



**City Council Workshop & Meeting  
Agenda  
November 18, 2024  
Auburn Hall, Council Chambers**

**5:30 PM Workshop**

- Property Tax Assistance Program
- **Executive Session** pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter.
- **Executive Session** pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter.

**7:00 PM Meeting**

Pledge of Allegiance & Roll Call - *Roll call votes will begin with Councilor Platz*

- 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. Passage of items on the Consent Calendar require majority vote.*
- II. **Minutes** – November 4, 2024 Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
  1. **Auburn State Legislatures Invitation**
- 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. **ORDER-129-10032024** - Appointing Rex Rhoades, Ward 1, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*
  2. **ORDER-130-10032024** - Appointing Rebecca Swanson Conrad, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*

3. **ORDER-131-10032024** - Appointing John Cleveland, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*
4. **ORDER-132-10032024**- Appointing Adam Lee, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*
7. **ORDER-133-10032024**- Appointing Denis Bergeron, Ward 2, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*
8. **ORDER-134-10032024**- Appointing Mathieu Duvall, Ward 3, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*
9. **ORDER-135-10032024**- Appointing Kelly Butler, Ward 4, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*
10. **ORDER-136-10032024**- Appointing Bruce Rioux, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*
11. **ORDER-137-10032024**- Appointing Jane Costlow, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*
12. **ORDER-138-10032024**- Appointing Dana Staples, Ward 5, to the Comprehensive Plan Committee, as nominated by the Appointment Committee. *Postponed at the October 7, 2024 meeting.*
13. **ORDER 147-10212024** - Authorizing the City's general obligation bonds in the amount of \$983,000 to finance the School Department's FY25 Capital Improvement Program. *Second reading/public hearing. ROLL CALL VOTE. Passage requires an affirmative vote of 5 Councilors.*
14. **ORDINANCE 20-11042024** - Amending Chapter 12 Article IV.- Housing Code regarding property maintenance and vacant buildings. *Second reading/public hearing. ROLL CALL VOTE.*

**VI. New Business**

1. **ORDER 150-11182024**- Appointing Virginia Keel, Ward 4, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.
2. **ORDER 151-11182024**- Appointing Heidi Bertels, Ward 1, to the Comprehensive Plan Committee, as nominated by the Appointment Committee.
3. **ORDER 152-11182024** - Appointing Kryston Chapman, Associate Member, to the Zoning Board of Appeals, for a term that expires 5/1/2026, as nominated by the Appointment Committee.
4. **ORDINANCE 21-11182024** - Lake Auburn Watershed Text/Map Amendments. *First reading. ROLL CALL VOTE. Passage requires majority vote.*

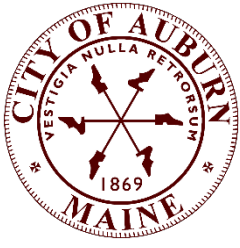
**VII. Reports**

- a. **Mayor's Report**
- b. **City Councilors' Reports**
- c. **Student Representative Report**
- d. **City Manager Report**

**VIII. 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.*

**IX. Executive Session**

**X. Adjournment**



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** November 18, 2024

**Author:** Phil Crowell, City Manager

**Subject:** Property Tax Assistance Program

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**Information:** During the November 4<sup>th</sup> workshop, the city council requested the city manager bring forward for council consideration, a property tax assistance program.

Attached is a proposed ordinance to create a Property Tax Assistance Program which is pursuant to Chapter 907-A of Title 36 of the Maine Revised Statutes.

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**City Budgetary Impacts:** To be determined based on qualifications, caps, eligible participants, and initiation of the program year.

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**Staff Recommended Action:** Review and discuss

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**Previous Meetings and History:** November 4, 2024, Workshop

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**City Manager Comments:**



I concur with the recommendation. Signature:

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**Attachments:** Draft Property Tax Assistance Program

## Property Tax Assistance Program

### Sec. 1. Purpose

The purpose of this Ordinance is to establish a program to provide property tax assistance to persons 65 years of age and over who reside in the City of Auburn pursuant to Chapter 907-A of Title 36 of the Maine Revised Statutes.

### Sec. 2. Definitions

Homestead: A homestead is a dwelling owned or rented by the person seeking tax assistance under this Ordinance or held in a revocable living trust for the benefit of that person. The dwelling must be occupied by that person as a home.

Qualifying applicant: A qualifying applicant is a person who is determined by the Program Administrator or her/his designee, after review of a complete application submitted under Section 5 of this Ordinance, to be eligible for a payment under the terms of this Ordinance.

