter transit programs.
- ii. Promote participation in GOMaine and other regional commuter service programs by maintaining adequate park and ride facilities, and by educating the residents on ride share services and programs.



ORDER 74-07192021

City Council Order

IN CITY COUNCIL

ORDERED, that the Auburn City Council send the Draft Comprehensive plan Chapters for Transportation and Promoting food access and growing the agricultural economy to the Planning Board for public hearing and a recommendation on the text of those chapters.

Holly C. Lasagna, Ward One
Brian S. Carrier, Ward Four
Belinda A. Gerry, At Large

Timothy B. MacLeod, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Katherine E. Boss, At Large
Phillip L. Crowell, Jr., City Manager

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

Pledge of Allegiance

I. Consent Items

1. **Order 64-06212021***
Confirming Chief Moen's appointment of Sadie Pinard as a Constable with firearm for the Auburn Police Department.
2. **Order 65-06212021***
Authorizing the cancellation of the first regular City Council meeting in July (July 12, 2021).
3. **Order 66-06212021***
Referring the Shoreland Zone (Special Condition Overlay) to the Planning Board.
4. **Order 67-06212021***
Authorizing the City Manager to sign and submit the Certifications and Assurances by the Chief Executive of the Applicant Government for this grant solicitation.

Motion was made by Councilor Boss and seconded by Councilor MacLeod for passage of the four consent items.

Passage 6-1 (Councilor Gerry opposed).

II. Minutes – June 7, 2021 Regular Council Meeting

Motion was made by Councilor Boss and seconded by Councilor Walker to approve the minutes of the June 7, 2021 Regular City Council meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Proclamation – National Park's & Recreation Month
- Energov Citizen Portal – Jill Cunningham
- Council Communications (about and to the community)

Councilor Lasagna – congratulated the City of Lewiston for being the recipient of a Choice Neighborhood Grant in the amount of \$30 million dollars.

Councilor MacLeod – noted that the Lewiston Auburn Transit Committee will be holding another public meeting via Zoom on the 23rd of June at 6:00 pm to discuss the new bus route.

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

V. Unfinished Business – None

VI. New Business

1. **Public hearing** – Community Development Block Grant and Home Funds Action Plans for 2021-2022

No one from the public spoke.

2. **Order 68-06212021**
Approving the public art piece by artist Charles Hewitt, which will be located at Anniversary Park.

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

Public comment - No one from the public spoke.

Passage 7-0.

3. **Order 69-06212021**
Approving the proposed amendments to the Board & Committee Appointment Policy.

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

Public comment - No one from the public spoke.

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

4. **Order 70-06212021**
Approving the proposed amendments to the Fund Balance Policy.

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

Public comment - No one from the public spoke.

Passage 7-0.

5. **Order 71-06212021**
Approving the River Race Special Event application from the Lewiston Auburn Metro Chamber.

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

Public comment - Shanna Cox, President and CEO of the LA Metropolitan Chamber of Commerce spoke regarding the event.

Passage 7-0.

6. **Ordinance 25-06212021**
Amending the Chapter 60, Article IV of the Auburn Code of Ordinances to strike Division 8. - Multifamily Urban Zoning District. First reading.

Motion was made by Councilor MacLeod and seconded by Councilor Lasagna for passage.

Public comment – no one from the public spoke.

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

7. Ordinance 26-06212021

Amending Chapter 60, Article IV, Division 13, Section 60-525(b) of the Auburn Code of Ordinances to add automobile and marine sales lots and sales and service agencies to the List of special exception uses in the Minot Avenue (GBII) zoning district. First reading.

Motion was made by Councilor MacLeod and seconded by Councilor Lasagna for passage.

Public comment – no one from the public spoke.

Motion was made by Councilor Walker and seconded by Councilor Gerry to amend as follows:

Amend Chapter 60, Article IV, Division 13, Section 60-525(b) of the Auburn Code of Ordinances to add automobile and marine sales and services lots (not more than 8) as an ancillary service to existing businesses to the list of special exception uses in the Minot Avenue (GBII) zoning district.

Passage of amendment 4-3 (Councilors Milks, Carrier, and MacLeod opposed).

Passage of Ordinance 26-06212021 as amended, 7-0. A roll call vote was taken.

8. Ordinance 27-06212021

Amending Section 60-201(a) to allow two-family dwellings in the low-density country residential zoning district. First reading.

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

Public comment – no one from the public spoke.

Passage 6-1 (Councilor Gerry opposed). A roll call vote was taken.

9. Ordinance 28-06212021

Amending Chapter 60, Article V, Section 60-608 to remove minimum off-street parking requirements for all land uses (except residential). First reading.

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

Public comment - no one from the public spoke.

Passage 6-1 (Councilor Gerry opposed). A roll call vote was taken.

10. Ordinance 29-06212021

Amending Chapter 60, Article IV, Division 14, Section 60-554 to remove all parking requirements (except residential) in the form-based code zoning districts. First reading.

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

Public comment - No one from the public spoke.

Passage 6-1 (Councilor Gerry opposed). A roll call vote was taken.

11. Ordinance 30-06212021

Amending the Conservation/Open Space Form-Based Code District by adding a purpose statement. First reading.

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

Public comment - No one from the public spoke.

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

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

IV. Reports

Mayor Levesque provided an update on the current legislative session. He also encouraged everyone to be careful around water, it can be dangerous, there have been quite a few fatalities around water recently.

Councilor Walker reported that the Neighborhood Watch Group will be meeting on the 24th at 6pm at the Sixth Street Congregation Church. The United New Auburn Association will be meeting on the 29th of the month, Sabrina Best will be the guest speaker. The Age Friendly meeting will be held on July 6th at 5:30 pm at the Senior Community Center.

Councilor Milks reported that the Water Department PUC ratepayer complaint has come back. The response has been posted for the public to view on the Maine PUC website.

Councilor MacLeod reported that the LATC signed the new bus contract with Western Maine Transportation for another two years.

Councilor Lasagna reported that the ELHS Building Committee met last week, they are on budget, a site walk through will be coming up in the fall.

Councilor Boss reported on the Auburn Public Library fundraiser. It went well, the bags sold out.

City Manager Crowell reported that Brookfield will be submitting their relicensing application in July, the School Budget passed with a 4% turnout. The employment contract for Rick Lanman, Director of the Auburn Lewiston Municipal Airport will be expiring. He will not be renewing his contract and we will be looking for a replacement.

Jill Eastman, Finance Director – May 2021 Final Monthly Report

Motion was made by Councilor Lasagna and seconded by Councilor Milks to accept and place on file the May 2021 final monthly report.

Passage 7-0.

V. **Executive Session**

Economic Development pursuant to 1 M.R.S.A. §405(6) (C) with possible action to follow.

The executive session was taken up during the workshop (motion was made by Councilor Gerry, seconded by Councilor Walker. Passage 7-0. Time in 6:31 pm and out at 6:56 pm).

Motion was made by Councilor Walker and seconded by Councilor Gerry on Order 72-06212021 as follows;

“Ordered, that the City Manager is authorized to sign a purchase and sale agreement with the Auburn Housing Authority for a city owned lots located at 7 & 9 Fern Street contingent on AHA securing AHP grant funds from the Federal Home Loan Bank of Boston, for the purpose of constructing a four-unit residential structure to promote homeownership for individuals and or families at or below 80% of median income.”

Public comment – no one from the public spoke.

Passage 6-1 (Councilor Milks opposed).

Poverty Abatement, pursuant to 36 M.R.S.A. §841 with possible action to follow.

Motion was made by Councilor MacLeod and seconded by Councilor Gerry to enter into executive session to discuss a poverty abatement pursuant to 36 M.R.S.A. §841 with possible action to follow.

Passage 7-0. Time 8:15 pm.

Council was declared out of executive session at 8:25 pm.

Motion was made by Councilor Walker and seconded by Councilor Gerry for passage of Order 73-06212021 as follows:

“Ordered, that the City Council hereby approves the poverty abatement, case #2021-001 in the amount of \$2,376.29.”

Passage 7-0.

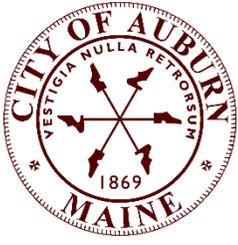
X. **Adjournment**

Motion was made by Councilor Milks and seconded by Councilor Walker to adjourn. Unanimously approved, adjourned at 8:25 pm.

A TRUE COPY

ATTEST 

Susan Clements-Dallaire, City Clerk



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 19, 2021

Ordinance: 25-06212021

Author: John Blais, Urban Development Specialist

Subject: Proposed Amendment to Remove Division 8 of Chapter 60, Multifamily Urban District (**Public Hearing and Second Reading**)

Information: With the current Form-Based Code zone changes, the Multifamily Urban Zoning District no longer exists. It should be stricken from the ordinance with the division left as "reserved."

This zone change was initiated by the Planning Board as a workshop item at their May 11, 2021 meeting. A favorable recommendation to the City Council with a unanimous vote of 6-0 was made at their June 8, 2021 meeting to strike Division 8 of Article IV, Chapter 60 from the Auburn Code of Ordinances as the district no longer exists.

City Budgetary Impacts: None.

Staff Recommended Action: Vote approve the ordinance amendment to remove the Multifamily Urban District as discussed above.

Previous Meetings and History: June 8, 2021 Planning Board Meeting, first reading with City Council on June 21st, 2021 was approved.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: June 8, 2021 Planning Board Staff Report



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

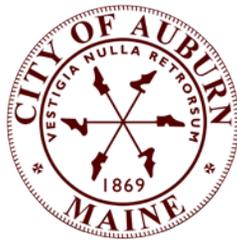
To: Auburn Planning Board
From: Megan Norwood, City Planner
Re: Proposed Amendment to Remove Division 8 of Chapter 60, Multifamily Urban
Date: June 08, 2021

I. PROPOSAL: With the current Form-Based Code zone changes, the Multifamily Urban zoning district no longer exists on the zoning map. Staff recommends striking Division 8 of Article IV, Chapter 60 from the ordinance and leaving the division as “reserved.” The Planning Board initiated this zoning amendment at the May 11th meeting.

II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

II. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff suggests the Planning Board make a favorable recommendation to City Council to remove Division 8 of Article IV, Chapter 60 from the ordinance as the zoning district no longer exists on the zoning map.



City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the City Council amend Chapter 60, Article IV of the Auburn Code of Ordinances to strike Division 8. – Multifamily Urban District:

~~Sec. 60-333. Purpose.~~

~~This district is intended to stabilize and protect high density residential areas by providing for a varied, denser, urban pattern made suitable to the built-up portions of the city. This multifamily zone has a maximum density of 26 dwelling units per net 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. 60-334. Use regulations.~~

~~(a) — Permitted uses. All uses permitted in the Multifamily Suburban (MFS) District except section 60-306(a)(5).~~

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

~~(1) — All uses permitted by special exception in the Multifamily Suburban (MFS) District (division 7 of article IV of this chapter).~~

~~(2) — Medical and dental clinics, provided that:~~

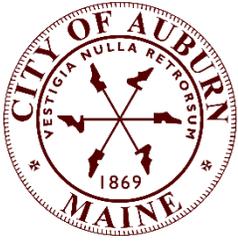
~~a. — Shall be in buildings which are listed on the state resource list and/or federal historic register.~~

~~b. — All renovations to the building either internally or externally or both to accommodate the office use shall be accomplished in conformance with the 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.~~

~~(3) — Adaptive reuse of structures of community significance.~~

~~(Ord. of 9-21-2009, § 3.45B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, § 25, 3-15-2021)~~



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 19, 2021

Ordinance: 26-06212021

Author: Eric Cousens, Director of Planning and Permitting

Subject: Proposed amendment to Chapter 60, Article IV, Division 13, Section 60-525(b) of the Auburn Code of Ordinances to add automobile and marine sales lots and sales and service agencies to the List of special exception uses in the Minot Avenue (GBII) zoning district. **(Public hearing & Second Reading)**

Information: At the June 7th meeting, the City Council requested a recommendation from the Planning Board on expanding the list of uses allowed by Special Exception in the Minot Avenue (GBII) Zoning District to include Automobile and Marine Sales Lots and Sales and Service Agencies.

At their June 8, 2021 meeting, the Planning Board voted unanimously (6-0) to recommend the City Council add Automobile and Marine Sales Lots and Sales and Service Agencies to the list of uses allowed by Special Exception in the GBII Zoning District.

As part of their discussion, the Planning Board thought the City Council should put more thought into why this one land use change was selected as opposed to rezoning the General Business II Zoning District in its entirety to become General Business (which also aligns with the Comprehensive Plan update that is currently underway).

At the June 21st, 2021 council approved the first reading of the ordinance with an amendment that would limit auto sales to 8 display spaces. Staff has received feedback from the public and land owners that this limitation will prevent investment in auto sales along the corridor or may limit auto sales to levels that do not allow for high quality facilities.

Proposed ordinance amendment prior to Council voted changes:

Sec. 60-525. Use regulation.

(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) Commercial parks.
- (2) Automobile repair and service stations.
- (3) Hospitals, care homes, boardinghouses and lodginghouses.
- (4) Research or philanthropic institutions.
- (5) Outdoor theaters.
- (6) Drive-in or carry-out restaurants.

- (7) Sales, rental and service agencies for farm equipment, trucks and trailers, and construction equipment.
- (8) Light industrial plants which support a retail store selling goods made on the premises and will not create a nuisance by noise, vibration, smoke, odor or appearance.
- (9) Convenience stores.
- (10) Research, experimental and testing laboratories.
- (11) Landscape services and lawn maintenance services.
- (12) Halls, private clubs and lodges.
- (13) Outpatient addiction treatment clinics.
- (14) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under section 60-499(a) which will occupy an area of 5,000 square feet or more.
- (15) Adaptive reuse of structures of community significance.

(16) Automobile and marine sales lots and sales and service agencies.

(Ord. of 9-21-2009, § 3.63B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 33, 34, 3-15-2021)

To implement the Council Alternative Language Staff would recommend that the use category, if limited to 8 vehicles be moved from Special Exception Uses to Permitted Uses . The reason for this is that requiring someone to put together a full planning Board application, fees, hearing attendance and property abutter notices for sales limited to 8 vehicles is a lot of expense and process for the applicant, staff and the Planning Board for such limited sales and is not large enough to exist as a principal use.

Sec. 60-525. Use regulation.

(a) Permitted Uses. The following uses are permitted.

(31) Automobile and marine sales lots limited to eight display spaces.

City Budgetary Impacts: None immediately but creates potential for future tax revenues with more allowable uses.

Staff Recommended Action: Hold a public hearing and vote to approve one of the alternative ordinance changes noted above and on the attached ordinances.

Previous Meetings and History: June 7, 2021 City Council Meeting, June 8, 2021 Planning Board Meeting.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: June 8, 2021 Planning Board Staff Report



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
 From: Megan Norwood, City Planner
 Re: Proposed Amendment to Chapter 60, Article IV, Division 13, Section 60-525(b) of the Auburn Code of Ordinances to add Automobile and Marine Sales Lots and Sales and Service Agencies to the List of Allowed Uses in the Minot Avenue (GBII) Zoning district.
 Date: June 08, 2021

I. PROPOSAL: At their June 7, 2021 meeting, the City Council is expected to request a recommendation from the Planning Board on expanding the list of uses allowed by Special Exception in the Minot Avenue (GBII) Zoning District to include Automobile and Marine Sales Lots and Sales and Service Agencies. The City has two commercial zoning districts – the General Business and the General Business II. When the General Business II was created, its primary purpose was to avoid Minot Avenue becoming another Center Street lined with automobile dealerships.

The City Council would like to revisit this discussion again and see if it makes sense to allow Automobile and Marine Sales Lots and Service Agencies in the GBII. While the districts are similar in terms of permitted/special exception uses – there are some additional differences between the districts. Below is a list comparing the uses between the two districts.

