



City of Auburn, Maine

Planning & Permitting Department

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To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B3 to the AGRP Zoning Use standards - Planning Board Recommended Amendment to prohibit residences in the AGRP portions of the Taylor Pond Watershed

Date: August 8, 2023

- I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B3) Planning Board Proposed Change Number Nine:** Consider a zoning text amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing and agriculture operations in the AGRP zone if they are also located in the Taylor Pond watershed. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and followed by the City Council passage of Ordinance #10-062023 on July 10, 2023. The proposed text has been and is available in the Planning & Permitting Department in City Hall.
- II. Background:** On June 6, 2023, the Planning Board voted to recommend approving “Proposal B” with amendments replacing the income standard. On July 10, City Council voted to approve Proposal B without the amendments offered in the Planning Board and issued an Order that Planning Board hold an additional public hearing on the proposed amendments that they delivered as part of their prior recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes.

The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B3 is the Planning Board recommended Taylor Pond Watershed Amendment and has been proposed as separate text and hearing from the others because it is a substantive amendment. The proposed amendment is summarized below (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

- III. Proposal B3 with Planning Board Taylor Pond Watershed Amendment.**
 1. Add “or the Taylor Pond watershed as defined on the Taylor Pond Watershed Map:” in Sec.60-145)(b)(i) after the word “District”
This is referred to as proposed change number nine, because it was the 9th amendment recommended by the Planning Board on June 9, 2023.
- IV. Staff Recommendation:** We do not recommend this amendment because it restricts a large land area that would have much less impact on the Pond than the existing small lot development around the Pond, the existing protections(Phosphorus Control) are adequate in the ordinance, and it could disadvantage existing farms, recreational or natural resource

based uses in the Taylor Pond Watershed. The amendment proposes prohibiting new homes in the Taylor Pond watershed which are also in the AGRP zone, which would include approximately 2,035 acres of land. Most existing structures in the Taylor Pond watershed are made up of small camps or homes that have historically caused land use issues and have threatened the health of the pond. Chapter 60, Article XII, Division 3- Taylor Pond Overlay district which extends 250 feet from the high-water mark of Taylor Pond was created to mitigate the impacts of this existing development over time. There are additional environmental protections that apply to the approximately 3,880 acres that make up the Taylor Pond Watershed. Specifically, Article XIII, Division 2- Phosphorous Control requires that any person proposing new construction over 200 square feet in size, tree cutting or earth moving over 10,000 square feet, or driveway or road construction affecting over 1,500 square feet of land needs to submit a phosphorous control plan for staff to review before any construction can begin. Erosion and Sedimentation control standards also prevent runoff from new development into Taylor Pond. Most land that is in the AGRP zone in the Taylor Pond Watershed is northwest of the lake, and at least 250ft. away from the high-water mark. There are existing farms operating in alignment with the standards of the AGRP zone in this area, and this amendment would prohibit building a home accessory to any farm, agricultural, natural resource, or recreational use. If this amendment does not pass, as we are recommending, any new home would still be required to meet all requirements of the AGRP zone and the Taylor Pond Watershed standards.

- V. **Suggested Motion:** I make a motion to recommend that the City Council should **not** approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the City Council's passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.