Program administrator: the person designated by the city manager to administer the Property Tax Assistance Program.

Property tax fairness credit program: The property tax credit established by the State of Maine pursuant to Chapter 822 §5219-KK of Title 36 of the Maine Revised Statutes.

### Sec. 3. Creation of the Program Fund

The City Council may annually appropriate funds for the Property Tax Assistance Program. The Program Administrator shall determine the total amount of property tax assistance sought by qualified applicants.

If funds appropriated by the City Council are less than the amount for which applicants are eligible under the terms of this ordinance, then funds shall be proportionally disbursed. The Program Administrator shall calculate a difference ratio between the fund appropriation and the total amount the tax relief being sought of qualified applicants. This ratio shall be used to adjust each individual benefit for the qualified applicants. If a lack of funding results in no payment or less than the full payment to a qualifying applicant, the difference partial payment will not carry over to the next year.

### Sec. 4. Criteria for Participation

To participate in the Property Tax Assistance Program, an applicant shall demonstrate all of the following:

- a. The applicant shall be 65 years of age or more by the last day on which an application may be filed under Section 5 of this Ordinance.
- b. The applicant shall have been a resident of the City of Auburn with a Homestead therein for the ten years immediately preceding the last day on which an application may be filed under Section 5 of this Ordinance.
- c. A property owner applicant shall have a HOMESTEAD EXEMPTION benefit, in accordance with Title 36 M.R.S. Sec. 681-689, already established on the property upon which the dwelling is located.
- d. The applicant has received a tax credit under the provisions of the State of Maine Residents Property Tax Fairness Credit Program.

- e. The federal adjusted gross income of the applicant and any other adult members of the applicant's household combined (total household income) does not exceed the current city's median household income as determined by the United States Bureau of the Census, or, if recent census data is not available, by another source that the Program Administrator deems reliable and accurate.
- f. The applicant or any member of the household did not receive, nor is eligible to receive, rental assistance.
- g. Payment of the immediately preceding fiscal year property taxes and all past property taxes have been paid in full for the subject property.

#### **Sec. 5 Application and Payment Procedures**

Persons seeking to participate in the Property Tax Assistance Program shall submit an annual application due to the Program Administrator no later than November 15th of that year, except for the initial programming year – applications are due February 15, 2025 – allowing for the submittal of Property Tax Assistance for the tax year 2024 of the first two years of this program. The Program Administrator shall provide an application form for the program, which shall include the applicant's name, homestead address and contact information.

At the time of application, applicants must provide adequate evidence of eligibility. No confidential income records, including tax returns, will be kept by the City. The Program Administrator shall review and determine if the application is complete and accurate and if the applicant is eligible to participate in the Program. The Program Administrator shall notify an applicant if an application is determined to be incomplete. The Program Administrator's decision on eligibility to participate in the Program shall be final.

#### **Sec. 6 Determination of eligibility and amount of eligibility**

If the Program Administrator determines that the applicant is eligible to participate in the Program, he/she shall determine the amount of the benefit paid, subject to the following eligibility requirements.

- a. The amount of credit qualified under the property tax fairness credit program not to exceed \$1,000.00 or exceed the gross property tax or rent when combined with the Property Tax Fairness Credit; or
- b. A pro rata share of available monies in the program fund based on the calculated amount of the rebate.

#### **Sec. 7. Timing of Payments**

A person who qualifies for payment under this Program shall be mailed a check for the full amount no later than September 1<sup>st</sup> for the year in which participation is sought. The applicant must be the owner of the property at the time the payment is issued in order to preserve qualification.

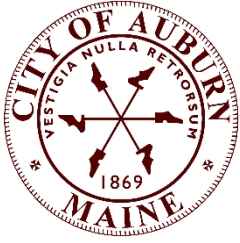
#### **Sec. 8. Limitations upon payments**

Only one qualifying applicant per household shall be entitled to payment under this Program each year. The right to file an application under this Ordinance is personal to the applicant and does not survive the applicant's death. If an applicant dies after having filed a timely complete application that results in a determination of qualification, the amount determined by the Tax

Collector shall be disbursed to another member of the household as determined by the Program Administrator in consultation with the City Manager. If the applicant was the only member of a household, then no payment shall be made under this Ordinance. Payment shall not be made to heir(s) of an applicant who are not a resident of the household at the time the application was filed.