Permitted Uses in General Business/General Business II:

Residential dwellings allowed in MFS	Municipal, civic or public service bldgs. and other utility facilities
Grocery stores and supermarkets	Animal hospitals and pet shops, but no kennels
Clothing stores	Business equipment repair and business services
Furniture stores	Radio and television studios
Department stores	Printing shops, but not publishing plants
Specialty shops	Carwashes
Hotels & motels	Accessory uses, building and structures
Funeral homes and mortuaries	Shelters for abused persons
Child day care centers	Churches and temples
Medical and dental clinics	Adult use and medical marijuana stores
Banks, business and professional offices	Marijuana cultivation accessory to licensed retail store on same property
Public transportation passenger offices	
Government offices	

Permitted Uses in General Business/General Business II (with small differences):

General Business	General Business II
Wholesale Bakeries	Retail Bakeries
Retail laundries and dry cleaners, <i>but not plants</i>	Retail laundries and dry cleaners
Restaurants, <i>bars</i> , dining rooms or lunch rooms, <i>but not to include drive-in and carry-out restaurants</i>	Restaurants, dining rooms or lunchrooms
Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, and similar places of indoor amusement or recreation	Bowling alleys, ice and roller skating rinks, and similar places of indoor amusement or recreation <i>(NOTE: Halls, private clubs and lodges are a SE)</i>

Greenhouses <i>and lawn maintenance services</i>	Greenhouses (NOTE: Lawn maintenance services are a SE)
Temporary outdoor places of amusement	Seasonal outdoor places of amusement

Uses Permitted in General Business but NOT General Business II:

- Warehouses, wholesale offices, salesrooms and showrooms
- Retail, service, office and commercial uses similar to the foregoing

Special Exception Uses in General Business/General Business II:

- | | |
|---|--|
| Automobile repair and service stations | Convenience stores |
| Hospitals, care homes, boardinghouses and lodginghouses | Research, experimental and testing laboratories |
| Research or philanthropic institutions | Any new building >5,000SF... |
| Outdoor theaters | Outpatient addiction treatment clinics |
| Drive-in or carry-out restaurants | Adaptive reuse of structures of community significance |
| Commercial parks | |

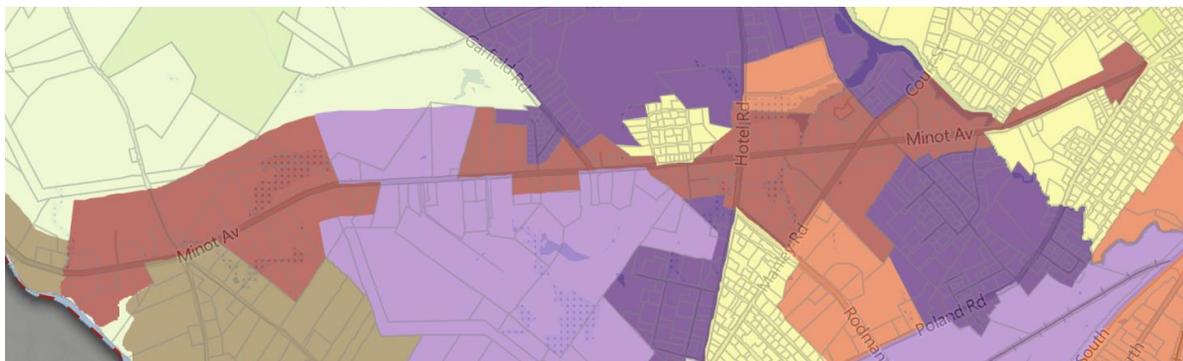
Special Exception Uses in General Business/General Business II (with small differences):

General Business	General Business II
Sales, rental and service agencies for <i>mobile homes</i> , farm equipment, trucks and trailers <i>and machine equipment</i>	Sales, rental and service agencies for farm equipment, trucks and trailers <i>and construction equipment</i>
Light industrial plants which will not create a nuisance...	Light industrial plants which <i>support a retail store selling goods made on the premises</i> and will not create a nuisance...
Landscape services	Landscape services <i>and lawn maintenance services</i>

Special Exception Uses in General Business but NOT General Business II:

- Automobile filling stations
- Automobile and marine sales lots and sales and service agencies
- Automobile and marine paint and body repair shops
- Off-street parking as commercial or municipal use...
- Trucking terminals and similar nonprocessing storage and distribution uses...
- Major retail development...

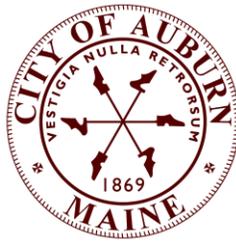
As you can see from the list, there are some subtle and some more intentional use allowance differences between the districts that try to keep the more impactful uses out of the General Business II Zoning District (the dark red area shown on the map below is the GBII).



II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

III. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff suggests the Planning Board consider the differences between the General Business and General Business II Zoning Districts and the history surrounding the creation of the separate district for Minot Avenue and make a recommendation to the City Council on whether to add automobile and marine sales lots and sales and service agencies to the list of Special Exception uses.



City Council Ordinance

Be it ordained, that the City Council amend Chapter 60, Article IV, Division 13, Section 60-525(b) of the Auburn Code of Ordinances to add Automobile and Marine Sales and Service Lots to the list of uses allowed by Special Exception:

Sec. 60-525. Use regulation.

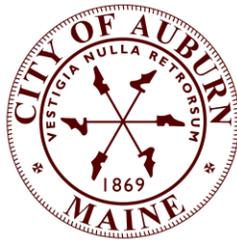
(a) *Permitted uses.* The following uses are permitted:

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Retail bakeries.
- (12) Retail laundries and dry cleaners.
- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Restaurants, dining rooms or lunchrooms.
- (18) Bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (19) Animal hospitals and pet shops, but not kennels.
- (20) Business equipment repair and business services.
- (21) Radio and television studios.
- (22) Printing shops, but not publishing plants.
- (23) Carwashes.

Holly C. Lasagna, Ward One
Brian S. Carrier, Ward Four
Belinda A. Gerry, At Large

Timothy B. MacLeod, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Katherine E. Boss, At Large
Phillip L. Crowell, Jr., City Manager



City Council Ordinance

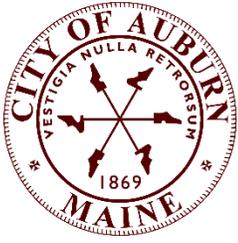
- (24) Accessory uses, buildings and structures.
- (25) Greenhouses.
- (26) Seasonal outdoor places of amusement.
- (27) Churches and temples.
- (28) Shelters for abused persons.
- (29) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.
- (30) Marijuana cultivation accessory to a licensed retail store on the same property.
- (31) Automobile and marine sales lots limited to eight display spaces.

(Ord. of 9-21-2009, § 3.63B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 33, 34, 3-15-2021)

Holly C. Lasagna, Ward One
Brian S. Carrier, Ward Four
Belinda A. Gerry, At Large

Timothy B. MacLeod, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Katherine E. Boss, At Large
Phillip L. Crowell, Jr., City Manager



City of Auburn
City Council Information Sheet

Council Workshop or Meeting Date: July 19, 2021

Ordinance: 27-06212021

Author: John Blais, Urban Development Specialist

Subject: Proposed amendment to Section 60-201(a) to allow two-family dwellings in the Low-Density Country Residential Zoning District. **(Public Hearing and Second Reading)**

Information: At the March 25, 2021 meeting, the Planning Board made a favorable recommendation to the City Council to amend the buildings per lot provision under Section 60-34 of the ordinance to allow an additional one-family detached dwelling in a zoning district where two-families are permitted and a single-family dwelling unit currently exists on the lot. The City Council move forward and approved the ordinance amendment at the May 17, 2021 meeting. As part of the ordinance amendment approval, the Council requested the Planning Board provide a recommendation on allowing two-family dwellings in the Low-Density Country Residential (LDCR) Zoning District, which is the only residential zoning district that does not currently permit two-families.

At their June 8, 2021 meeting, the Planning Board voted unanimously (7-0) to recommend the City Council allow two-family dwellings in the Low-Density Country Residential Zoning District. The first reading at the City Council was approved on June 21, 2021.

Proposed ordinance amendment:

Sec. 60-201. - Use regulations.

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

- (1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (9), (14) and (15).
- (2) One-family detached dwellings.
- (3) Two-family dwellings.**
- ~~(3)~~ (4) Lawn maintenance services.

City Budgetary Impacts: None immediately but creates potential for future tax revenues with additional units.

Staff Recommended Action: Consider Planning Board recommendation and allow two-family dwellings in the Low-Density Country Residential Zoning District.

Previous Meetings and History: May 17, 2021 City Council Meeting, June 8, 2021 Planning Board Meeting.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: July 19, 2021 Planning Board Staff Report



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: Megan Norwood, City Planner
Re: Proposed Amendment to Section 60-201(a) to allow two-family dwellings in the Low-Density Country Residential Zoning District
Date: June 08, 2021

I. PROPOSAL: At the March 25, 2021 meeting, the Planning Board made a favorable recommendation to the City Council to amend the buildings per lot provision under Sec. 60-34 of the ordinance to allow an additional one-family detached dwelling in a zoning district where two-families are permitted and a single-family dwelling unit currently exists on the lot. The City Council moved forward and approved the ordinance amendment at their May 17, 2021 meeting.

At their meeting, the Council requested the Planning Board to also provide a recommendation on allowing two-family dwellings in the Low Density Country Residential (LDCR) Zoning District – the only residential zoning district that does not currently permit two-families. As discussed prior, Staff agrees that it seems logical to allow two-family dwellings in all residential zoning districts, including the LDCR. The LDCR Zoning District is shown on the map in dark green. Under the map is a link to the zoning viewer.

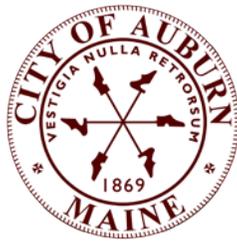


II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

II. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff suggests the Planning Board make a favorable recommendation to City Council to amend Chapter 60, Article IV, Division 3, Section 60-201(a) to add two-family dwellings to the list of permitted uses.

<https://auburnme.maps.arcgis.com/apps/webappviewer/index.html?id=27c0920863174d74813240046905c655>



City Council Ordinance

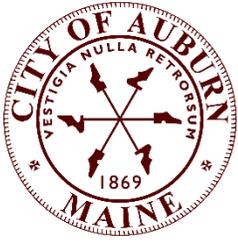
IN CITY COUNCIL

Be it ordained, that the City Council amend Chapter 60, Article IV, Division 3, Section 60-201(a) of the Auburn Code of Ordinances to add two-family dwellings to the list of permitted uses:

Sec. 60-201. - Use regulations.

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

- 1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (9), (14) and (15).
- 2) One-family detached dwellings.
- 3) **Two-family dwellings.**
- 4) Lawn maintenance services.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 19, 2021

Ordinance: 28-06212021

Author: Megan Norwood, City Planner

Subject: Proposed Amendment to Chapter 60, Article V, Section 60-608 to remove minimum off-street parking requirements for all land uses (except residential). **This is the Public Hearing and Second Reading.**

Information: At the May 17, 2021 meeting, the City Council voted as a consent item to request a recommendation from the Planning Board on removing all parking requirements, City-wide. The ordinance has two sections pertaining to parking – one for all land uses in all zoning districts and one geared specifically towards the Form-Based Code transects. To make the recommendation as clear as possible, the Planning Board took these two ordinance sections up as separate agenda items at their June 8, 2021 meeting.

This first item under consideration was to remove the minimum off-street parking requirements for all land uses. The Planning Board talked at length about the potential benefits and unintended consequences of making this change and after a failed (2-4) vote, ultimately voted unanimously (6-0) to make a favorable recommendation to the City Council to remove the minimum off-street parking requirements for all land uses (*except for residential uses*).

City Budgetary Impacts: None.

Staff Recommended Action: Consider Planning Board recommendation to remove the parking requirements listed under Sec. 60-608 of the ordinance (except those that pertain to residential uses).

Previous Meetings and History: May 17, 2021 – City Council meeting, June 8, 2021 – Planning Board Meeting, City Council meeting June 21, 2021.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: June 8, 2021 Planning Board Staff Report



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
 From: Megan Norwood, City Planner
 Re: Proposed Amendment to Chapter 60, Article V, Section 60-608 to Remove Minimum Off-Street Parking Requirements for all Land Uses
 Date: June 08, 2021

I. PROPOSAL: At their June 7, 2021 meeting, the City Council is expected to request a recommendation from the Planning Board on removing minimum off-street parking requirements for all land uses. Currently, our ordinance under Chapter 60, Article V has a list of the minimum number of off-street parking spaces for each permitted use (some uses are not listed in the table, so Staff uses discretion to find a similar use and apply that standard). NOTE: This section applies to *all* uses in *all* districts with the exception of the Form Based Code Districts that have their own set of parking minimums (see subsequent Staff Report).

Off-Street Land Use	Minimum Number of Parking Spaces
Residential	
Single-family; farm	Two per each dwelling unit
Multifamily; two-family	1½ per dwelling unit
Elderly**	One-half per dwelling unit
Commercial	
Retail, business or institution	One per 300 square feet of gross floor area
Office, business, medical or dental	One per 200 square feet of gross floor area plus one per each doctor
Wholesale, warehouse	One per 1,200 square feet of storage gross floor area
Industrial or Manufacturing	One-half per employee for combined employment of the two largest overlapping shifts.
Hotel, motel, boarding and lodging and lodgings, tourist homes	One per guestroom plus one-half per employee
Places of assembly	

Restaurants	One per each three seats or equivalent bench seating capacity
Stadiums, outdoor amphitheaters	One per each four seats or equivalent bench seating capacity
Churches, temples, synagogues	One per each five seats or equivalent bench seating capacity
Indoor theaters	One per each five seats
Auditoriums	One per each ten seats
Meeting halls, convention exhibition halls	One per 100 square feet of floor area and floor area used for assembly
Hospitals	One per bed
Nursing homes	One-half per bed
Educational institutions	
Elementary/middle	One per classroom
High school	Four per classroom
College, business, vocational schools	One per 200 gross square feet of classroom area
Dormitories	One-third per bed
Home Occupation	One per 50 square feet of gross floor area used for home occupation
Recreational Uses	
Golf course	Six per green
Tennis court	Three per court
Swimming pool	One per 100 square feet of gross area per facility
Skating rink	One per 100 square feet of gross area of facility
Ranges (golf, skeet)	1½
Campgrounds	1½ per campsite

Ski areas	50 percent of the lift capacity
Shopping centers	4½ per 1,000 square feet of gross leasable floor area
Mixed uses	Sum of various uses computed separately unless it can be demonstrated to the planning board's satisfaction that the need for parking by each occurs at different times.
Uses not listed or	The required number of similar to those parking spaces shall be noted above determined by the municipal officer charged with enforcement and shall conform to the number of spaces for similar uses as listed in the latest planning publication on file in the office of community development and planning.
**Applies to elderly housing as constructed under special local, state or federal guidelines restricting occupancy to elderly persons.	

Our parking requirements oftentimes dictate the square footage of allowable uses and/or the number of units. If the parking requirements cannot be met, the size of the proposed land use will have to be adjusted to be able to provide the required amount of parking.

As part of the Comprehensive Plan update process, the Committee received recommendations from the Mercatus Center at the George Mason University. One of those recommendations was thought to be something that the City could benefit from currently as the market should be able to dictate what is needed for parking without the City having to provide minimums.

The parking minimums is a section of our ordinance that is oftentimes not revisited once it is created. It is assumed that 1.5 spaces per dwelling unit is what should be required for multifamily developments. Similarly, the standards are vague in the sense that a certain square footage of retail/warehouse space should require a certain number of parking spaces, regardless of the actual business proposed and demand for parking. The argument for removing parking minimums is that they create several empty spaces that do not add value to the City or property, they push homes and businesses further apart, impede the walkability of neighborhoods, raise the cost of housing and place an especially costly burden on small, local entrepreneurs. Removing the minimum parking requirements is not thought to remove parking entirely but will allow Property Owners to decide how much parking their proposed use will actually need, rather than being forced to add unproductive, empty parking spaces to their site.

On the contrary, comments from Department Heads speak to some of the unintended consequences this could cause such as increased on-street parking, issues with snow-bans/plowing, additional units created beyond what the site could reasonably accommodate to make installing a sprinkler system cost effective, etc.

As part of the Planning Boards recommendation to City Council, we suggest weighing the benefits and unintended consequences of scrapping the parking requirements entirely. Perhaps it is the direction the City wants to go in to spur affordable housing development or perhaps the City wants to ease into something like this by applying it only to developments less than a certain square footage, only in certain areas of the City, only for affordable housing projects or housing projects near transit.

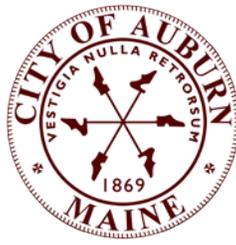
II. DEPARTMENT REVIEW:

- Police – From the Police Department’s perspective, parking in the downtown and in congested residential areas is already challenging. Many multifamily properties do not have adequate parking and rely heavily on street parking. Allowing new units to be built specifically in these areas with no parking space requirements will magnify the problem. Parking during snow emergencies and for snow removal after storms is a shared concern we have with Public Works. The city has limited residential parking options with the exceptions of properties located

close by the city's parking garage and the few winter relief lots that currently exist. These lots are very limited in their size and availability. If the single parking space per unit requirement for multi-unit buildings is removed, we feel that the residential parking challenges may only get worse.

- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – The only thing that comes to mind is that the fire department needs to be able to access buildings in case of an emergency or fire. If there was congested parking lots, or roadways, it may present difficulties in our response to a scene. Also, see discussion above regarding problems that will be difficult to resolve later pertaining to sprinkler system cost effectiveness.
- Engineering – No Comments
- Public Services – I agree with PD on this especially the concerns during Winter Storms. We don't call Parking Bans for anything less than 3 inches usually, but we still have to plow the streets. It is difficult getting by these cars and it usually leaves piles of snow that freeze, and it is difficult to remove after that.
- Airport – No Comments
- 911 - No Comments

III. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff suggests the Planning Board think about the benefits and potential unintended consequences of removing all parking minimums in the City and make a recommendation to the City Council.



City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the City Council amend Chapter 60, Article V, Section 60-608 of the Auburn Code of Ordinances to remove the minimum number of off-street parking requirements for all land uses except for residential uses:

Sec. 60-608. Parking requirements.

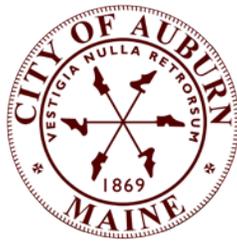
A minimum number of off-street parking spaces shall be provided with each residential use permitted, erected, altered or changed, in accordance with the following standards:

Off-Street Land Use	Minimum Number of Parking Spaces
Residential	
Single-family; farm	Two per each dwelling unit
Multifamily; two-family	1½ per dwelling unit
Elderly**	One-half per dwelling unit
Commercial	
Retail, business or institution	One per 300 square feet of gross floor area
Office, business, medical or dental	One per 200 square feet of gross floor area plus one per each doctor
Wholesale, warehouse	One per 1,200 square feet of storage gross floor area
Industrial or Manufacturing	One-half per employee for combined employment of the two largest overlapping shifts.
Hotel, motel, boarding and lodging and lodginghouses, tourist homes	One per guestroom plus one-half per employee
Places of assembly	
Restaurants	One per each three seats or equivalent bench seating capacity
Stadiums, outdoor amphitheaters	One per each four seats or equivalent bench seating capacity
Churches, temples, synagogues	One per each five seats or equivalent bench seating capacity
Indoor theaters	One per each five seats
Auditoriums	One per each ten seats
Meeting halls, convention exhibition halls	One per 100 square feet of floor area and floor area used for assembly
Hospitals	One per bed
Nursing homes	One-half per bed
Educational institutions	
Elementary/middle	One per classroom

Holly C. Lasagna, Ward One
Brian S. Carrier, Ward Four
Belinda A. Gerry, At Large

Timothy B. MacLeod, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Katherine E. Boss, At Large
Phillip L. Crowell, Jr., City Manager



City Council Ordinance

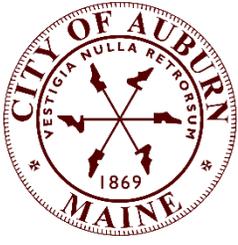
High school	Four per classroom
College, business, vocational schools	One per 200 gross square feet of classroom area
Dormitories	One third per bed
Home Occupation	One per 50 square feet of gross floor area used for home occupation
Recreational Uses	
Golf course	Six per green
Tennis court	Three per court
Swimming pool	One per 100 square feet of gross area per facility
Skating rink	One per 100 square feet of gross area of facility
Ranges (golf, skeet)	1½
Campgrounds	1½ per campsite
Ski areas	50 percent of the lift capacity
Shopping centers	4½ per 1,000 square feet of gross leasable floor area
Mixed uses	Sum of various uses computed separately unless it can be demonstrated to the planning board's satisfaction that the need for parking by each occurs at different times.
Uses not listed or	The required number of similar to those parking spaces shall be noted above determined by the municipal officer charged with enforcement and shall conform to the number of spaces for similar uses as listed in the latest planning publication on file in the office of community development and planning.
**Applies to elderly housing as constructed under special local, state or federal guidelines restricting occupancy to elderly persons.	

(Ord. of 9-21-2009, § 4.1B)

Holly C. Lasagna, Ward One
Brian S. Carrier, Ward Four
Belinda A. Gerry, At Large

Timothy B. MacLeod, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Katherine E. Boss, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 19, 2021

Ordinance: 29-06212021

Author: Megan Norwood, City Planner

Subject: Proposed Amendment to Chapter 60, Article IV, Division 14, Section 60-554 to remove all parking requirements (except residential) in the form-based code zoning districts. **(Public Hearing and Second Reading)**

Information: At the May 17, 2021 meeting, the City Council voted as a consent item to request a recommendation from the Planning Board on removing all parking requirements, City-wide. The ordinance has two sections pertaining to parking – one for all land uses in all zoning districts and one geared specifically towards the Form-Based Code transects. To make the recommendation as clear as possible, the Planning Board took these two ordinance sections up as separate agenda items at their June 8, 2021 meeting.

This second item under consideration was to remove the minimum off-street parking requirements for all land uses in the Form-Based Code Districts. The Planning Board talked at length about the potential benefits and unintended consequences of making this change voted unanimously (6-0) to make a favorable recommendation to the City Council to remove the minimum off-street parking requirements for all land uses in the Form-Based Code Zoning Districts (*except for residential uses*).

City Budgetary Impacts: None.

Staff Recommended Action: Consider Planning Board recommendation to remove the parking requirements listed under Sec. 60-554 of the ordinance (except those that pertain to residential uses).

Previous Meetings and History: May 17, 2021 – City Council meeting, June 8, 2021 – Planning Board Meeting, June 21st, 2021– City Council meeting

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: June 8, 2021 Planning Board Staff Report



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
 From: Megan Norwood, City Planner
 Re: Proposed Amendment to Chapter 60, Article IV, Division 14, Section 60-554 to Remove all Parking Requirements in the Form-Based Code Zoning Districts.
 Date: June 08, 2021

I. PROPOSAL: At their June 7, 2021 meeting, the City Council is expected to request a recommendation from the Planning Board on removing all of the parking requirements for uses in the Form-Based Code Districts. Note: A lot of the content in this Staff Report is similar to the prior Staff Report regarding removing parking requirements for all land uses in all zoning districts. However, the Form-Based Code is unique in that it regulates the size and placement of building as opposed to the uses (provided they are compatible uses with residential areas). The only restrictions on uses (# of units, having a retail store downstairs with apartments upstairs, size of a restaurant, etc.) is being able to provide the required number parking spaces for the proposed use. Most of the properties in our Form-Based Code Districts (especially those that were just pulled in to the T-4.2 Form-Based Code from the Multifamily Urban) do not have a large amount of space to be able to provide parking for a large apartment building or restaurant – by removing the parking requirements in the Form-Based Code Districts, it would essentially open the door for existing/new buildings to be used at a greater capacity than they are currently.

USE(1)	T-4.1	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS 2)
Residential Type Use						
Single Family	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/Child Care Facility	S	S	S	S	P	½ sp/employee plus 1 sp/ 8 users

Home Occupation	P	P	P	P	P	Based on Use Type (Ch. 60, Art. IX)
Community Based Residential Facilities	P	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/Lodginghouse	P	P	P	S	X	1 sp/guestroom plus
						1 sp/employee
Office/Service Type Use						
Professional Offices	S	S	P	P	P	1 sp/400 sf
Medical and Dental Clinics	S	S	P	P	P	1 sp/400 sf
Personal Services	S		P	P	P	1 sp/400 sf
Retail Type Use						
General Retail	S	S	P	P	P	1 sp/400 sf
Age Restricted Retail (3)	S	S	S	S	S	1 sp/400 sf
Specialty Shops	S	P	P	P	P	1 sp/400
Restaurant up to 30 seats w/16 outdoor	X	S	P	P	P	1 sp/4 seats
Restaurant over 30 seats w/16 outdoor		S	S	P	P	1 sp/4 seats
Halls, Private Clubs, Indoor Amusement	S	S	S	P	P	1 sp/400 sf
Artist Studios, Performing Art Center	S	S	P	P	P	1 sp/400 sf
Civic						
Church or Places of Worship	S	S	P	P	P	1 sp/5 seats
Government Offices	X	X	P	P	P	1 sp/400 sf
Art Galleries	S	P	P	P	P	1 sp/400 sf
Transportation Facilities	X	X	S	S	S	1 sp/400 sf

Adaptive Reuse of Structures of Community Significance	S	S	S	S	S	To be determined by the planning board depending on use(s)
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As part of the Comprehensive Plan update process, the Committee received recommendations from the Mercatus Center at the George Mason University. One of those recommendations was thought to be something that the City could benefit from currently as the market should be able to dictate what is needed for parking without the City having to provide minimums.

The argument for removing parking minimums is that they create several empty spaces that do not add value to the City or property, they push homes and businesses further apart, impede the walkability of neighborhoods, raise the cost of housing and place an especially costly burden on small, local entrepreneurs. Removing the minimum parking requirements is not thought to remove parking entirely but will allow Property Owners to decide how much parking their proposed use will actually need, rather than being forced to add unproductive, empty parking spaces to their site.

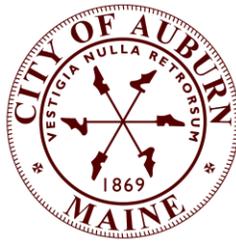
On the contrary, comments from Department Heads speak to some of the unintended consequences this could cause such as increased on-street parking, issues with snow-bans/plowing, additional units created beyond what the site could reasonably accommodate to make installing a sprinkler system cost effective, etc.

As part of the Planning Boards recommendation to City Council, we suggest weighing the benefits and unintended consequences of scrapping the parking requirements entirely. Perhaps it is the direction the City wants to go in to spur affordable housing development or perhaps the City wants to ease into something like this by applying it only to developments less than a certain square footage, only in certain areas of the City, only for affordable housing projects or housing projects near transit.

II. DEPARTMENT REVIEW:

- Police – From the Police Department’s perspective, parking in the downtown and in congested residential areas is already challenging. Many multifamily properties do not have adequate parking and rely heavily on street parking. Allowing new units to be built specifically in these areas with no parking space requirements will magnify the problem. Parking during snow emergencies and for snow removal after storms is a shared concern we have with Public Works. The city has limited residential parking options with the exceptions of properties located close by the city’s parking garage and the few winter reliefs lots that currently exist. These lots are very limited in their size and availability. If the single parking space per unit requirement for multi-unit buildings is removed, we feel that the residential parking challenges may only get worse.
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – The only thing that comes to mind is that the fire department needs to be able to access buildings in case of an emergency or fire. If there was congested parking lots, or roadways, it may present difficulties in our response to a scene. Also, see discussion above regarding problems that will be difficult to resolve later pertaining to sprinkler system cost effectiveness.
- Engineering – No Comments
- Public Services – I agree with PD on this especially the concerns during Winter Storms. We don’t call Parking Bans for anything less than 3 inches usually, but we still have to plow the streets. It is difficult getting by these cars and it usually leaves piles of snow that freeze, and it is difficult to remove after that.
- Airport – No Comments
- 911 - No Comments

III. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff suggests the Planning Board think about the benefits and potential unintended consequences of removing all parking minimums from the Form-Based Code Districts and make a recommendation to the City Council.



City Council Order

IN CITY COUNCIL

Be it ordained, that the City Council amend Chapter 60, Article IV, Division 14, Section 60-554 of the Auburn Code of Ordinances to remove the minimum number of off-street parking requirements for all land uses except for residential uses:

Sec. 60-554. Form based code use and parking matrix.

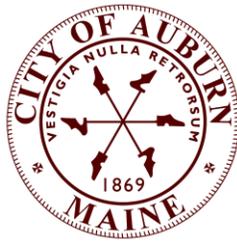
Key:	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU	Dwelling unit
=	

USE(1)	T-4.1	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS 2)
Residential Type Use						
Single Family	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	1 sp/DU
Multi-Family	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & Breakfast < 4 Rooms	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & Breakfast > 4 Rooms	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/Child Care Facility	S	S	S	S	P	½ sp/employee plus 1 sp/ 8 users
Home Occupation	P	P	P	P	P	Based on Use Type (Ch. 60, Art. IX)
Community Based Residential Facilities	P	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding House/Lodginghouse	P	P	P	S	X	1 sp/guestroom plus 1 sp/employee
Office/Service Type Use						
Professional Offices	S	S	P	P	P	None
Medical and Dental Clinics	S	S	P	P	P	None

Holly C. Lasagna, Ward One
Brian S. Carrier, Ward Four
Belinda A. Gerry, At Large

Timothy B. MacLeod, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Katherine E. Boss, At Large
Phillip L. Crowell, Jr., City Manager



City Council Order

Personal Services	S		P	P	P	None
Retail Type Use						
General Retail	S	S	P	P	P	None
Age Restricted Retail (3)	S	S	S	S	S	None
Specialty Shops	S	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		S	S	P	P	None
Halls, Private Clubs, Indoor Amusement	S	S	S	P	P	None
Artist Studios, Performing Art Center	S	S	P	P	P	None
Civic						
Church or Places of Worship	S	S	P	P	P	None
Government Offices	X	X	P	P	P	None
Art Galleries	S	P	P	P	P	None
Transportation Facilities	X	X	S	S	S	None
Adaptive Reuse of Structures of Community Significance	S	S	S	S	S	None

Notes:

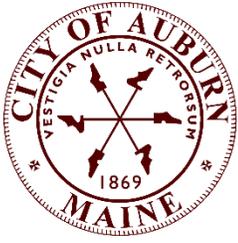
- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- (2) *Parking requirements in T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 1,000 feet of the principal building, subject to planning board approval.
- (3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019)

Holly C. Lasagna, Ward One
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Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Katherine E. Boss, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 19, 2021

Ordinance: 30-06212021

Author: John Blais, Urban Development Specialist

Subject: Proposed Amendment to Explain the Purpose of the Conservation/Open Space FBC District (**Public Hearing and Second Reading**)

Information: The City has five “transects” under the Form-Based Code, all of which have intent/purpose and space/bulk requirements except for Transect 6 which is the Conservation/Open Space FBC District. This area of the City is primarily the riverwalk (see map in attached Staff Report). Staff recently had a CMP proposal to replace some infrastructure in the Conservation/Open Space FBC District and realized we do not have a purpose or intent statement to use to make permitting decisions.

At their special meeting on March 25th, the Planning Board made a favorable recommendation with a unanimous vote of 6-0 to the City Council to adopt the following amendment to amend the ordinance language with input from the Conservation Commission and AG Committee through June 11, 2021. Staff drafted new language which the Council approved on June 21st, and Planning Board approved on July 13th, 2021:

Section 60-553 (Currently Reserved -> Intent/Purpose)

The Conservation/Open Space District is reserved for natural resource and compatible open space uses such as agriculture and forestry, low-intensity recreation, facilities that provide water access and similar low impact uses. Uses that involve significant structural development or impervious surfaces should not be allowed in this district. Uses such as utility lines and roads may be located within the district if there is no practical alternative.

City Budgetary Impacts: None.

Staff Recommended Action: Staff suggests to the City Council to amend the ordinance language as follows: Section 60-553 (Intent/Purpose) The Conservation/Open Space District is reserved for natural resource and compatible open space uses such as agriculture and forestry, low-intensity recreation, facilities that provide water access and similar low impact uses, underground utilities, limited structural development related to utilities and roads.

Previous Meetings and History: March 25, 2021 Planning Board Meeting; Conservation Commission and AG Committee review through June 11, 2021. July 13th, 2021 Planning Board Meeting.

City Manager Comments:

Phillip Crowell, Jr.

