

Protecting Lake Auburn

Sustainability Natural Resource Board
AG and Natural Products Working Group
Thursday, January 25, 2024, at 6:00PM
Auburn Senior Center at 48 Pettengill Park



NEED & RESPONSE

The lake is at risk and past ordinances, despite significant restrictions, have not prevented the need for in-lake treatments.

The city is ensuring that the changes are easier to understand, science driven, better for the environment and water quality and that the combined effect of the changes result in reduced development potential overall in the Auburn portions of the watershed.

Order 0401022024: The Auburn City Council hereby orders the City Manager to direct staff to work with the AG Working Group, Sustainability and Natural Resource Board, LAWPC, the Auburn Planning Board and public stakeholders to review the adopted amendments and recommend any changes back to the City Council by April 16th, 2024. The process should include an initial advertised public meeting with the AG working Group to solicit public feedback, a working meeting with the AG work Group and then a Planning Board Workshop, Council Workshop and then a Planning Board Public hearing and recommendation by the second April meeting.



Changes to Consider

Agenda

- 1.) Agricultural Uses
- 2.) Subsurface Wastewater Disposal System Inspection
- 3.) Further Limits of New Subsurface Wastewater Disposal Systems and New Housing within the Lake Auburn Watershed Overlay District.
- 5.) Update from State Drinking Water Program.
- 4.) Other Considerations.



Agricultural Uses

Sec 60-951 (b) Definition of Hobby Agricultural Uses

Hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where (i) the products produced through such use of the land is for personal consumption, pleasure or sustenance by those occupying the land and does not involve the sale of the products produced through such use of the land for profit, and (ii) the allowances set forth in Sec. 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in Article VII, Division 4 of Chapter 8 of the City Code of Ordinances are not exceeded.

Possible Exceptions: Honey, Maple Syrup, Eggs, Compost, Existing Hay, Raspberries, Blueberries, Orchards, Riding lessons, Small Vegetable farm less than 1500 SF, changing crops on existing farmland.



Comments related to Hobby AG Uses

- o Investigate what is impacting the lake and ask for experts to work with us to protect the lake
- o Scott Williams from Volunteer Lake Monitoring Program could speak
- o Jeff Harmon-the farming of "commercial" vs "hobby" farm is not helpful. Much of the group seems to think this farming of monetary gain is irrelevant. Instead group should look at impact and risk:
 - + Pesticides?
 - + Scale?
 - + Use?
 - + Proximity to the lake?
 - + Data: Nutrients and materials must stay on property
- o John discusses the idea of a scoring matrix to determine lake impact and corresponding treatment/mitigation. That would allow a property owner/regulating body to determine how much protection a given activity would require or if the activity is too harmful based on scale and intensity of use. We should find guidelines to determine numbers for this scoring matrix.



Agricultural Uses

Sec 60-952 (a) Definition of Non-Hobby Agricultural Uses

Non-hobby agricultural use means uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes where the products produced through such use of the land are sold for profit.

Sec. 60-952. Use and environmental regulations.

(a) Agricultural uses. Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to AWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) AWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

Possible Exceptions: Honey, Maple Syrup, Eggs (residential scale) Reclamation of existing Hay, Raspberries, Blueberries, Orchards and Value Add to existing farms, discuss animal units per acre.



Comments related to Non-Hobby AG Uses

- Significant discussion around what resources and mechanisms already exist in the state and other Maine cities and towns.
- What does the state already regulate?
 - AGRP BMPs? How can Auburn enforce existing and new standards?
 - Are state BMPs more or less stringent than the City of Auburn's
- NRCs and the Dept. Of Ag. Likely already has evaluation benchmarks and BMPs that the City of Auburn can use for the Lake Auburn Watershed Ordinance.
- Dave Griswold suggests that there may be other scoring motives as John Blais suggested in use in other compatible communities.