**Sec. 9. Annual Report to the City Council**

The Program Administrator shall report in writing to the City Council no later than December 31st of each year (following the first year of the program) the projected payments, number of eligible applicants requesting assistance for the program fund, and any surplus or shortage of program funds as described in Sec. 3.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** November 18, 2024

**Subject:** Executive Session

**Information:** Executive Session pursuant to 1 M.R.S.A. Section 405(6) (C) to discuss an economic development matter.

**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;

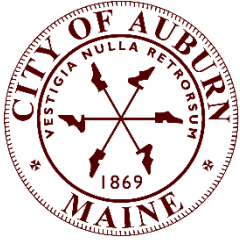
E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional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

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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;

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.

## **IN COUNCIL WORKSHOP & MEETING NOVEMBER 4, 2024 VOL 37 PAGE 201**

Mayor Harmon called the meeting to order at 7:03 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Student Representative Egge was absent. Councilor Milks was absent.

### **I. Consent Items**

#### **II. Minutes** – October 21, 2024 Regular Council Meeting

Councilor Walker moved to accept the minutes, seconded by Councilor Cowan. Motion passed 6-0.

### **III. Communications, Presentations and Recognitions**

#### **IV. Open Session**

Bruce Nadeau, Truman Ave

#### **V. Unfinished Business**

#### **VI. New Business**

**1. ORDINANCE 20-11042024** – Amending Chapter 12 Article IV.- Housing Code regarding property maintenance and vacant buildings. First reading. ROLL CALL VOTE.

Councilor Cowan moved for passage, seconded by Councilor Platz. Motion passed 4-2 on a roll call vote (Walker, Gerry opposed).

**2. ORDER 148-11042024** - Amendment to ORDER 106-08192024 regarding the City's Comprehensive Plan Committee. Passage requires majority vote.

Councilor Gerry moved for passage, seconded by Councilor Walker. Motion passed 6-0.

**3. RESOLVE 7-11042024** – Supporting an “interim trail” for the Casco Bay Trail. Passage requires majority vote.

Councilor Weisner moved for passage, seconded by Councilor Platz. The following spoke on this item:

Bruce Sleeper

Peter Kohl, Topsham

Joe Pelliccia, Auburn

Jeremiah Bartlett, Shepley St/Complete Streets Committee

Motion to postpone item until December 16, 2024 meeting made by Councilor Walker, seconded by Councilor Gerry. Motion passed 6-0. Item will return to the Council agenda at the December 16, 2024 meeting.

## IN COUNCIL WORKSHOP & MEETING NOVEMBER 4, 2024 VOL 37 PAGE 202

**4. ORDER 149-11042024** – Amending ORDER 123-09162024 extending the reporting deadline for the Mayor’s Ad-Hoc on Bona Fide Agricultural, Recreational, and Natural Resources Land Use Committee from November 18, 2024 to December 16, 2024. Passage requires majority vote.

Councilor Gerry moved for passage, seconded by Councilor Walker. The following spoke:

John Cleveland, Auburn

Motion passed 6-0.

### **VII. Reports**

**a. Mayor’s Report** – Mayor Harmon gave an update on the City’s fee review committee; attended Washington St presentation; attended Safe Voices presentation; attended recent manufacturers association meeting; reminded residents to vote in the general election tomorrow, November 5.

**b. City Councilors’ Reports** – Councilor Weisner reminded the public to vote. Councilor Walker thanked all who attended the New Auburn Halloween event, over 500 people attended. Reminded the public that the Age Friendly Community Committee will be hosting a Thanksgiving dinner. Councilor Platz congratulated the new named principal at ELHS, Valerie Ackley and reminded residents to vote.

**c. Student Representative Report -**

**d. City Manager Report** – Reminded residents to vote and thanked the City Clerk for all the work that goes into election preparation. LATC will be offering free transportation.

**e. 2024 August Finance Report – Gina Klemanski, Deputy Finance Director**

This item will be reviewed at a future meeting due to the absence of the Finance Director and Deputy Finance Director.

### **VIII. Open Session**

**IX. Executive Session** pursuant to 1 M.R.S.A. Section 405(6) (E) to consult with the City’s attorney regarding a legal matter. *No action to follow. Passage requires 3/5 majority vote to enter Executive Session.*

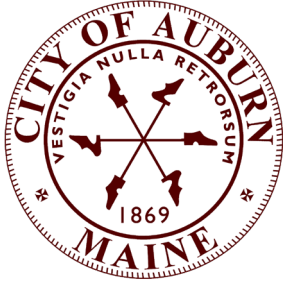
Councilor Whiting moved to enter executive session, seconded by Councilor Walker. Motion passed 6-0. Entered executive session at 8:09pm. Came out of executive session at 9:20pm.