I concur with the recommendation. Signature:

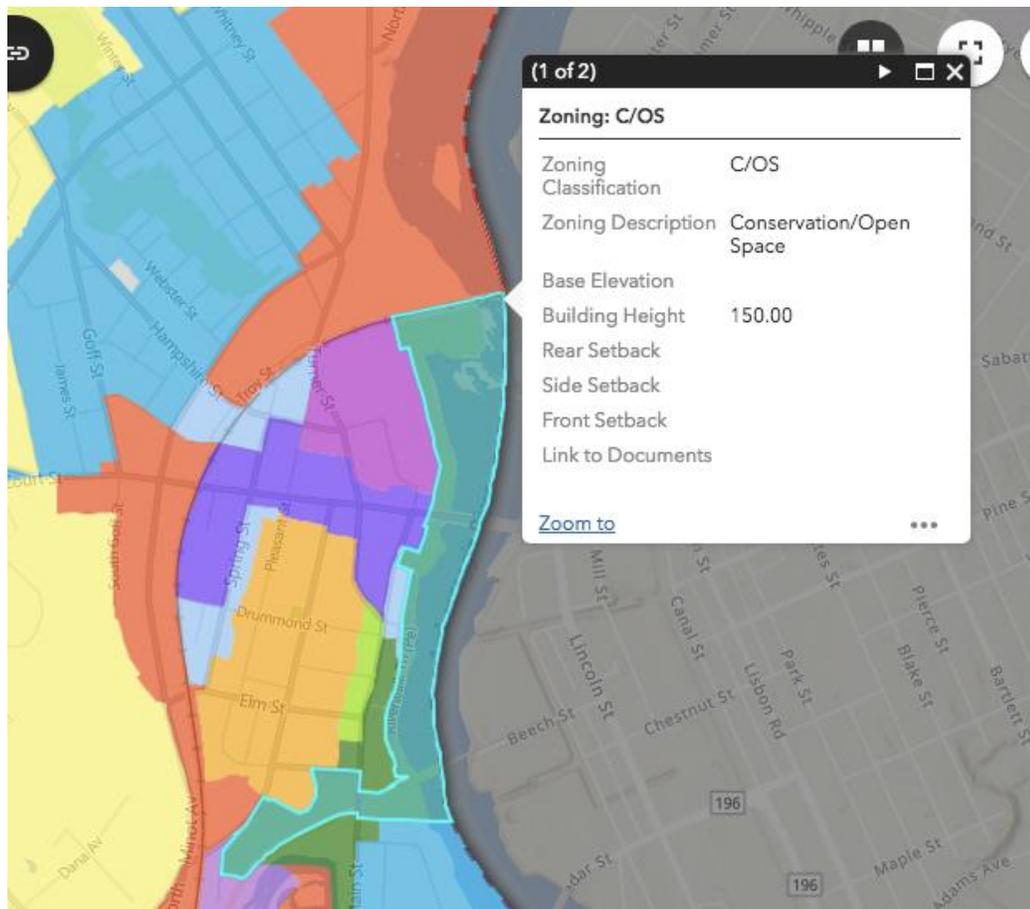
Attachments: July 13, 2021 Planning Board Staff Report

To: Auburn Planning Board
 From: Megan Norwood, City Planner
 Re: Proposed Amendment to Explain the Purpose of the Conservation/Open Space FBC District
 Date: March 25, 2021

I. PROPOSAL: The City has five “transects” under the Form-Based Code, all of which have intent/purpose and space/bulk requirements except for Transect 6 which is the Conservation/Open Space FBC District. This area of the City is primarily the riverwalk (see map below). We recently had a CMP proposal to replace some infrastructure in that area and realized we do not have anything explained in the ordinance about what this transect is supposed to be. Staff suggests the following purpose statement:

Section 60-553 (Currently Reserved -> Intent/Purpose)

The Conservation/Open Space District is reserved for natural resource and compatible open space uses such as agriculture and forestry, low-intensity recreation, facilities that provide water access and similar low impact uses.



II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments

- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

II. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff suggests the Planning Board offer a recommendation to the City Council to amend the ordinance language as follows:

Section 60-553 (Intent/Purpose)

The Conservation/Open Space District is reserved for natural resource and compatible open space uses such as agriculture and forestry, low-intensity recreation, facilities that provide water access and similar low impact uses.



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

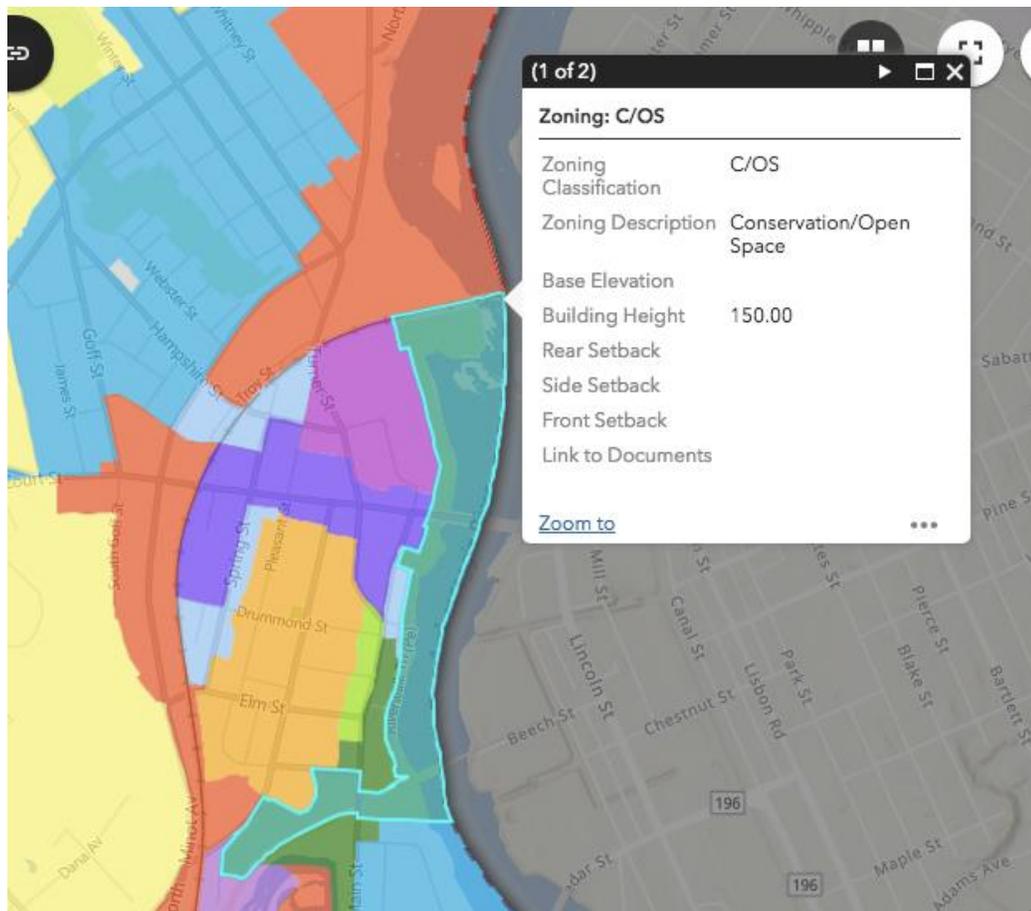
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To: Sam Boss (Conservation Commission) and Katie Boss (Agriculture Committee)
From: Megan Norwood, City Planner
Re: Proposed Language to Explain the Purpose of the Conservation/Open Space FBC District
Date: May 7, 2021

The City has five “transects” under the Form-Based Code, all of which have intent/purpose and space/bulk requirements except for Transect 6, which is the Conservation/Open Space FBC District. This area of the City is primarily the riverwalk (see map below). We recently had a CMP proposal to replace some infrastructure in that area and realized we do not have anything explained in the ordinance about what this transect is supposed to be. **We brought the suggested language below before the City Council at their May 3, 2021 meeting; however, they wanted feedback on the language from the Conservation Commission and Agriculture Committee.** The language was derived from the existing 2010 Comprehensive Plan on Page 108:

Section 60-553 (Currently Reserved -> Intent/Purpose)

The Conservation/Open Space District is reserved for natural resource and compatible open space uses such as agriculture and forestry, low-intensity recreation, facilities that provide water access and similar low impact uses.



It is a simple addition to the ordinance with the intent of providing Staff with guidance as to the purpose of the zoning district should any proposals come up in that area of the City (such as the CMP substation).

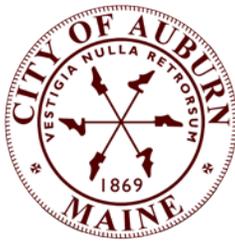
Pg. 108 of the 2010 Comprehensive Plan:

DESIGNATION: OPEN SPACE/CONSERVATION

Resource Protection District (RP) Objective – Retain areas with significant natural resource value in an undeveloped, natural state (see Figure 2.3). This includes undeveloped 100-year floodplains adjacent to the rivers and significant streams and areas around freshwater wetlands that are moderate-high value habitat.

Allowed Uses – Within the Resource Protection District, allowed uses should be limited to natural resource and open space uses including agriculture and forestry, low-intensity recreation, facilities that provide water access, and similar low impact uses. Uses that involve significant structural development or impervious surfaces should not be allowed in this district. Uses such as utility lines and roads may be located within the district if there is no alternative appropriate location.

Development Standards – All new structural development and paved surfaces except for roads, trails, and facilities for access to the water, should be set back from the water body or wetland and a green buffer maintained along the edge of the resource. In general, all activities within the district are also subject to the Shoreland Zoning performance standards.



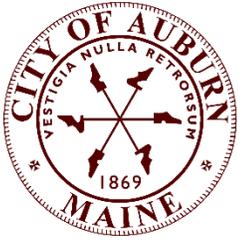
City Council Ordinance

IN CITY COUNCIL

Be it ordained, that the City Council amend Chapter 60, Article IV, Division 14, Section 60-553 of the Auburn Code of Ordinances to add the following Intent/Purpose Statement for the Conservation/Open Space Form-Based Code:

Section 60-553 (Currently Reserved -> Intent/Purpose)

The Conservation/Open Space District is reserved for natural resource and compatible open space uses such as agriculture and forestry, low-intensity recreation, facilities that provide water access and similar low impact uses. Uses that involve significant development or impervious surfaces should not be allowed in this district. Uses such as utility lines and roads may be located within the district if there is no practical alternative.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 19, 2021.

Ordinance: 31-07192021

Author: John Blais, Urban Development Specialist

Subject: Proposed Amendment to the Low-Density Country Residential and Rural Residential Strips abutting the Agriculture/Resource Protection Zone to expand from the center line of the roadway to a Width of 450 Feet to a width of 750 Feet or the rear property line, whichever is less. **(First Reading & Public Hearing)**

Information: At the May 17, 2021 meeting, the City Council voted as a consent item to request a recommendation from the Planning Board to increase the width of the residential strips abutting the Ag-Zone from 450-feet to 750-feet.

The Planning Board discussed and tabled this item with a vote of 6-1 pending answers to the following questions by the City Council:

- Why was a fixed width utilized instead of following the boundaries of lots that are not as deep as 750-feet and how was the depth of 750-feet identified? **Answer:** See the CC Order that clarified that it was 750' or the rear property line, whichever is less.
- How does this zoning amendment fit with the stated vision in the Comprehensive Plan and in the Comprehensive Plan update to develop from the core out and in a village pattern? **Answer:** The Council and PB have made a significant inventory of walkability market house lots available with recent Form Based Code expansions. This is an attempt to offer additional Privacy Market Rural house lots in Auburn. See attached Salim Firth Memo from Mercatus.
- Why are we discussing this now given that we are going to be receiving a Comprehensive Plan review and corresponding zoning amendments that will address these items? **Answer:** We should not stop ordinance update progress supported by the Com Plan while we wait for the update process unless there is a good reason to do so. Existing and draft Comp Plans support greater flexibility in siting buildings in existing strip areas.

After the Planning Board meeting, Staff began researching the answers to some of these questions and found a recommendation in the 1995-2005 Comprehensive Plan that states the following:

“Low Density Residential “Bands” along Rural Roads.” Some of the “bands” or “strips” of low-density residential development along rural roads have been retained, while others are eliminated or extended. The intent is to reduce the depth of these bands from 1,500 feet to 800 feet to prevent “bubble” subdivisions throughout the rural area.

Amend the Zoning Ordinance by changing the depth of low-density residential district bands along rural roads from 1,500 feet to 800 feet (400 feet each side of the road), except as otherwise noted in specific areas of the Future Land Use Map.”

The 1995-2005 plan further goes on to describe specific neighborhoods within the City and how the “bands” should or should not be adjusted, for example:

“Danville Corner/Pownal Road/Harmons Corner Low Density Residential (South Auburn, Danville)

(Continue Low Density Residential designation with 400 feet of road; retail Agriculture/RP adjacent to Turnpike and in Woodbury Road/Woodbury Hill area; change land more than 400 feet from roads to AG/RP). There has already been low density residential development in this area, including Joatmon Estates and Winchester Heights. It provides opportunities for rural living close to the City, although most future development is expected to be strip development. Water and sewer services are not available or anticipated for the foreseeable future. Development should not be encouraged in interior areas.”

This information (together with comments from the City Council) should help provide context to the Planning Board on why this change is recommended and how certain figures were determined.

City Budgetary Impacts: Potential Increased Taxable Value from Additional Dwellings.

Staff Recommended Action: That the City Council to approve the Amendment to the Low-Density Country Residential and Rural Residential Strips abutting the Agriculture/Resource Protection Zone to expand from the center line of the roadway to a Width of 450 Feet to a width of 750 Feet or the rear property line, whichever is less.

Previous Meetings and History: May 17, 2021 – City Council meeting, June 8, 2021 – Planning Board Meeting July 13, 2021 (approved)

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: July 13, 2021 Planning Board Staff Report

FUTURE LAND USE MAP



43. Central Business District Commercial (Downtown, Uptown)

(No Change). This is a stable commercial area which is the heart of Auburn's downtown. There are several vacant parcels which could be used for additional growth, or an urban park for such activities as the balloon festival.

44. Hatch Road/Garfield Road Agriculture/RP (Mt. Apatite, Taylor Pond, Perkins Ridge)

(Change Jackson Hill Road from Low Density Residential to Agriculture/RP; reduce Low Density Residential District along Garfield Road to 400 feet each side of road). Mt. Apatite and the National Guard are located in this area. This is an environmentally sensitive area due to topography, shallow depth to ledge, extensive wetland areas, and the potential that any development would increase phosphorus concentrations in Taylor Pond and Lake Auburn. This area is also far from City services, and is thus not desirable as a growth area.

45. Perkins Ridge Agriculture/RP (Perkins Ridge, West Auburn)

(Retain AG/RP; reduce bands of Low Density Residential to 400 feet each side of road except for the westerly side of the ridge occupied by the apple orchards). There are a number of orchards in this area that rely on potential residential opportunities to assure financial stability. Areas currently allowed for this potential under apple orchards should be retained. It is poorly suited to development due to the lack of sewer and water services, the poor condition of roads, the use of chemicals in spraying orchards, and the potential that any development would increase phosphorus concentrations in Taylor Pond and Lake Auburn. This area is also far from City services, and there is very little room for additional residential growth. The proposed designation will help Auburn retain its rural character, as well as important view corridors.

46. West Auburn Road Low Density Residential (West Auburn)

(No Change but reduce depth of Low Density Residential District to 400 feet each side of road.) This area already contains low density residential development. It is unlikely that this area will undergo much additional development, as many of the residences are located on large parcels (10 or more acres).

47. North Auburn/Lake Auburn Watershed Agriculture/RP (North Auburn, West Auburn)

(No Change, but reduce Low Density Residential District along North Auburn Road, and Skillings Corner Road to 400 feet each side of road. This area is within the Lake Auburn watershed. Rather than allow linear roadside development, which would channel runoff directly to the lake, it makes more sense to allow a small village area at the head of the lake (see #48). The Skillings Corner Road is unsuitable for development; land on both sides of the North Auburn Road is part of an active farming operation. Development of this area would be detrimental to water quality, as fields slope to the lake and there are no City services. This area is served by dirt roads which are not conducive to development. Maintaining an agriculture designation will also help preserve The Basin.



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Planning Board
From: Megan Norwood, City Planner
Re: Proposed Amendment to Section 60-201(a) to allow two-family dwellings in the Low-Density Country Residential Zoning District
Date: June 08, 2021

I. PROPOSAL: At the March 25, 2021 meeting, the Planning Board made a favorable recommendation to the City Council to amend the buildings per lot provision under Sec. 60-34 of the ordinance to allow an additional one-family detached dwelling in a zoning district where two-families are permitted and a single-family dwelling unit currently exists on the lot. The City Council moved forward and approved the ordinance amendment at their May 17, 2021 meeting.

At their meeting, the Council requested the Planning Board to also provide a recommendation on allowing two-family dwellings in the Low Density Country Residential (LDCR) Zoning District – the only residential zoning district that does not currently permit two-families. As discussed prior, Staff agrees that it seems logical to allow two-family dwellings in all residential zoning districts, including the LDCR. The LDCR Zoning District is shown on the map in dark green. Under the map is a link to the zoning viewer.



II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

II. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff suggests the Planning Board make a favorable recommendation to City Council to amend Chapter 60, Article IV, Division 3, Section 60-201(a) to add two-family dwellings to the list of permitted uses.

<https://auburnme.maps.arcgis.com/apps/webappviewer/index.html?id=27c0920863174d74813240046905c655>



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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July 13th, 2021

RE: Amendment to the proposed Amendment to the Low Density Country Residential and Rural Residential Strips abutting the Agriculture/Resource Protection Zone to expand from a Width of 450 feet to a Width of 750 feet from the centerline of the roadways dated July 13th .

