

From: [Barbara Mitchell](#)
To: [Katherine Cook](#)
Subject: Proposal for changes to the Ag/RP zone city staff is recommending to Planning Board
Date: Sunday, June 4, 2023 8:47:31 PM
Attachments: [image001.png](#)

Katherine,

It is my understanding that the city staff is proposing changes to Evan Cyr's proposal for a recommendation to the city council regarding changes to the Ag/RP zone regarding residences.

Taylor Pond appears to have been glaringly left out of the consideration for resource protection. It is my understanding that city staff feels that there are already provisions in place to protect Taylor Pond from development that could harm the pond. But those provisions only apply to the Taylor Pond Overlay District which is only 250' from the high water mark of the pond, NOT the entire watershed which is mostly in the Ag/RP district.

There is a change that I think has been overlooked since this all relates to the Agricultural AND Resource Protection Zone.

The first paragraph of both the current and proposed zoning ordinance are the same:

Sec. 60-144. Purpose.

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

What is being proposed goes against the purpose of the AG/RP zone and appears to be attempting to evade the purpose of the Agricultural and Resource Protection District in regards to Taylor Pond! If they are going to exclude Lake Auburn Watershed land, then, according to the purpose of the AG/RP district, land in the Taylor Pond Watershed should also be excluded for the same reasons.

I understand that TP is not the source of drinking water and, therefore, not the threat that destroying our drinking water would be. However, the Ag/RP zone was formed with other intentions... to protect natural resources, recreational spaces, both major bodies of water that should be/are important to the residential and economic value of Auburn as well. What is being proposed is totally contrary to the most recent

comprehensive plan of Auburn that many constituents spent considerable time formulating based upon a bigger picture than just uncontrolled development without a plan lining the pockets of a few developers.

Proposal B specifically states: "b. New one-family detached dwellings shall:

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

But there is no mention of Taylor Pond, the other major body of water in Auburn. Yes, there are some provisions in place for development in the Taylor Pond Overlay District. However, unlike the Lake Auburn Watershed Overlay District which includes the ENTIRE Lake Auburn Watershed, (approximately 9 square miles in Auburn that drain into the lake), the Taylor Pond Overlay District does NOT include the ENTIRE Taylor Pond Watershed, which is comprised of mostly AG/RP land. The TP Watershed Overlay District ONLY INCLUDES 250 feet back from the shore of the pond (as stated in the zoning ordinances). This conflicts with the maps in Auburn Assessing showing the Taylor Pond Overlay District as the ENTIRE TP watershed. Much of the TP Watershed District is comprised of open or forested AG/RP land that should not be developed residentially for the same reasons that Lake Auburn Watershed land should not be....Development threatens the quality of the water in BOTH bodies of water.

Clearly, Lake Auburn being the source of drinking water for the cities of both Lewiston and Auburn, there is a huge financial risk of having to install an extremely expensive water filtration system with increased development. However, development in the land that drains into Taylor Pond (TP Watershed district of 7 square miles in Auburn) would also contribute to "uncontrolled growth that could result in an economic burden on the city and its inhabitants" due to as of yet unstudied or realistically calculated expenses of infrastructure (not currently in place) that would be required. Not to mention the loss in tax income to the city if the water quality of Taylor Pond deteriorates as a result of increased development. As assessed value is reduced, tax dollars are lost.

The most recent Comprehensive Plan specifically recommends against that.

There is 5 to 10 times the amount of phosphorus (the element that causes deterioration of water quality) in runoff from developed land than in runoff from undeveloped land. Taylor Pond is currently on the Maine DEP's list of bodies of water most at risk from development. Taylor Pond, being much smaller than Lake Auburn, is even more susceptible to deterioration due to development.

Of the 66 square miles in Auburn, it makes sense to protect the 16 square miles in the two watersheds from development. And both watersheds are important to Auburn, naturally, economically, recreationally, aesthetically. I am asking that the proposal that the City Staff recommends to the Planning board reflect that "New residential dwellings shall not be built within the Lake Auburn or Taylor Pond Watersheds as shown on the current Access Auburn map" (which is not the Taylor Pond Overlay District as described in the zoning ordinances). If residences should be restricted in the Lake Auburn Watershed Ag/RP zone, then they should likewise

be restricted in the Taylor Pond Watershed in the Ag/RP zone.

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

Katherine,

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

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

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

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

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

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

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

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

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

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

For public comment/Planning Board packet:

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

Carol Dennis
Terrace Rd., Auburn

To: Auburn Planning Board
FROM: Evan Cyr

RE: AGRP Zoning Test Amendment, Proposal B

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

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

Having said this, I do have the following comments:

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

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

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

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

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

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

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

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

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

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

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