### **X. Adjournment**

Councilor Platz moved to adjourn, seconded by Councilor Cowan. Passed 6-0. Meeting adjourned at 9:20pm.

**A TRUE COPY ATTEST**

**Emily Carrington, City Clerk**



# City of Auburn, Maine

Office of the City Clerk

Emily F. Carrington, Clerk

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

November 14, 2024

## **Invitation to Attend Auburn City Council Meeting – November 18, 2024**

### **TO:**

Representative-Elect Bruce Bickford, State Senate District 20

Representative-Elect Quentin Chapman, State House District 88

Representative-Elect Adam Lee, State House District 89

Representative-Elect Laurel Libby, State House District 90

On behalf of Mayor Jeffrey D. Harmon and the City Council of the City of Auburn, please accept our sincerest congratulations on your success in the recent election. As you prepare for your role in the State Legislature, we wish to invite you to attend a meeting of the Auburn City Council on **November 18, 2024 at 7:00PM at Auburn Hall (60 Court Street, Council Chambers).**

We look forward to working with you as our elected State representatives on a number of initiatives important to the City of Auburn.

Thank you and we look forward to welcoming you on November 18.

Sincerely,

Mayor Jeffrey D. Harmon & Members of the Auburn City Council

Richard Whiting, Ward 1

Timothy Cowan, Ward 2

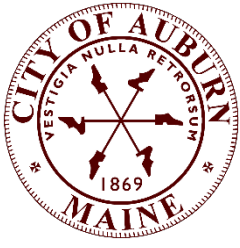
Stephen Milks, Ward 3

Benjamin Weisner, Ward 4

Leroy Walker, Ward 5

Adam Platz, At-Large

Belinda Gerry, At- Large



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** November 18, 2024

**Order: 129-10032024  
through 138-10032024**

**Author:** Emily F. Carrington, City Clerk

**Subject:** Appointments to the Comprehensive Plan Committee

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**Information:** An initial request for applications for the Comprehensive Plan Committee was posted 8/21 and the initial deadline to apply was 9/24. A total of 19 applications were received. The Appointment Committee met on October 1<sup>st</sup>, 2024 and nominated 10 residents to the Comprehensive Plan Committee.

The following 10 recommendations from the Appointment Committee were postponed at the October 7, 2024 meeting:

- Rex Rhoades – Ward 1
- Rebecca Swanson Conrad – Ward 2
- John Cleveland – Ward 2
- Adam Lee – Ward 2
- Denis Bergeron – Ward 2
- Mathieu Duvall – Ward 3
- Kelly Butler – Ward 4
- Bruce Rioux – Ward 5
- Jane Costlow – Ward 5
- Dana Staples – Ward 5

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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:** Recommend passage.

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**Previous Meetings and History:**

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**City Manager Comments:**

I concur with the recommendation. Signature:

Phillip Crowell Jr.

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**Attachments:** Applications, Orders

## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Monday, August 26, 2024 7:36 AM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Denis

Middle Initial:

Last Name: Bergeron

Residence Address: 23 Dexter Ave.

Ward: Ward 2

City: Auburn

Home Phone: 2075764588

Cell Phone: 2075764588

E-mail Address: denis.p.bergeron@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Engineer

Education and/or experience: BS Mechanical Engineering, BS Park and Recreation Mgmt.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above):: Denis

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I served on the planning Board for 9 years, then served on the 2010 Comprehensive Plan Update Committee. I've observed the uneven process Auburn has used to update the Comp plan since then and believe it's time for a comprehensive, transparent publicly informed re-evaluation. I think my experience can help.

What do you hope to accomplish?: Contribute to a document that positions Auburn to take productive advantage of the many demographic, cultural, and climate changes it will be faced with in the coming years.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Water district and Sewer Sistrict Trustee

Have you previously served on a City or Community Board or Committee? If so, which one(s)? Yes. Planning Board and 2010 Comp. Plan Update Committee

Dates served (if known): 2000 - 2009 and 2010 to 2012

How did you learn of this vacancy?: City web page

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Denis Bergeron

Date of Electronic Signature: August 26 2024

## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Thursday, August 29, 2024 10:02 AM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Adam

Middle Initial: R.