Members of the Board,

It has come to our attention that we missed a couple documents and Council feedback in the packet and wanted to provide them ahead of the meeting. The Council meeting discussion is here at

35:19: <https://www.youtube.com/watch?v=CE4I8bAtqS0>

The questions were:

- Why was a fixed width utilized instead of following the boundaries of lots that are not as deep as 750- feet and how was the depth of 750-feet identified? Answer: See the CC Order that clarified that it was 750' or the rear property line, whichever is less.
- How does this zoning amendment fit with the stated vision in the Comprehensive Plan and in the Comprehensive Plan update to develop from the core out and in a village pattern? The Council and PB have made a significant inventory of walkability market house lots available with recent Form Based Code expansions. This is an attempt to offer additional Privacy Market Rural house lots in Auburn. See attached Salim Firth Memo from Mercatus.
- Why are we discussing this now given that we are going to be receiving a Comprehensive Plan review and corresponding zoning amendments that will address these items? Answer: We should not stop ordinance update progress supported by the Com Plan while we wait for the update process unless there is a good reason to do so. Existing and draft Comp Plans support greater flexibility in siting buildings in existing strip areas.

Enclosures.

To: Auburn Planning Board
From: Megan Norwood, City Planner
Re: Proposed Amendment to the Low Density Country Residential and Rural Residential Strips abutting the Agriculture/Resource Protection Zone to expand from a Width of 450 feet to a Width of 750 feet from the centerline of the roadways.
Date: June 08, 2021

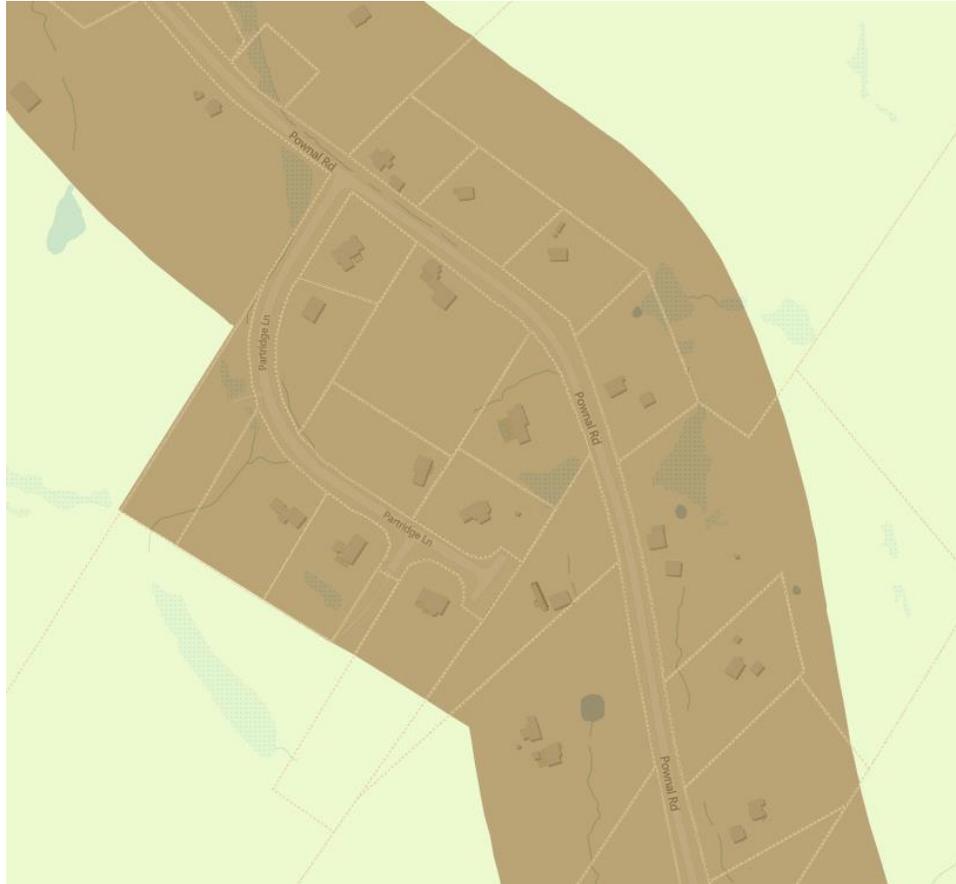
I. PROPOSAL: At the May 17, 2021 City Council meeting, the Council voted to request a recommendation from the Planning Board to expand the residential strips abutting the Ag-Zone from a width of 450 feet to a width of 750 feet from the centerline of the roadways.

The City has a number of residential strips, primarily in northern and southern areas that split parcels of land between two zoning districts – Agriculture/Resource Protection and either Rural Residential or Low Density Country Residential. This allows property owners to have a residence in the front of the property, zoned residential, and reserves the back portion of the property as Ag-land. Below is an example in the Trapp Road/Pownal Road area of a Rural Residential strip on either side of the roadways.



By increasing the width of these strips an additional 300 feet, it will provide more buildable area for residential uses in these neighborhoods.

One of the reasons the strips were set to 450 feet was to prevent subdivisions such as the one below on Partridge Lane which essentially cuts off access to the back agriculturally zoned land.

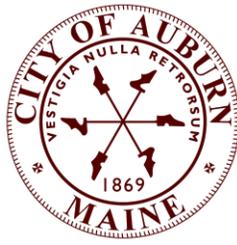


If the Planning Board would like more information from the City Council as to why this change has been recommended, we recommend using this opportunity to come up with specific questions about the proposed changes to bring back to the City Council.

II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

II. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff suggests the Planning Board make a favorable recommendation to City Council to expand the Rural Residential and Low Density Country Residential strips an additional 300 feet to provide more flexibility for residential uses in these areas. If the Planning Board is not comfortable with making a recommendation until additional information is provided, Staff recommends using this opportunity to formulate a list of questions for the City Council.



City Council Ordinance

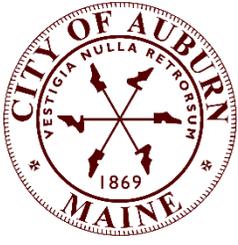
IN CITY COUNCIL

Be it ordained, That the City Council Amend the Zoning Map such that the Low-Density Country Residential and Rural Residential Strips abutting the Agriculture/Resource Protection Zone are expanded from the current depth of 450 Feet from center line of the roadway to a depth of 750 Feet from the centerline of the roadway or the rear property boundary, whichever is less.

Holly C. Lasagna, Ward One
Brian S. Carrier, Ward Four
Belinda A. Gerry, At Large

Timothy B. MacLeod, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

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Katherine E. Boss, At Large
Phillip L. Crowell, Jr., City Manager



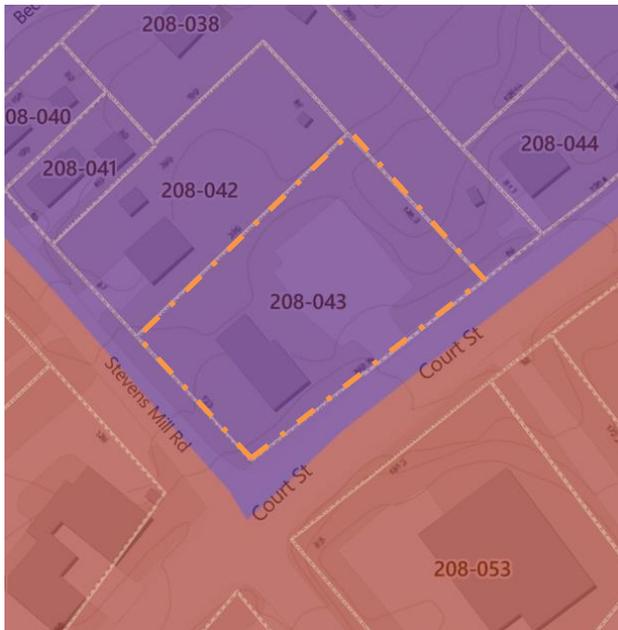
**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 19, 2021

Ordinance: 32-07192021

Author: Eric Cousens, Director of Planning and Permitting

Subject: Proposed Zone Change for 41 Steven’s Mill Road from Suburban Residential to General Business II
(Public Hearing and First Reading)



Information: BJ Grondin, buyer of 41 Stevens Mill Road is requesting a zoning map amendment to PID: 208-043 from Suburban Residential to General Business II to support a business in an otherwise commercially zoned neighborhood.

There are a couple of ways a zoning map amendment can be initiated as described under Section 60-1445 of the ordinance: **A. Amendment to the Zoning Ordinance or Zoning Map**

Sec. 60-1445. - Purpose.

Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or **by a petition signed by not less than 25 registered voters of the city.** (Ord. of 9-21-2009, § 8.1A)

The Buyer of 41 Steven’s Mill Road (located on the corner of Steven’s Mill Road and Court Street) has submitted a petition signed by 25 registered voters of the

City of Auburn to change the zoning of the property located at 41 Steven’s Mill Road from Suburban Residential to General Business II. The purpose of the zone change is to build a Personal Training Studio on a parcel that housed a hair salon for over 30 years.

One of the primary tests of a zone change is its conformance with the Comprehensive Plan. The proposed Future Land Use Plan as part of the 2021 Comprehensive Plan update process has this area zoned as General Business.

On July 13, 2021 the Planning Board voted unanimously to recommend the approval of this proposed zoning map amendment.

City Budgetary Impacts: None.

Staff Recommended Action: Staff and the Planning Board recommend that the City Council hold a public hearing and vote to change the zoning of the property located at 41 Steven’s Mill Road (PID 208-043) from Suburban Residential to General Business II.

Previous Meetings and History: Planning board approved amendment as presented on July 13, 2021, Council Workshop June 21st.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: Planning Board Staff Report from July 13th, petition for amendment.

PETITION

Seeking permission from the City of Auburn to re-zone 41 Steven's Mill Road, Auburn from Suburban Residential to General Business or General Business II. The intent is to build a Personal Training Studio on an area that once housed a Hair Salon for 30+ years.

Signature	Printed Name	Residence (Street Address)	Date
	Camryn Dorke	118 Grandview Ave	6/3/21
	Toby Grandin	40 Leavitt St	6/3/21
	DARBY SHEA	750 COURT ST.	6/3/21
	Troy Barnies	53 Dennison St	6/3/21
	Stefanie Damien	703 S. Witham Rd	6/4/21
	Matt McAvoy	876 Johnson Rd.	6/4/21
	Jennifer McAvoy	574 Johnson Rd.	6/4/21
	Tammy Favers	73 Olive St	6/4/21
	Mace Harve	132 Third St	6/4/21
	Sharon Alexander	1420 Turner St	6-5-21
	James Alexander	1420 Turner St	6/5/21
	Paul Hanley	132 Third St	6/5/21
	Tracy Robbins	779 Pownal Rd	6.7.21
	Geoff Robbins	779 Pownal Rd	6.7.21
	Jennifer Momeni	17 Western Ave	6/7/21
	Heidi Bernier	34 Leavitt St	6/7/21
	SOCKEY BERWICK	34 LEAVITT ST.	6/7/21
	Chris Gavrin	65 Garden Cir	6/7/21
	Mackenzie Gavin	65 Garden Circle	6/7/21
	Leonard Shaver	10 Nottingham	6/8/21
	Jennifer Dodge	96 Alderwood Rd	6/8/21
	Kristi Norcross	230 Valuelow Dr	6/8/21
	Wol Maiwen	204 Broadview Ave	6/8/21
	Jenna-Lae Brown	31 Jogglyn St	6/8/21
	Austin Colleton	14 Pine St	6/8/21
	Kathy Whitney	596 Fletcher Rd	6/8/21
	Debbie Bodwell	115 Sunderland Dr.	6/8/21
	BETH FAVREAU	Auburn, ME 04210 481 Park Ave. Auburn	6/8/21

Circulator's Affidavit

I, **Brian (BJ) Grondin of 40 Leavitt Street, Auburn, ME 04210**, hereby certify that I am a resident of the City of Auburn; that I personally circulated this paper and witnessed the signatures thereon; and, to the best of my knowledge and belief, each signature is that of the person it purports to be. Further, I certify that each signer had the opportunity, before signing, to read the full text of the ordinance proposed to be reconsidered.

Brian J. Grondin
Signature of Circulator

Brian J. Grondin
Printed Name

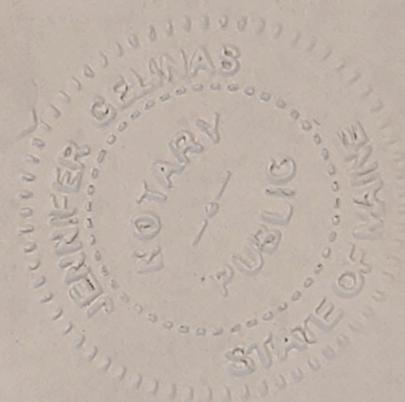
Subscribed to and sworn before me on this date: June 8, 2021 (Date must be completed by Notary)

Jennifer Gelinias
Signature of Notary

Jennifer Gelinias
Printed Name

Date my Notary Commission expires: August 20, 2026

Jennifer Gelinias
Notary Public, State of Maine
My Commission Expires August 20, 2026





City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

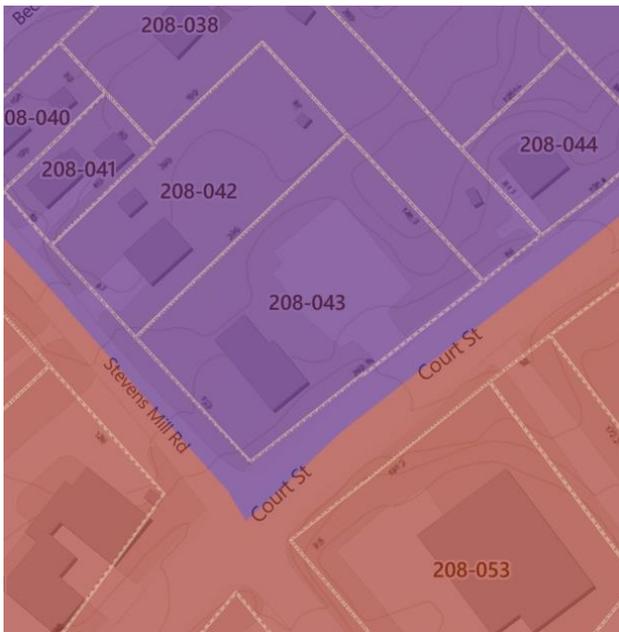
60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

Item #3

To: Auburn Planning Board
From: Megan Norwood, City Planner
Re: Proposed Zone Change for 41 Steven’s Mill Road from Suburban Residential to General Business II
Date: July 13, 2021

I. PROPOSAL



II. Information: BJ Grondin, Owner of 41 Stevens Mill Road is requesting a zoning map amendment to PID: 208-043 from Suburban Residential to General Business II to support a business in an otherwise commercially zoned neighborhood.

There are a couple of ways a zoning map amendment can be initiated as described under Section 60-1445 of the ordinance:

A. Amendment to the Zoning Ordinance or Zoning Map Sec. 60-1445. - Purpose.

III. Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or **by a petition signed by not less than 25 registered voters of the city.** (Ord. of 9-21-2009, § 8.1A)

IV. The Owner of 41 Steven’s Mill Road (located on the corner of Steven’s Mill Road and Court Street) has submitted a petition signed by 25 registered voters of the City of Auburn to change the zoning of the property located at 41 Steven’s Mill Road

from Suburban Residential to General Business II. The purpose of the zone change is to build a Personal Training Studio on a parcel that housed a hair salon for over 30 years.

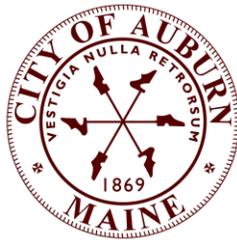
One of the primary tests of a zone change is its conformance with the Comprehensive Plan. The proposed Future Land Use Plan as part of the 2021 Comprehensive Plan update process has this area zoned as General Business.

II. DEPARTMENT REVIEW:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

V. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff suggests the Planning Board make a recommendation to City Council to amend zoning map amendment to PID: 208-043 from Suburban Residential to General Business II to support a business in an otherwise commercially zoned neighborhood.

VI. Suggested Motion: I make a motion to recommendation to City Council to amend zoning map amendment to PID: 208-043 from Suburban Residential to General Business II to support a business in an otherwise commercially zoned neighborhood.



ORDINANCE 32-07192021

City Council Order

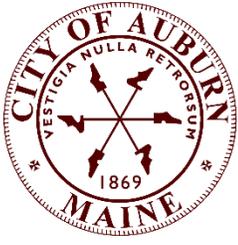
IN CITY COUNCIL

Be it ordained, that the City Council amend the City of Auburn Zoning Map to include 41 Stevens Mills Road(PID 208-043) in the General Business II Zoning District Pursuant to Chapter 60, Article XVII. Amendments, Division 2.

