Public Comment to Planning Board from the citizen Agriculture and Resource Protection Group

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.

In Section 146(1)(c), the words “…at least 20,000 square feet but…” should be inserted after the word “containing,” to exclude smaller lots which cannot support a septic system under the Maine Plumbing Code.

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 a 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 landowners 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 10acres. 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.

Public Comment for Planning Board

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. I am in favor of proposal B WITH THE AMENDMENTS to proposal B recently passed by the Planning Board, in their recommendations to the City Council, especially in regard to Taylor Pond.

Carol Dennis

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