Last Name: Lee

Residence Address: 87 Western Prom

Ward: Ward 2

City: Auburn

Home Phone: 2073124057

Cell Phone: 2073124057

E-mail Address: arlee4mehouse@gmail.com

Current Occupation: Attorney/State Representative

Previous Occupation (if retired or no longer working):

Education and/or experience: Former City Councilor, Municipal attorney handling land use, code enforcement, ordinance drafting, and housing for the City of Portland; currently practicing attorney representing municipalities and individuals with complaints against municipalities.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above):

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have substantial experience with land use, zoning, housing, and economic development from several perspectives. I have, as an attorney, represented numerous municipalities including the City of Portland and various towns with respect to land use, zoning, housing, and code enforcement matters. I have, also as an attorney represented various businesses and individuals with similar issues against municipalities. Additionally, as a former City Councilor and State Representative I have a unique blend of knowledge of the governmental perspective and current challenges in enacting an effective comprehensive planning strategy.



What do you hope to accomplish?: Confronting housing and transportation challenges in a manner that provides opportunities to Auburn residents given the present affordability crises, and doing so in a manner that maximizes economic development in a focused and meaningful manner that does not adversely affect our economic and natural resources.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: City Council, Board of Assessment Review, Regulatory Advisory Board, Strategic Planning Committee

Dates served (if known): 2013-2022

How did you learn of this vacancy?: Social Media

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: /s/ Adam R. Lee

Date of Electronic Signature: 8/29/24

## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Friday, August 30, 2024 1:16 PM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Kelly

Middle Initial: L

Last Name: Butler

Residence Address: 130 HICKORY DRIVE

Ward: Ward 4

City: AUBURN

Home Phone: 2073176131

Cell Phone: 2073176131

E-mail Address: kbutler1002@gmail.com

Current Occupation: Regional Director Behavioral Health Network

Previous Occupation (if retired or no longer working):

Education and/or experience: I currently hold three licenses in the state of Maine (LCPC, LADC, and CCS) which support my work as the Regional Director for a Behavioral Health Network which serves individuals and families struggling with emotional and physical health conditions.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): **Comprehensive Plan Committee**

OTHER (Ad-Hoc Committees not on the list above):

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): From a young age I have been a community volunteer and hold a strong commitment to contributing to the community I reside in. I bought a home in Auburn about a year ago & am seeking an opportunity to contribute and learn more about Auburn. I would bring a fresh/objective perspective to the planning process and believe Auburn is an up and growing community that has the potential to offer a safe, fiscally sound and connected community culture. I think the community, like many of Maine communities is experiencing the challenges of individuals and families who struggle and my expertise in these areas can contribute to the comprehensive planning process.

What do you hope to accomplish?: As noted above, learning about the community, contributing to the development of a safe, culturally rich and economically sound community. Maintaining Auburn's rich history and business while supporting the ongoing development of Auburn's infrastructure (roads, ensuring all Auburn wards represent a welcoming and visually appealing engagement to visitors, and supporting the strengthening of Auburn's current development initiatives). Assisting with any gaps/needs for Auburn's current initiatives.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? No.

Have you previously served on a City or Community Board or Committee? If so, which one(s)? No.

Dates served (if known): N/A

How did you learn of this vacancy?: Media

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Kelly L. Butler

Date of Electronic Signature: 8/30/24

## Emily Carrington

---

**From:** donotreply@auburnmaine.gov  
**Sent:** Sunday, September 15, 2024 4:50 PM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Dana

Middle Initial: N

Last Name: Staples

Residence Address: 32 Greenfield Drive

Ward: Ward 5

City: Auburn

Home Phone: 2072401671

Cell Phone: 2072401671

E-mail Address: dana.staples@gmail.com

Current Occupation: VP of IT, ReVision Energy

Previous Occupation (if retired or no longer working):

Education and/or experience: masters in computer science

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above):

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I am deeply invested in Auburn's future. I want nothing but the best for this community and have spent countless hours volunteering to help steer things in the right direction. I have previously served on numerous boards and committees for the city and have learned a great deal about how it works. I work well with people and hope to achieve a collaborative comp plan committee that is committed to planning for the best Auburn that we can become in ten years.

What do you hope to accomplish?: I want to assist the committee in determining how Auburn can plan for the next ten years. As the prices of everything continue to climb, we need to be prepared to do more with less. The aging population of Auburn will need to continue to find innovative solutions for expensive problems. I hope through good discussion this committee can plan for good outcomes.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Zoning Board of Appeals

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: City Council, 2020 Comp Plan Committee, Planning Board, Strategic Planning Committee

Dates served (if known): various since 2014

How did you learn of this vacancy?: website

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Dana Staples

Date of Electronic Signature: 9/15/24

## Emily Carrington

---

**From:** donotreply@auburnmaine.gov  
**Sent:** Sunday, September 22, 2024 5:05 PM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: John

Middle Initial: J

Last Name: Cleveland

Residence Address: 183 Davis Ave Auburn ME

Ward: Ward 2

City: Auburn

Home Phone: 207.212.7755

Cell Phone: 207.212.7755

E-mail Address: jcleveland207@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Community Development & Planning Consultant 35yrs

Education and/or experience: USM Graduate BA Biology, Consultant: I helped several municipalities in Maine develop Comprehensive Plans, Create and implement Development Plans, Wrote land use ordinances, and worked as a municipal planner as staff for Planning Boards.