Holly C. Lasagna, Ward One
Brian S. Carrier, Ward Four
Belinda A. Gerry, At Large

Timothy B. MacLeod, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Katherine E. Boss, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 19, 2021

Ordinance: 33-07192021

Author: John Blais, Urban Development Specialist

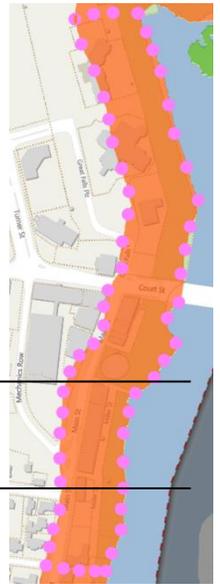
Subject: Special Local Condition Overlay to the Shoreland Zone

Information: To allow and promote infill development in the Shoreland Zone along Main Street, Court Street and Great Falls Plaza. *Height.* The height of all principal or accessory structures shall be limited to 35 feet in height in the Shoreland Zone. **Exception: where identified as Special Local Condition Overlay to the Shoreland Zone the height of all principal or accessory structures shall be limited to 50 feet in height.** The height of 50 feet is calculated as the average height of existing buildings identified in the Special Condition Overlay. This approach has been reviewed and approved by the State of Maine, Shoreland Zone Coordinator (Colin Clark).

Allow a Special Local Condition Overlay to the Shoreland Zone specifically along Main Street, Court Street and Great Falls Plaza to a building height of 50 feet.

City Budgetary Impacts: None Currently

Staff Recommended Action: The City Council to amend Chapter 60, Article XII, Division 5, Section 60-992 (b) of the Auburn Code of Ordinance and Shoreland Zoning Map to allow as a Special Condition Overlay in identified areas of the Shoreland Zone, the height of all principal or accessory structures to exceed the 35-foot height limit to maximum of 50-feet.



Previous Meetings and History: Approved by Planning board July 13, 2021

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Planning Board Staff Report Dated July 13, 2021.

DIVISION 5. - SHORELAND OVERLAY DISTRICT (SLO)^[3]

Footnotes:

--- (3) ---

Editor's note— Ord. No. 011-09072010-07, §§ 5.4A—5.4BB, adopted Sept. 7, 2010, repealed the former div. 5, §§ 60-982—60-990, and enacted a new div. 5 as set out herein. The former div. 5 pertained to similar subject matter and derived from an ordinance adopted Sept. 21, 2009, §§ 5.4A—5.4I.

Sec. 60-982. - Purposes.

The purposes of this Shoreland Overlay District (SLO) is to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in shoreland areas.

(Ord. No. 011-09072010-07, § 5.4A, 9-7-2010)

Sec. 60-983. - Authority.

This SLO district has been created in accordance with the provisions of 38 M.R.S.A. §§ 435—449.

(Ord. No. 011-09072010-07, § 5.4B, 9-7-2010)

Sec. 60-984. - Applicability.

This SLO district applies to all land areas within 250 feet, horizontal distance, of those areas noted on the official shoreland zoning map for the city and all land areas within 75 feet, horizontal distance, of the normal high-water line of a stream.

This SLO district also applies to any structure built on, over or abutting a dock, wharf or pier, or other structure extending or located below the normal high-water line of a water body or within a wetland.

(Ord. No. 011-09072010-07, § 5.4C, 9-7-2010)

Sec. 60-985. - Effective date.

The SLO district has been adopted by the municipal legislative body on September 7, 2010.

(Ord. No. 011-09072010-07, § 5.4D, 9-7-2010)

Sec. 60-986. - Severability.

Should any section or provision of this division be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of the division.

(Ord. No. 011-09072010-07, § 5.4E, 9-7-2010)

Sec. 60-987. - Conflicts with other ordinances.

Whenever a provision of this division conflicts with or is inconsistent with another provision of this chapter or of any other ordinance, regulation or statute administered by the municipality, the more restrictive provision shall control.

(Ord. No. 011-09072010-07, § 5.4F, 9-7-2010)

Sec. 60-988. - Interpretation of district boundaries.

Unless otherwise set forth on the official shoreland zoning map, district boundary lines are property lines, the centerlines of streets, roads and rights-of-way, and the boundaries of the shoreland area as defined herein. The perimeters of the SLO district shall be superimposed over the underlying zoning districts. The provisions of the underlying zoning district shall be adhered to subject to compliance with the provisions of the SLO district. Where uncertainty exists as to the exact location of district boundary lines, the board of appeals shall be the final authority as to location.

(Ord. No. 011-09072010-07, § 5.4G, 9-7-2010)

Sec. 60-989. - Land use requirements.

Except as hereinafter specified, no building, structure or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, expanded, moved, or altered and no new lot shall be created except in conformity with all of the regulations herein specified for the district in which it is located, unless a variance is granted.

(Ord. No. 011-09072010-07, § 5.4H, 9-7-2010)

Sec. 60-990. - Nonconformance.

- (a) *Purpose.* It is the intent of this district to promote land use conformities, except that nonconforming conditions that existed before the effective date of this division or amendments thereto shall be allowed to continue, subject to the requirements set forth in section 60-990. Except as otherwise provided in this division, a nonconforming condition shall not be permitted to become more nonconforming.
- (b) *General.*
 - (1) *Transfer of ownership.* Nonconforming structures, lots, and uses may be transferred, and the new owner may continue the nonconforming use or continue to use the nonconforming structure or lot, subject to the provisions of this section.
 - (2) *Repair and maintenance.* This section allows, without a permit, the normal upkeep and maintenance of nonconforming uses and structures including repairs or renovations that do not involve expansion of the nonconforming use or structure, and such other changes in a nonconforming use or structure as federal, state, or local building and safety codes may require.
- (c) *Nonconforming structures.*
 - (1) *Expansions.* A nonconforming structure may be added to or expanded after obtaining a permit from the same permitting authority as that for a new structure, if such addition or expansion does not increase the nonconformity of the structure and is in accordance with subparagraphs a. and b. below.

- a. After January 1, 1989, if any portion of a structure is less than the required setback from the normal high-water line of a water body or tributary stream or the upland edge of a wetland, that portion of the structure shall not be expanded, as measured in floor area or volume, by 30 percent or more, during the lifetime of the structure. If a replacement structure conforms with the requirements of section 30-990(c)(3), and is less than the required setback from a water body, tributary stream or wetland, the replacement structure may not be expanded if the original structure existing on January 1, 1989, had been expanded by 30 percent in floor area and volume since that date.
 - b. Whenever a new, enlarged, or replacement foundation is constructed under a nonconforming structure, the structure and new foundation must be placed such that the setback requirement is met to the greatest practical extent as determined by the director of planning and permitting, basing a decision on the criteria specified in section 60-990(c)(2). Relocation, below. If the completed foundation does not extend beyond the exterior dimensions of the structure, except for expansion in conformity with section 60-990(c)(1)a. above, and the foundation does not cause the structure to be elevated by more than three additional feet, as measured from the uphill side of the structure (from original ground level to the bottom of the first floor sill), it shall not be considered to be an expansion of the structure.
- (2) *Relocation.* A nonconforming structure may be relocated within the boundaries of the parcel on which the structure is located provided that the site of relocation conforms to all setback requirements to the greatest practical extent as determined by the director of planning and permitting, and provided that the applicant demonstrates that the present subsurface sewage disposal system meets the requirements of state law and the State of Maine subsurface wastewater disposal rules (rules), or that a new system can be installed in compliance with the law and said rules. In no case shall a structure be relocated in a manner that causes the structure to be more nonconforming.

In determining whether the building relocation meets the setback to the greatest practical extent, the director of planning and permitting shall consider the size of the lot, the slope of the land, the potential for soil erosion, the location of other structures on the property and on adjacent properties, the location of the septic system and other on-site soils suitable for septic systems, and the type and amount of vegetation to be removed to accomplish the relocation. When it is necessary to remove vegetation within the water or wetland setback area in order to relocate a structure, the director of planning and permitting shall require replanting of native vegetation to compensate for the destroyed vegetation. In addition, the area from which the relocated structure was removed must be replanted with vegetation. Replanting shall be required as follows:

- a. Trees removed in order to relocate a structure must be replanted with at least one native tree, three feet in height, for every tree removed. If more than five trees are planted, no one species of tree shall make up more than 50 percent of the number of trees planted. Replaced trees must be planted no further from the water or wetland than the trees that were removed.

Other woody and herbaceous vegetation, and ground cover, that are removed or destroyed in order to relocate a structure must be re-established. An area at least the same size as the area where vegetation and/or ground cover was disturbed, damaged, or removed must be reestablished within the setback area. The vegetation and/or ground cover must consist of similar native vegetation and/or ground cover that was disturbed, destroyed or removed.
 - b. Where feasible, when a structure is relocated on a parcel the original location of the structure shall be replanted with vegetation which may consist of grasses, shrubs, trees, or a combination thereof.
- (3) *Reconstruction or replacement.* Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed, or damaged or destroyed, regardless of the cause, by more than 50 percent of the market value of the structure before such damage, destruction or removal, may be reconstructed or replaced provided that a permit is obtained within 18 months of the date of said damage, destruction, or

removal, and provided that such reconstruction or replacement is in compliance with the water body, tributary stream or wetland setback requirement to the greatest practical extent as determined by the director of planning and permitting or its designee in accordance with the purposes of this section. In no case shall a structure be reconstructed or replaced so as to increase its non-conformity. If the reconstructed or replacement structure is less than the required setback it shall not be any larger than the original structure, except as allowed pursuant to subsection (c)(1) above, as determined by the nonconforming floor area and volume of the reconstructed or replaced structure at its new location. If the total amount of floor area and volume of the original structure can be relocated or reconstructed beyond the required setback area, no portion of the relocated or reconstructed structure shall be replaced or constructed at less than the setback requirement for a new structure. When it is necessary to remove vegetation in order to replace or reconstruct a structure, vegetation shall be replanted in accordance with subsection (c)(2) above.

Any nonconforming structure which is located less than the required setback from a water body, tributary stream, or wetland and which is removed by 50 percent or less of the market value, or damaged or destroyed by 50 percent or less of the market value of the structure, excluding normal maintenance and repair, may be reconstructed in place if a permit is obtained from the code enforcement officer within one year of such damage, destruction, or removal.

In determining whether the building reconstruction or replacement meets the setback to the greatest practical extent the director of planning and permitting or its designee shall consider, in addition to the criteria in section 1(3)(b) above, the physical condition and type of foundation present, if any.

- (4) *Change of use of a nonconforming structure.* The use of a nonconforming structure may not be changed to another use unless the director of planning and permitting, after receiving a written application, determines that the new use will have no greater adverse impact on the water body, tributary stream, or wetland, or on the subject or adjacent properties and resources than the existing use.

In determining that no greater adverse impact will occur, the director of planning and permitting shall require written documentation from the applicant, regarding the probable effects on public health and safety, erosion and sedimentation, water quality, fish and wildlife habitat, vegetative cover, visual and actual points of public access to waters, natural beauty, floodplain management, archaeological and historic resources, and functionally water-dependent uses.

(d) *Nonconforming uses.*

- (1) *Expansions.* Expansions of nonconforming uses are prohibited, except that nonconforming residential uses may, after obtaining a permit from the planning board, be expanded within existing residential structures or within expansions of such structures as allowed in subsection (c)(1)a. above.
- (2) *Resumption prohibited.* A lot, building or structure in or on which a nonconforming use is discontinued for a period exceeding one year, or which is superseded by a conforming use, may not again be devoted to a nonconforming use except that the planning board may, for good cause shown by the applicant, grant up to a one-year extension to that time period. This provision shall not apply to the resumption of a use of a residential structure provided that the structure has been used or maintained for residential purposes during the preceding five-year period.
- (3) *Change of use.* An existing nonconforming use may be changed to another nonconforming use provided that the proposed use has no greater adverse impact on the subject and adjacent properties and resources than the former use, as determined by the planning board. The determination of no greater adverse impact shall be made according to criteria listed in subsection (c)(4) above.

(Ord. No. 011-09072010-07, § 5.4I, 9-7-2010)

Sec. 60-991. - Establishment of Shoreland Resource Protection District Overlay.

- (a) *Purpose.* The purpose of this overlay zone is to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in natural resource areas.

The resource protection district includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas:

- (1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the department as of May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
 - (2) Areas of two or more contiguous acres with sustained slopes of 20 percent or greater.
 - (3) Areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
 - (4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.
 - (5) Properties owned by or under development restriction easements controlled by the Lake Auburn Watershed Protection Commission that are deemed to be appropriate for resource protection zoning by a vote of the commission.
- (b) *Use regulations.*
- (1) *Permitted uses.* The following uses are permitted subject to the requirements of article V of this chapter:
 - a. Nonintensive recreational uses not requiring structures.
 - b. Forest management activities except for timber harvesting and land management road.
 - c. Soils and water conservation practices.
 - d. Fire prevention activities.
 - e. Wildlife management practices.
 - f. Surveying and resource analysis.
 - g. Emergency operations.
 - h. Structures accessory to allowed uses.
 - i. Motorized vehicular traffic on existing roads and trails.
 - j. Mineral exploration.
 - k. Individual private camp sites.
 - l. Filling and earth moving of less than ten cubic yards.

- m. Uses similar to allowed uses.
 - n. Conversion of seasonal residences to yearround residences.
- (2) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of article XVI, div. 3, and article XII [of this chapter]:
- a. Mineral extraction including sand and gravel extraction.
 - b. Agriculture.
 - c. Aquaculture.
 - d. Principal structures and uses including driveways.
 - e. Filling and earth moving of greater than ten cubic yards.
 - f. Uses similar to uses requiring special exception approval.
- (c) *Dimensional requirements.* All structures in this district except as noted shall be subject to the following dimensional regulations:
- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than the minimum lot size or measuring less than the minimum lot width or lot depth required for the underlying zoning district identified for the property where any activity is proposed.
 - (2) *Density.* The density of dwelling units shall not exceed the required density for the underlying zoning district identified for the property where any activity is proposed.
 - (3) *Yard requirements.* The rear, side and front yard requirements shall not be less than that required for the underlying zoning district for the property where any activity is proposed.
 - (4) *Height.* The height of all principal or accessory structures shall be limited to 35 feet in height. **Exception: where identified as Special Local Condition Overlay to the Shoreland Zone the height of all principal or accessory structures shall be limited to 50 feet in height.** This provision also shall not apply to structures such as transmission towers, windmills, antennas and similar structures having no floor area.
 - (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article IV of this chapter.

(Ord. No. 011-09072010-07, § 5.4J, 9-7-2010)

Sec. 60-992. - Principal and accessory structures.

- (a) All new principal and accessory structures shall be set back at least 100 feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in general development areas the setback from the normal high-water line shall be at least 25 feet, horizontal distance. Lots less than 120 feet deep measured at right angles to the shoreline which were in existence on or before December 17, 1973, shall have a shoreline setback requirement of 50 percent of the lot depth. In the resource protection district the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

For the purpose of this section the term "general development areas" includes all areas where the underlying zoning is identified as General Business, General Business II, Central Business I, Central Business II, Central Business III, Industrial or Multi-Family Urban districts, except where these districts fall within the Taylor Pond or Lake Auburn Watersheds or on the east shore of Bobbin Mill Brook.