Subsurface Waste-water Disposal System Inspection

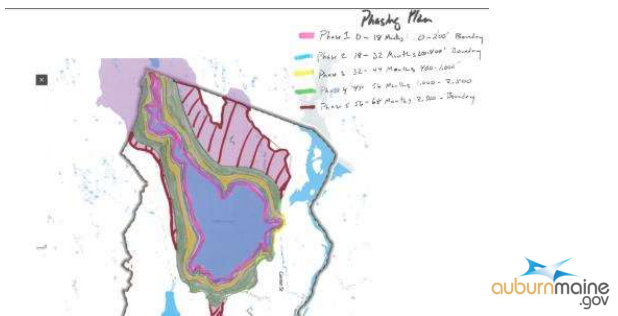
Sec 60-952(f)(6)

(6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years or at the time that a property sold, whichever date is sooner.

Consider amending the described inspection method to shift responsibility for the inspection to the landowner and provide a phased implementation.



Possible Phased SSWW Inspection



Comments related to SSWW Inspections

- L. Discussion around the priority, administration, and funding of septic system replacement and inspections. Jeff Hamon emphasizes the importance of the exercise of talking the inspection process through with involved groups and the public.
 - o Staff are suggesting that the systems be inspected every five years or at point of sale.
 - o Jeff Hamon believes that septic inspections might be a high administrative burden amounting to more than one inspection/working day on average (over 270 septic systems are not to the standard).
 - o Discussion of delegating this to another group that is outside of the direct city staff. Auburn must ensure that funding and resources are available. We need to determine the data/numbers from development and septic in various conditions to determine.
- F. Discussion of mechanisms to make program actionable include:
 - o Discussion of funding for when people's systems are failing, or they are close to the lake without the means to replace them. Possible funding through CBDG.
 - o Eric suggests someone could be based in the Planning and permitting Office to do the inspections and record keeping funded by LAWPC.
 - o Funding should replace systems when they fail and incentivize replacing a certain number of systems per year (for a certain number of years?) even before they fail based on proximity to the lake to improve performance and treatment.
 - o Can we access 319 funds?
- I. Discussion of program communication:
 - o Jane Coflow signals the importance of having maps and other visuals for what we are talking about (septic system treatment, soils, proximity to lake, etc.)
 - + Evan Ma, summer intern, 2022, did a great job of tackling this and wrote an informative thesis on this topic.



New Residences and Subsurface Wastewater Disposal System in Lake Auburn Watershed Overlay District

Sec. 60-34-Allows second dwelling unit where 2-Family homes are allowed

60-35 – Allows conversion of single family to 2 units if built prior to 1958.

Sec 60-952 Residential dwellings in the agriculture and resource protection zoning district are prohibited in the Lake Auburn Watershed Overlay.



Phosphorous Plan Guidelines

The following uses must submit a Phosphorous Control Plan which meets requirements in Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorus Control Manual Volume II, March 2016.

- New structures of at least 200 SQ FT
- New impervious area (roads and driveways) of at least 1,500 SQ FT
- Earth moving, brush or tree cutting of at least 10,000 SQ FT
- Expansion of existing structure by at least 30%
- Any use or structure that requires special exception review



Comments / New Ideas for Consideration



Working Group – Status and Next Steps

- City Council Order on 1/2/2024: Work with the AG Working Group, Sustainability, and Natural Resource Board, LAWPC, the Auburn Planning Board and public stakeholders to review the adopted amendments and recommend any changes back to the City Council.
- SNRB Discussion on 1/18/24 to prep for meeting tonight
- Initial advertised public meeting with the AG working Group to solicit public feedback - Tonight
- Staff can draft summary of issues and menu of potential responses/changes from meetings
- Working meeting(s) with a member of the AG Work Group, SNRB, LAWPC, AWD and Planning Board to draft proposed edits based on feedback - Date TBD
- Planning Board Workshop to review draft proposed edits - Date TBD
- Council Workshop and then a Planning Board Public hearing and recommendation - Dates TBD



WORK IN PROGRESS

Auburn is ensuring that changes are easier to understand to a homeowner, better for the environment and water quality of Lake Auburn and that the changes result in reduced development potential overall in the Auburn portions of the watershed.