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): **Comprehensive Plan Committee**

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to use my extensive experience in the private and public sector with land use planning to help Auburn develop a thorough and detailed Comprehensive Plan ,to create a vision and legal foundation for Auburn's growth for the next 10 - 15 years. As well as to use my knowledge of State Law regarding Comprehensive Plans to ensure the requirements are met. Additionally I believe my previous experience as Mayor of Auburn leading the community through a Comprehensive Planning process and subsequent land use ordinance changes will be helpful to this Comprehensive Plan Committee.

What do you hope to accomplish?: My goal is to help the Comprehensive Plan Committee to effectively and efficiently develop a Comprehensive Plan as required by State Law within the time frame outlined by State statute. As well as develop a Comprehensive Plan that meets the needs of the community and is consistent with the community's values.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: City Council, Mayor, Auburn Public Library, Mayor's Representative to School Board, and others.

Dates served (if known): City Council 1977 - 1981, Mayor 1983- 1987 APL previously & currently, School Board 1977 - 1981.

How did you learn of this vacancy?: At a City Council Meeting

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: John J Cleveland

Date of Electronic Signature: September 22, 2024

## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Friday, September 20, 2024 8:50 AM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Mathieu

Middle Initial:

Last Name: Duvall

Residence Address: 263 Sunderland Dr

Ward: Ward 3

City: Auburn

Home Phone: 2076898810

Cell Phone: 2076898810

E-mail Address: the.osf@gmail.com

Current Occupation: Educator

Previous Occupation (if retired or no longer working):

Education and/or experience: Master of Science

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): As a past planning board member I have interest in the city's comprehensive plan. It is a foundational document that helps the city make decisions on land use, building codes, and growth.

What do you hope to accomplish?: Work to update the plan through a process that engages the citizens of Auburn and promotes smart growth. I also hope the document can point a way toward Auburn diversifying its transportation alternatives.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: no



Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Planning board; Mayor's ad hoc on housing

Dates served (if known): 2019-2022 for pb; winter 2024 for the ad hoc

How did you learn of this vacancy?: John Cleveland

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Mathieu Duvall

Date of Electronic Signature: 9-20-24

## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Thursday, September 19, 2024 8:09 PM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Jane

Middle Initial: T

Last Name: Costlow

Residence Address: 104 Fourth Street

Ward: Ward 5

City: Auburn

Home Phone: 1207576409

Cell Phone: 1207576409

E-mail Address: jcostlow@bates.edu

Current Occupation: Retired

Previous Occupation (if retired or no longer working): College Professor

Education and/or experience: BA, PhD

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above):

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have lived in Auburn for over thirty years; I love the community and have found it to be a place where individual residents can make a difference. I have enjoyed working with other Auburn residents on matters of interest where we try to improve the lives of everyone who lives here. I hope to learn more about the challenges and trade-offs of moving Auburn forward through participating in Comprehensive Planning work. While there are issues that particularly concern me (environment, housing, welcoming diverse new Mainers into our civic processes) I would come into the process with an open mind, eager to hear what other people care about, and to try to engage with as many different residents of Auburn as possible in charting a way forward.

What do you hope to accomplish?:

I hope to help construct a "blueprint" that is both aspirational and also grounded in the realities and challenges of the city. Beyond particular goals and benchmarks for the future, I would hope to find a way to capture the attention and imagination of more residents of Auburn " to get more people involved in caring about this community as their home. Whatever the future throws at us, having people care " and be willing to listen to their neighbors " is essential.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: SNRB, Conservation Working Group

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Solid Waste Task Force

Dates served (if known): (Last six months)

How did you learn of this vacancy?: A friend told me about it

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Jane T Costlow

Date of Electronic Signature: September 19, 2024

## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Monday, September 23, 2024 11:28 AM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Rex

Middle Initial: H

Last Name: Rhoades

Residence Address: 880 Lake Shore Drive

Ward: Ward 1

City: Auburn

Home Phone: 20775549163

Cell Phone: 2077549163

E-mail Address: rrhoades360@gmail.com

Current Occupation: Retired

Previous Occupation (if retired or no longer working): Newspaper executive

Education and/or experience: BA, dual major, Government & Economics

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I've lived here for 25 years and I have studied local governments as a newspaper editor for 40.