In addition:

- (1) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
- (2) On a nonconforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed 80 square feet in area nor eight feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
- (b) Principal or accessory structures and expansions of existing structures which are permitted in the underlying zoning district, shall not exceed 35 feet in height. Exception: where identified as Special Local Condition Overlay to the Shoreland Zone the height of all principal or accessory structures shall be limited to 50 feet in height. This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
- (c) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated and constructed in accordance with provisions of this chapter, art. XII, div. 2, Floodplain Overlay District. Accessory structures may be placed in accordance with the standards of that division and need not meet the elevation requirements.
- (d) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the SLO district shall not exceed 20 percent of the lot or a portion thereof, located within the SLO district, including land area previously developed, except in the general development areas adjacent to rivers that do not flow to great ponds classified GPA, where lot coverage shall not exceed 70 percent.
- (e) Retaining walls that are not necessary for erosion control shall meet the structure setback requirement, except for low retaining walls and associated fill provided all of the following conditions are met:
 - (1) The site has been previously altered and an effective vegetated buffer does not exist;
 - (2) The wall(s) is(are) at least 25 feet, horizontal distance, from the normal high-water line of a water body, tributary stream, or upland edge of a wetland;
 - (3) The site where the retaining wall will be constructed is legally existing lawn or is a site eroding from lack of naturally occurring vegetation, and which cannot be stabilized with vegetative plantings;
 - (4) The total height of the wall(s), in the aggregate, are no more than 24 inches;
 - (5) Retaining walls are located outside of the 100-year floodplain on rivers, streams, and tributary streams, as designated on the Federal Emergency Management Agency's (FEMA) flood insurance rate maps or flood hazard boundary maps, or the flood of record, or in the absence of these, by soil types identified as recent floodplain soils.
 - (6) The area behind the wall is revegetated with grass, shrubs, trees, or a combination thereof, and no further structural development will occur within the setback area, including patios and decks; and
 - (7) A vegetated buffer area is established within 25 feet, horizontal distance, of the normal high-water line of a water body, tributary stream, or upland edge of a wetland when a natural buffer area does not exist. The buffer area must meet the following characteristics:
 - a. The buffer must include shrubs and other woody and herbaceous vegetation. Where natural ground cover is lacking the area must be supplemented with leaf or bark mulch;

- b. Vegetation plantings must be in quantities sufficient to retard erosion and provide for effective infiltration of stormwater runoff;
 - c. Only native species may be used to establish the buffer area;
 - d. A minimum buffer width of 15 feet, horizontal distance, is required, measured perpendicularly to the normal high-water line or upland edge of a wetland;
 - e. A footpath not to exceed the standards in section 60-1004(b)(1), may traverse the buffer;
- (f) Notwithstanding the requirements stated above, stairways or similar structures may be allowed with a permit from the code enforcement officer, to provide shoreline access in areas of steep slopes or unstable soils provided: that the structure is limited to a maximum of four feet in width; that the structure does not extend below or over the normal high-water line of a water body or upland edge of a wetland, (unless permitted by the Department of Environmental Protection pursuant to the Natural Resources Protection Act, 38 M.R.S.A. § 480-C); and that the applicant demonstrates that no reasonable access alternative exists on the property.

(Ord. No. 011-09072010-07, § 5.4K, 9-7-2010)

Sec. 60-993. - Piers, docks, wharves, bridges and other structures and uses extending over or below the normal high-water line of a water body or within a wetland.

- (a) Access from shore shall be developed on soils appropriate for such use and constructed so as to control erosion.
- (b) The location shall not interfere with existing developed or natural beach areas.
- (c) The facility shall be located so as to minimize adverse effects on fisheries.
- (d) The facility shall be no larger in dimension than necessary to carry on the activity and be consistent with the surrounding character and uses of the area. A temporary pier, dock or wharf shall not be wider than six feet for non-commercial uses.
- (e) No new structure shall be built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland unless the structure requires direct access to the water body or wetland as an operational necessity.
- (f) New permanent piers and docks shall not be permitted unless it is clearly demonstrated to the planning board that a temporary pier or dock is not feasible, and a permit has been obtained from the department of environmental protection, pursuant to the Natural Resources Protection Act.
- (g) No existing structures built on, over or abutting a pier, dock, wharf or other structure extending beyond the normal high-water line of a water body or within a wetland shall be converted to residential dwelling units in any district.
- (h) Except in the general development areas, structures built on, over or abutting a pier, wharf, dock or other structure extending beyond the normal high-water line of a water body or within a wetland shall not exceed 20 feet in height above the pier, wharf, dock or other structure.

(Ord. No. 011-09072010-07, § 5.4L, 9-7-2010)

Sec. 60-994. - Campgrounds.

Campgrounds shall conform to the minimum requirements imposed under state licensing procedures and the following:

- (1) Campgrounds shall contain a minimum of 5,000 square feet of land, not including roads and driveways, for each site. Land supporting wetland vegetation, and land below the normal high-water line of a water body shall not be included in calculating land area per site.

- (2) The areas intended for placement of a recreational vehicle, tent or shelter, and utility and service buildings shall be set back a minimum of 100 feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.

(Ord. No. 011-09072010-07, § 5.4M, 9-7-2010)

Sec. 60-995. - Individual private campsites.

Individual private campsites not associated with campgrounds are allowed provided the following conditions are met:

- (1) One campsite per lot existing on the effective date of this section, or 30,000 square feet of lot area within the shoreland zone, whichever is less, may be permitted.
- (2) Campsite placement on any lot, including the area intended for a recreational vehicle or tent platform, shall be set back 100 feet, horizontal distance, from the normal high-water line of a great pond classified GPA or river flowing to a great pond classified GPA, and 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland.
- (3) Only one recreational vehicle shall be allowed on a campsite. The recreational vehicle shall not be located on any type of permanent foundation except for a gravel pad, and no structure except a canopy shall be attached to the recreational vehicle.
- (4) The clearing of vegetation for the siting of the recreational vehicle, tent or similar shelter in a resource protection district shall be limited to 1,000 square feet.
- (5) A written sewage disposal plan describing the proposed method and location of sewage disposal shall be required for each campsite and shall be approved by the local plumbing inspector. Where disposal is off-site, written authorization from the receiving facility or land owner is required.
- (6) When a recreational vehicle, tent or similar shelter is placed on-site for more than 120 days per year, all requirements for residential structures shall be met, including the installation of a subsurface sewage disposal system in compliance with the State of Maine Subsurface Wastewater Disposal Rules unless served by public sewage facilities.

(Ord. No. 011-09072010-07, § 5.4N, 9-7-2010)

Sec. 60-996. - Commercial and industrial uses.

The following new commercial and industrial uses are prohibited within the shoreland zone adjacent to great ponds classified GPA, and rivers and streams which flow to great ponds classified GPA:

- (1) Auto washing facilities
- (2) Auto or other vehicle service and/or repair operations, including body shops
- (3) Chemical and bacteriological laboratories
- (4) Storage of chemicals, including herbicides, pesticides or fertilizers, other than amounts normally associated with individual households or farms
- (5) Commercial painting, wood preserving, and furniture stripping
- (6) Dry cleaning establishments
- (7) Electronic circuit assembly
- (8) Laundromats, unless connected to a sanitary sewer

- (9) Metal plating, finishing, or polishing
- (10) Petroleum or petroleum product storage and/or sale except storage on same property as use occurs and except for storage and sales associated with marinas
- (11) Photographic processing
- (12) Printing

(Ord. No. 011-09072010-07, § 5.4O, 9-7-2010)

Sec. 60-997. - Parking areas.

- (a) Parking areas shall meet the shoreline and tributary stream setback requirements for structures for the district in which such areas are located. The setback requirement for parking areas serving public boat launching facilities in districts other than the general development areas shall be no less than 50 feet, horizontal distance, from the shoreline or tributary stream if the planning board finds that no other reasonable alternative exists further from the shoreline or tributary stream.
- (b) Parking areas shall be adequately sized for the proposed use and shall be designed to prevent stormwater runoff from flowing directly into a water body, tributary stream or wetland and where feasible, to retain all runoff on-site.
- (c) In determining the appropriate size of proposed parking facilities, the following shall apply:
 - (1) Typical parking space: Approximately ten feet wide and 20 feet long, except that parking spaces for a vehicle and boat trailer shall be 40 feet long.
 - (2) Internal travel aisles: Approximately 20 feet wide.

(Ord. No. 011-09072010-07, § 5.4P, 9-7-2010)

Sec. 60-998. - Roads and driveways.

The following standards shall apply to the construction of roads and/or driveways and drainage systems, culverts and other related features.

- (1) Roads and driveways shall be set back at least 100 feet, horizontal distance, from the normal high-water line of a great pond classified GPA or a river that flows to a great pond classified GPA, and 75 feet, horizontal distance from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland unless no reasonable alternative exists as determined by the planning board. If no other reasonable alternative exists, the road and/or driveway setback requirement shall be no less than 50 feet, horizontal distance, upon clear showing by the applicant that appropriate techniques will be used to prevent sedimentation of the water body, tributary stream, or wetland. Such techniques may include, but are not limited to, the installation of settling basins, and/or the effective use of additional ditch relief culverts and turnouts placed so as to avoid sedimentation of the water body, tributary stream, or wetland.

On slopes of greater than 20 percent the road and/or driveway setback shall be increased by ten feet, horizontal distance, for each five percent increase in slope above 20 percent.

Section 60-997(a) does not apply to approaches to water crossings or to roads or driveways that provide access to permitted structures and facilities located nearer to the shoreline or tributary stream due to an operational necessity, excluding temporary docks for recreational uses. Roads and driveways providing access to permitted structures within the setback area shall comply fully with the requirements of this section except for that portion of the road or driveway necessary for direct access to the structure.

- (2) Existing public roads may be expanded within the legal road right-of-way regardless of their setback from a water body, tributary stream or wetland.
- (3) New roads and driveways are prohibited in a resource protection district except that the planning board may grant a permit to construct a road or driveway to provide access to permitted uses within the district. A road or driveway may also be approved by the planning board in a resource protection district, upon a finding that no reasonable alternative route or location is available outside the district. When a road or driveway is permitted in a resource protection district the road and/or driveway shall be set back as far as practicable from the normal high-water line of a water body, tributary stream, or upland edge of a wetland.
- (4) Road and driveway banks shall be no steeper than a slope of two horizontal to one vertical, and shall be graded and stabilized in accordance with the provisions for erosion and sedimentation control contained in section 60-1004.
- (5) Road and driveway grades shall be no greater than ten percent except for segments of less than 200 feet.
- (6) In order to prevent road and driveway surface drainage from directly entering water bodies, tributary streams or wetlands, roads and driveways shall be designed, constructed, and maintained to empty onto an unscarified buffer strip at least 50 feet plus two times the average slope, in width between the outflow point of the ditch or culvert and the normal high-water line of a water body, tributary stream, or upland edge of a wetland. Surface drainage which is directed to an unscarified buffer strip shall be diffused or spread out to promote infiltration of the runoff and to minimize channelized flow of the drainage through the buffer strip.
- (7) Ditch relief (cross drainage) culverts, drainage dips and water turnouts shall be installed in a manner effective in directing drainage onto unscarified buffer strips before the flow gains sufficient volume or head to erode the road, driveway, or ditch. To accomplish this, the following shall apply:
 - a. Ditch relief culverts, drainage dips and associated water turnouts shall be spaced along the road, or driveway at intervals no greater than indicated in the following table:

Grade (Percent)	Spacing (Feet)
0-2	250
3-5	200-135
6-10	100-80
11-15	80-60
16-20	60-45
21 +	40

- b. Drainage dips may be used in place of ditch relief culverts only where the grade is ten percent or less.

- c. On sections having slopes greater than ten percent, ditch relief culverts shall be placed at approximately a 30-degree angle downslope from a line perpendicular to the centerline of the road or driveway.
 - d. Ditch relief culverts shall be sufficiently sized and properly installed in order to allow for effective functioning, and their inlet and outlet ends shall be stabilized with appropriate materials.
- (8) Ditches, culverts, bridges, dips, water turnouts and other stormwater runoff control installations associated with roads and driveways shall be maintained on a regular basis to assure effective functioning.

(Ord. No. 011-09072010-07, § 5.4Q, 9-7-2010)

Sec. 60-999. - Stormwater runoff.

- (a) All new construction and development shall be designed to minimize stormwater runoff from the site in excess of the natural predevelopment conditions. Where possible, existing natural runoff control features, such as berms, swales, terraces and wooded areas, shall be retained in order to reduce runoff and encourage infiltration of stormwaters.
- (b) Stormwater runoff control systems shall be maintained as necessary to ensure proper functioning.

(Ord. No. 011-09072010-07, § 5.4R, 9-7-2010)

Sec. 60-1000. - Septic waste disposal.

All subsurface sewage disposal systems shall be installed in conformance with the State of Maine Subsurface Wastewater Disposal Rules, and the following: a) clearing or removal of woody vegetation necessary to site a new system and any associated fill extensions, shall not extend closer than 75 feet, horizontal distance, from the normal high-water line of a water body or the upland edge of a wetland and b) a holding tank is not allowed for a first-time residential use in the SLO district.

(Ord. No. 011-09072010-07, § 5.4S, 9-7-2010)

Sec. 60-1001. - Essential services.

- (a) Where feasible, the installation of essential services shall be limited to existing public ways and existing service corridors.
- (b) The installation of essential services, other than road-side distribution lines, is not allowed in a resource protection district, except to provide services to a permitted use within said district, or except where the applicant demonstrates that no reasonable alternative exists. Where allowed, such structures and facilities shall be located so as to minimize any adverse impacts on surrounding uses and resources, including visual impacts.
- (c) Damaged or destroyed public utility transmission and distribution lines, towers and related equipment may be replaced or reconstructed without a permit.

(Ord. No. 011-09072010-07, § 5.4T, 9-7-2010)

Sec. 60-1002. - Agriculture.

- (a) All spreading of manure shall be accomplished in conformance with the Manure Utilization Guidelines published by the Maine Department of Agriculture on November 1, 2001, and the Nutrient Management Law (7 M.R.S.A. §§ 4201-4209).
- (b) Manure shall not be stored or stockpiled within 100 feet, horizontal distance, of a great pond classified GPA or a river flowing to a great pond classified GPA, or within 75 feet horizontal distance, of other water bodies, tributary streams, or wetlands. All manure storage areas within the shoreland zone must be constructed or modified such that the facility produces no discharge of effluent or contaminated stormwater.
- (c) Agricultural activities involving tillage of soil greater than 40,000 square feet in surface area, within the shoreland zone shall require a conservation plan to be filed with the planning board. Nonconformance with the provisions of said plan shall be considered to be a violation of this division.
- (d) There shall be no new tilling of soil within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within 75 feet, horizontal distance, from other water bodies; nor within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Operations in existence on the effective date of this division and not in conformance with this provision may be maintained.
- (e) Newly established livestock grazing areas shall not be permitted within 100 feet, horizontal distance, of the normal high-water line of a great pond classified GPA; within 75 feet, horizontal distance, of other water bodies; nor within 25 feet, horizontal distance, of tributary streams and freshwater wetlands. Livestock grazing associated with ongoing farm activities, and which are not in conformance with the above setback provisions may continue, provided that such grazing is conducted in accordance with a conservation plan.

(Ord. No. 011-09072010-07, § 5.4U, 9-7-2010)

Sec. 60-1003. - Timber harvesting (repealed).

Chapter 21, Statewide Standards for Timber Harvesting in Shoreland Areas apply.

(Ord. No. 011-09072010-07, 9-7-2010; Ord. No. 15-11182019, 12-2-2019)

Sec. 60-1004. - Clearing or removal of vegetation for activities other than timber harvesting.

- (a) In a resource protection district abutting a great pond, there shall be no cutting of vegetation within the strip of land extending 75 feet, horizontal distance, inland from the normal high-water line, except to remove safety hazards.

Elsewhere, in any resource protection district the cutting or removal of vegetation shall be limited to that which is necessary for uses expressly authorized in that district.

- (b) Except in areas as described in section 60-1003(a), above, and except to allow for the development of permitted uses, within a strip of land extending 100 feet, horizontal distance, inland from the normal high-water line of a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet, horizontal distance, from any other water body, tributary stream, or the upland edge of a wetland, a buffer strip of vegetation shall be preserved as follows:
 - (1) There shall be no cleared opening greater than 250 square feet in the forest canopy (or other existing woody vegetation if a forested canopy is not present) as measured from the outer limits of the tree or shrub crown. However, a footpath not to exceed six feet in width as measured between tree trunks and/or shrub stems is allowed provided that a cleared line of sight to the water through the buffer strip is not created.
 - (2) Selective cutting of trees within the buffer strip is allowed provided that a well-distributed stand of trees and other natural vegetation is maintained. For the purposes of section 60-1003(b)(2) a "well-distributed stand of trees" adjacent to a great pond classified GPA or a river or stream

flowing to a great pond classified GPA, shall be defined as maintaining a rating score of 24 or more in each 25-foot by 50-foot rectangular (1,250 square feet) area as determined by the following rating system.

Diameter of Tree at 4½ feet Above Ground Level (inches)	Points
2 - < 4 in.	1
4 - < 8 in.	2
8 - < 12 in.	4
12 inches or greater	8

Adjacent to other water bodies, tributary streams, and wetlands, a "well-distributed stand of trees" is defined as maintaining a minimum rating score of 16 per 25-foot by 50-foot rectangular area.

The following shall govern in applying this point system:

- a. The 25-foot by 50-foot rectangular plots must be established where the landowner or lessee proposes clearing within the required buffer;
- b. Each successive plot must be adjacent to, but not overlap a previous plot;
- c. Any plot not containing the required points must have no vegetation removed except as otherwise allowed by this division;
- d. Any plot containing the required points may have vegetation removed down to the minimum points required or as otherwise allowed by this division;
- e. Where conditions permit, no more than 50 percent of the points on any 25-foot by 50-foot rectangular area may consist of trees greater than 12 inches in diameter.

For the purposes of section 60-1003(b)(2) "other natural vegetation" is defined as retaining existing vegetation under three feet in height and other ground cover and retaining at least five saplings less than two inches in diameter at four and one-half feet above ground level for each 25-foot by 50-foot rectangle area. If five saplings do not exist, no woody stems less than two inches in diameter can be removed until five saplings have been recruited into the plot.

Notwithstanding the above provisions, no more than 40 percent of the total volume of trees four inches or more in diameter, measured at four and one-half feet above ground level may be removed in any ten-year period.

- (3) In order to protect water quality and wildlife habitat, existing vegetation under three feet in height and other ground cover, including leaf litter and the forest duff layer, shall not be cut, covered, or removed, except to provide for a footpath or other permitted uses as described in section 60-1003 paragraphs (b) and (b)(1) above.
- (4) Pruning of tree branches, on the bottom one-third of the tree is allowed.

- (5) In order to maintain a buffer strip of vegetation, when the removal of storm-damaged, diseased, unsafe, or dead trees results in the creation of cleared openings, these openings shall be replanted with native tree species unless existing new tree growth is present.

Section 60-1003(b) does not apply to those portions of public recreational facilities adjacent to public swimming areas as long as cleared areas are limited to the minimum area necessary.

- (c) At distances greater than 100 feet, horizontal distance, from a great pond classified GPA or a river flowing to a great pond classified GPA, and 75 feet, horizontal distance, from the normal high-water line of any other water body, tributary stream, or the upland edge of a wetland, there shall be allowed on any lot, in any ten-year period, selective cutting of not more than 40 percent of the volume of trees four inches or more in diameter, measured four and one-half feet above ground level. Tree removal in conjunction with the development of permitted uses shall be included in the 40 percent calculation. For the purposes of these standards volume may be considered to be equivalent to basal area.

In no event shall cleared openings for any purpose, including but not limited to, principal and accessory structures, driveways, lawns and sewage disposal areas, exceed in the aggregate, 25 percent of the lot area within the shoreland zone or 10,000 square feet, whichever is greater, including land previously cleared. This provision shall not apply to the general development areas.

- (d) Legally existing nonconforming cleared openings may be maintained, but shall not be enlarged, except as allowed by this section.
- (e) Fields and other cleared openings which have reverted to primarily shrubs, trees, or other woody vegetation shall be regulated under the provisions of section 60-1003.

(Ord. No. 011-09072010-07, § 5.4W, 9-7-2010)

Sec. 60-1005. - Erosion and sedimentation control.

- (a) All activities which involve filling, grading, excavation or other similar activities which result in unstabilized soil conditions and which require a permit shall also require a written soil erosion and sedimentation control plan. The plan shall be submitted to the permitting authority for approval and shall include, where applicable, provisions for:
- (1) Mulching and revegetation of disturbed soil.
 - (2) Temporary runoff control features such as hay bales, silt fencing or diversion ditches.
 - (3) Permanent stabilization structures such as retaining walls or rip-rap.
- (b) In order to create the least potential for erosion, development shall be designed to fit with the topography and soils of the site. Areas of steep slopes where high cuts and fills may be required shall be avoided wherever possible, and natural contours shall be followed as closely as possible.
- (c) Erosion and sedimentation control measures shall apply to all aspects of the proposed project involving land disturbance, and shall be in operation during all stages of the activity. The amount of exposed soil at every phase of construction shall be minimized to reduce the potential for erosion.
- (d) Any exposed ground area shall be temporarily or permanently stabilized within one week from the time it was last actively worked, by use of riprap, sod, seed, and mulch, or other effective measures. In all cases permanent stabilization shall occur within nine months of the initial date of exposure. In addition:
- (1) Where mulch is used, it shall be applied at a rate of at least one bale per 500 square feet and shall be maintained until a catch of vegetation is established.
 - (2) Anchoring the mulch with netting, peg and twine or other suitable method may be required to maintain the mulch cover.

- (3) Additional measures shall be taken where necessary in order to avoid siltation into the water. Such measures may include the use of staked hay bales and/or silt fences.
- (e) Natural and manmade drainageways and drainage outlets shall be protected from erosion from water flowing through them. Drainageways shall be designed and constructed in order to carry water from a 25-year storm or greater, and shall be stabilized with vegetation or lined with riprap.

(Ord. No. 011-09072010-07, § 5.4X, 9-7-2010)

Sec. 60-1006. - Soils.

All land uses shall be located on soils in or upon which the proposed uses or structures can be established or maintained without causing adverse environmental impacts, including severe erosion, mass soil movement, improper drainage, and water pollution, whether during or after construction. Proposed uses requiring subsurface waste disposal, and commercial or industrial development and other similar intensive land uses, shall require a soils report based on an on-site investigation and be prepared by state-certified professionals. Certified persons may include Maine Certified Soil Scientists, Maine Registered Professional Engineers, Maine State Certified Geologists and other persons who have training and experience in the recognition and evaluation of soil properties. The report shall be based upon the analysis of the characteristics of the soil and surrounding land and water areas, maximum ground water elevation, presence of ledge, drainage conditions, and other pertinent data which the evaluator deems appropriate. The soils report shall include recommendations for a proposed use to counteract soil limitations where they exist.

(Ord. No. 011-09072010-07, § 5.4Y, 9-7-2010)

Sec. 60-1007. - Water quality.

No activity shall deposit on or into the ground or discharge to the waters of the state any pollutant that, by itself or in combination with other activities or substances, will impair designated uses or the water classification of the water body, tributary stream or wetland.

(Ord. No. 011-09072010-07, § 5.4Z, 9-7-2010)

Sec. 60-1008. - Archaeological site.

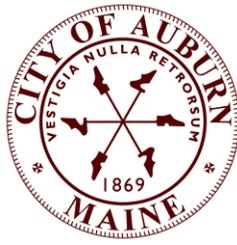
Any proposed land use activity involving structural development or soil disturbance on or adjacent to sites listed on, or eligible to be listed on the National Register of Historic Places, as determined by the permitting authority, shall be submitted by the applicant to the Maine Historic Preservation Commission for review and comment, at least 20 days prior to action being taken by the permitting authority. The permitting authority shall consider comments received from the commission prior to rendering a decision on the application.

(Ord. No. 011-09072010-07, § 5.4AA, 9-7-2010)

Sec. 60-1008.1. - Installation of public utility service.

A public utility, water district, sanitary district or any utility company of any kind may not install services to any new structure located in the shoreland zone unless written authorization attesting to the validity and currency of all local permits required under this or any previous ordinance has been issued by the appropriate municipal officials or other written arrangements have been made between the municipal officials and the utility.

(Ord. No. 011-09072010-07, § 5.4BB, 9-7-2010)



City Council Order

IN CITY COUNCIL

Be it Ordained, That the Auburn City Council approve the amendment to Chapter 60, Division 5. SHORELAND OVERLAY DISTRICT as follows:

Sec. 60-991. - Establishment of Shoreland Resource Protection District Overlay.

- (a) *Purpose.* The purpose of this overlay zone is to further the maintenance of safe and healthful conditions; to prevent and control water pollution; to protect fish spawning grounds, aquatic life, bird and other wildlife habitat; to protect buildings and lands from flooding and accelerated erosion; to protect archaeological and historic resources; to protect freshwater wetlands; to control building sites, placement of structures and land uses; to conserve shore cover, and visual as well as actual points of access to inland waters; to conserve natural beauty and open space; and to anticipate and respond to the impacts of development in natural resource areas.

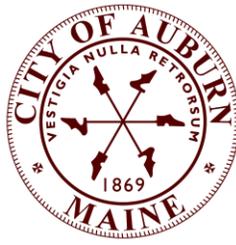
The resource protection district includes areas in which development would adversely affect water quality, productive habitat, biological ecosystems, or scenic and natural values. This district shall include the following areas:

- (1) Areas within 250 feet, horizontal distance, of the upland edge of freshwater wetlands, and wetlands associated with great ponds and rivers, which are rated "moderate" or "high" value waterfowl and wading bird habitat, including nesting and feeding areas, by the Maine Department of Inland Fisheries and Wildlife (MDIF&W) that are depicted on a Geographic Information System (GIS) data layer maintained by either MDIF&W or the department as of May 1, 2006. For the purposes of this paragraph "wetlands associated with great ponds and rivers" shall mean areas characterized by non-forested wetland vegetation and hydric soils that are contiguous with a great pond or river, and have a surface elevation at or below the water level of the great pond or river during the period of normal high water. "Wetlands associated with great ponds or rivers" are considered to be part of that great pond or river.
 - (2) Areas of two or more contiguous acres with sustained slopes of 20 percent or greater.
 - (3) Areas of two or more contiguous acres supporting wetland vegetation and hydric soils, which are not part of a freshwater wetland as defined, and which are not surficially connected to a water body during the period of normal high water.
 - (4) Land areas along rivers subject to severe bank erosion, undercutting, or river bed movement.
 - (5) Properties owned by or under development restriction easements controlled by the Lake Auburn Watershed Protection Commission that are deemed to be appropriate for resource protection zoning by a vote of the commission.
- (b) *Use regulations.*
- (1) *Permitted uses.* The following uses are permitted subject to the requirements of article V of this chapter:
 - a. Nonintensive recreational uses not requiring structures.
 - b. Forest management activities except for timber harvesting and land management road.

Holly C. Lasagna, Ward One
Brian S. Carrier, Ward Four
Belinda A. Gerry, At Large

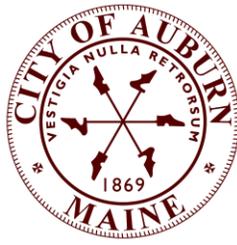
Timothy B. MacLeod, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Katherine E. Boss, At Large
Phillip L. Crowell, Jr., City Manager



City Council Order

- c. Soils and water conservation practices.
 - d. Fire prevention activities.
 - e. Wildlife management practices.
 - f. Surveying and resource analysis.
 - g. Emergency operations.
 - h. Structures accessory to allowed uses.
 - i. Motorized vehicular traffic on existing roads and trails.
 - j. Mineral exploration.
 - k. Individual private camp sites.
 - l. Filling and earth moving of less than ten cubic yards.
 - m. Uses similar to allowed uses.
 - n. Conversion of seasonal residences to yearround residences.
- (2) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of article XVI, div. 3, and article XII [of this chapter]:
- a. Mineral extraction including sand and gravel extraction.
 - b. Agriculture.
 - c. Aquaculture.
 - d. Principal structures and uses including driveways.
 - e. Filling and earth moving of greater than ten cubic yards.
 - f. Uses similar to uses requiring special exception approval.
- (c) *Dimensional requirements.* All structures in this district except as noted shall be subject to the following dimensional regulations:
- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than the minimum lot size or measuring less than the minimum lot width or lot depth required for the underlying zoning district identified for the property where any activity is proposed.
 - (2) *Density.* The density of dwelling units shall not exceed the required density for the underlying zoning district identified for the property where any activity is proposed.
 - (3) *Yard requirements.* The rear, side and front yard requirements shall not be less than that required for the underlying zoning district for the property where any activity is proposed.
 - (4) *Height.* The height of all principal or accessory structures shall be limited to 35 feet in height. **Exception: where identified as Special Local Condition Overlay to the Shoreland Zone the height of all principal or accessory structures shall be limited to 50 feet in height.** This provision also shall not apply to structures such as transmission towers, windmills, antennas and similar structures having no floor area.



City Council Order

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

Sec. 60-992. - Principal and accessory structures.

- (a) All new principal and accessory structures shall be set back at least 100 feet, horizontal distance, from the normal high-water line of great ponds classified GPA and rivers that flow to great ponds classified GPA, and 75 feet, horizontal distance, from the normal high-water line of other water bodies, tributary streams, or the upland edge of a wetland, except that in general development areas the setback from the normal high-water line shall be at least 25 feet, horizontal distance. Lots less than 120 feet deep measured at right angles to the shoreline which were in existence on or before December 17, 1973, shall have a shoreline setback requirement of 50 percent of the lot depth. In the resource protection district the setback requirement shall be 250 feet, horizontal distance, except for structures, roads, parking spaces or other regulated objects specifically allowed in that district in which case the setback requirements specified above shall apply.

For the purpose of this section the term "general development areas" includes all areas where the underlying zoning is identified as General Business, General Business II, Central Business I, Central Business II, Central Business III, Industrial or Multi-Family Urban districts, except where these districts fall within the Taylor Pond or Lake Auburn Watersheds or on the east shore of Bobbin Mill Brook.

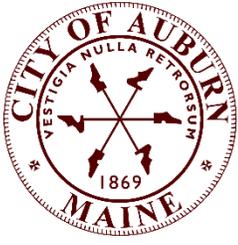
In addition:

- (1) The water body, tributary stream, or wetland setback provision shall neither apply to structures which require direct access to the water body or wetland as an operational necessity, such as piers, docks and retaining walls, nor to other functionally water-dependent uses.
 - (2) On a nonconforming lot of record on which only a residential structure exists, and it is not possible to place an accessory structure meeting the required water body, tributary stream or wetland setbacks, the code enforcement officer may issue a permit to place a single accessory structure, with no utilities, for the storage of yard tools and similar equipment. Such accessory structure shall not exceed 80 square feet in area nor eight feet in height, and shall be located as far from the shoreline or tributary stream as practical and shall meet all other applicable standards, including lot coverage and vegetation clearing limitations. In no case shall the structure be located closer to the shoreline or tributary stream than the principal structure.
- (b) Principal or accessory structures and expansions of existing structures which are permitted in the underlying zoning district, shall not exceed 35 feet in height. **Exception: where identified as Special Local Condition Overlay to the Shoreland Zone the height of all principal or accessory structures shall be limited to 50 feet in height.** This provision shall not apply to structures such as transmission towers, windmills, antennas, and similar structures having no floor area.
- (c) The lowest floor elevation or openings of all buildings and structures, including basements, shall be elevated and constructed in accordance with provisions of this chapter, art. XII, div. 2, Floodplain Overlay District. Accessory structures may be placed in accordance with the standards of that division and need not meet the elevation requirements.
- (d) The total footprint area of all structures, parking lots and other non-vegetated surfaces, within the SLO district shall not exceed 20 percent of the lot or a portion thereof, located within the SLO district, including land area previously developed, except in the general development areas adjacent to rivers that do not flow to great ponds classified GPA, where lot coverage shall not exceed 70 percent.

Holly C. Lasagna, Ward One
Brian S. Carrier, Ward Four
Belinda A. Gerry, At Large

Timothy B. MacLeod, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Katherine E. Boss, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: July 19, 2021

Order: 75-07192021

Author: Brian Wood, Assistant City Manager on behalf of Councilor Milks and Councilor MacLeod

Subject: Order - Maine Efficiency Matching Grant Funding

Information:

Efficiency Maine is the independent administrator for programs to improve the efficiency of energy use and reduce greenhouse gases in Maine. This program is designed to delivering financial incentives on the purchase of high-efficiency equipment or changes to operations that help customers save electricity, natural gas and other fuels throughout the Maine economy. In an effort to further incentivize these efforts the City of Auburn proposes piloting a matching program for residents in identified census tracks resulting in the doubling of incentives.

City Budgetary Impacts: \$250,000.00 from the American Rescue Plan Act of 2021.

Staff Recommended Action: N/A

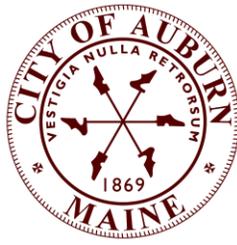
Previous Meetings and History: N/A

City Manager Comments:



I approve this item for consideration. Signature:

Attachments:



ORDER 75-07192021

City Council Order

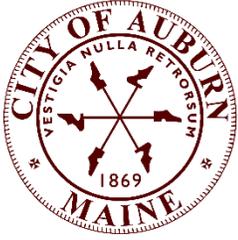
IN CITY COUNCIL

ORDERED, that the City of Auburn Allocate \$250,000 from the allocated ARPA funds towards a city match of Efficiency Maine Residential grants for qualifying purchases, upgrades in accordance with their published residential programs as of July 8, 2021. This program is to be active as of its enactment, and City should be prepared to distribute funds no later than 8-15-2021. The funds will be allocated specifically to residential homes in the two designated census track areas; any allocation outside of the two census tracks will be authorized if determined by the city manager to be an allowable allocation.

Holly C. Lasagna, Ward One
Brian S. Carrier, Ward Four
Belinda A. Gerry, At Large

Timothy B. MacLeod, Ward Two
Leroy G. Walker, Ward Five
Jason J. Levesque, Mayor

Stephen G. Milks, Ward Three
Katherine E. Boss, At Large
Phillip L. Crowell, Jr., City Manager



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: July 19, 2021

Subject: Executive Session

Information: Personnel matter, pursuant to 1 M.R.S.A. Section 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 Workshop or Meeting Date: July 19, 2021

Subject: Executive Session

Information: Personnel matter (City Manager's Review), pursuant to 1 M.R.S.A. Section 405(6) (A).

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- (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;

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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.