What do you hope to accomplish?: Bring positive input based upon my experience.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: None

Dates served (if known):

How did you learn of this vacancy?: Jeff Harmon

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.  
By typing your full name below, you are "signing" this electronic application.: Rex H Rhoades

Date of Electronic Signature: 09-23-2024

## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Monday, September 23, 2024 12:15 PM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Rebecca

Middle Initial: R

Last Name: Swanson Conrad

Residence Address: 45 Dawes Avenue

Ward: Ward 2

City: Auburn

Home Phone: 207-576-5561

Cell Phone: 207-576-5561

E-mail Address: rebeccarysen@gmail.com

Current Occupation: Consultant

Previous Occupation (if retired or no longer working): President/CEO LA Metro Chamber of Commerce

Education and/or experience: BA Bates College; graduate work at USM

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have lived in Lewiston Auburn since graduating from Bates in 1982; marrying an EL graduate in 1984 and buying a home in Auburn in 1989. My professional and volunteer life have focused on education, arts and culture and economic development for our community and State. I would like to contribute to Auburn's comprehensive planning process to ensure our city can reach its highest potential and our citizens, especially our youth, can attain their highest aspirations. Having lived in Auburn for 35 years and planning to stay here through retirement, it is important to me that we both acknowledge previous work while simultaneously challenging our community to think creatively and expansively about the possibilities to make our City even stronger, more livable and appealing, and welcoming to new residents. While comprehensive plans are designed to provide state-required deliverables, the process for the community can also find common ground and develop a vision for the future.

What do you hope to accomplish?: A transparent process to ensure that Auburn residents see value in the comprehensive plan and understand how it is helpful for the City to make decisions, and reflects growth, development and redevelopment that makes the City stronger for both current and future residents and businesses.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Lewiston Auburn Airport Board

Dates served (if known): 2016-2019 (?)

How did you learn of this vacancy?: Mayor Harmon

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Rebeca Swanson Conrad

Date of Electronic Signature: 9/23/2024



# CITY OF AUBURN BOARD & COMMITTEE APPOINTMENT APPLICATION

Please complete this application for consideration to serve on a board or committee of the City of Auburn. Submission of an application does not imply or guarantee an appointment to any board or committee. The City reserves the right to appoint board and committee members as vacancies arise and to perform background checks or any other necessary investigations on applicants. Incomplete applications and those which list more than one committee will not be considered.

Date: 9/22/24  
Last name: Rioix First name: Bruce Middle initial: B  
Residence address: 85 Mary Carroll St. Ward: 5  
City: Auburn State: ME Zip code: 04210  
Home phone: - Work phone: - Cell phone: 207-713-4400  
Email address: rioixbruce@gmail.com  
Current occupation: Retired  
Previous occupation (if retired or no longer working): SUN JOURNAL (ADVERTISING MAJOR ACCTS)  
Educational and/or experience (or attach your resume): 2 YEARS UNIV OF ME.

Please check which Board or Committee you are interested in serving on. Individual applications are required if you wish to apply for more than one Board or Committee.

- Comprehensive Plan Committee
- 9-1-1 Committee
- Airport Board
- Auburn Housing Authority
- Audit & Procurement Committee
- Board of Assessment Review
- Cable TV Advisory Board
- CDBG Loan Committee
- Community Forest Board
- Conservation Commission
- Ethics Panel
- Finance Committee
- L/A Transit Committee
- Parks & Recreation Advisory Board
- Poland-Auburn Economic Development Committee
- Planning Board
- Sewer District
- Water District
- Zoning Board of Appeals



Is this application for a X new appointment or \_\_\_ reappointment or \_\_\_ desire to move from an alternate/associate to full member?

Briefly describe why you want to serve on this committee (please limit to 150 words or less. Please attach additional sheet if needed). I believe I can best represent citizen interests and community growth through responsible planning. Water protection and neighborhood preservation are primary concerns.

What do you hope to accomplish (please limit to 150 words or less. Please attach additional sheet if needed). I would like to see Auburn grow responsibly, while protecting Lake Auburn, our schools, and traditional neighborhoods. I would encourage water/sewer extensions to create new housing opportunities away from Lake Auburn.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? Auburn Business Development Corp

Dates served (if known)? 30+ years

Have you previously served on a City or Community Board or Committee? If so, which one(s)?

YES  
Auburn City Councilor Ward 5; Auburn Water Dist; Watershed Protection Commission

Dates served (if known)? 1990-91 (Council) 1990-2018? Water Dist & Watershed

How did you learn of this vacancy? Mayor & Council / Friends

The City Council strives to promote membership and by practice will attempt to limit the number of boards or committees any one person will serve. The city Council also strives to maintain balance of ward distribution on all boards, commissions, or committees.

Thank you for your interest and willingness to serve our community. The giving of your time is commendable and appreciated. Without people like you coming forward, our community would not be as strong, as vibrant, or as great as it is. On behalf of all of us at the City of Auburn, we hope your volunteer experience is rewarding and we thank you for being an outstanding citizen!

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above.

Signature: [Signature] Date: 9/22/24

Please submit your application to;  
Susan Clements-Dallaire, City Clerk  
60 Court Street, Auburn, ME 04210  
207-333-6601, extension 1126 [sdallaire@auburnmaine.gov](mailto:sdallaire@auburnmaine.gov)

**FOR OFFICE USE ONLY**  
DATE APPLICATION RECEIVED: \_\_\_\_\_  
APPOINTMENT DATE: \_\_\_\_\_  
TERM EXPIRATION DATE: \_\_\_\_\_  
OATH DATE: \_\_\_\_\_



**ORDER 129-10032024**

# City Council Order

## IN CITY COUNCIL

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Rex Rhoades – Ward 1

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 130-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Rebecca Swanson Conrad – Ward 2

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 131-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- John Cleveland – Ward 2

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 132-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Adam Lee – Ward 2

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 133-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

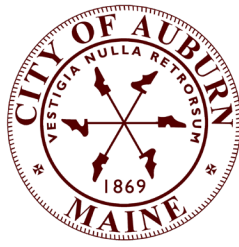
- Denis Bergeron – Ward 2

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 134-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Mathieu Duvall – Ward 3

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 135-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Kelly Butler – Ward 4

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager





**ORDER 136-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Bruce Rioux – Ward 5

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 137-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

- Jane Costlow – Ward 5

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 138-10032024**

# City Council Order

**IN CITY COUNCIL**

ORDERED, that the following be and hereby are appointed to the City of Auburn's Comprehensive Plan Committee:

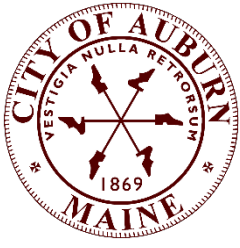
- Dana Staples – Ward 5

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** November 18, 2024

**Order:** 147-10212024

**Author:** Kelsey Earle, Finance Director

**Subject:** FY25 School Department CIP Second Reading

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**Information:** Second reading of the FY25 School Department Capital Improvement Plan (CIP). As shared at the first reading, the school committee approved amount was inadvertently omitted from the full municipal list and order in June.

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**City Budgetary Impacts:** None at this time.

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**Staff Recommended Action:** Passage

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**Previous Meetings and History:** The school department CIP plan was reviewed via school committee with final approval given 4/24/24 and was part of the total approved school budget. First reading occurred at the City council meeting held on 10/21/2024.

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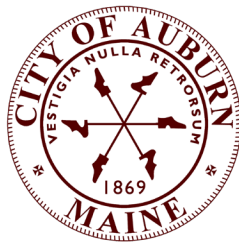
**City Manager Comments:**

I concur with the recommendation. Signature:

**Attachments:**

Order

Public notice copy



# City Council Order

## IN CITY COUNCIL

### ORDER - AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

Following a public hearing duly called and held as required by Article 8, Section 8.13 of the City Charter, **by the Auburn City Council BE IT ORDERED:**

THAT, pursuant to Title 30-A, §5772 of the Maine Revised Statutes, as amended, the City Charter, as amended, and all other authority thereto enabling, there is hereby authorized the issue and sale of the City's general obligation bonds (the "Bonds") and notes in anticipation thereof (the "Notes"), in the principal amount not to exceed \$983,000, the proceeds of which, including original issue premium, if any, and investment earnings thereon, are hereby appropriated to finance the Auburn School Department FY25 Capital Improvement Plan approved by the Auburn School Committee on April 24, 2024 (including costs of issuance for the Bonds)(the "School CIP Projects").

THAT the Bonds and Notes shall be signed by the manual or facsimile signatures of the City's Finance Director and its Treasurer (provided that at least one of such signatures shall be a manual signature), attested by the City Clerk under the seal of the City.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the time of the sale, award and settlement of the Bonds and Notes, which may be issued at one time, or from time to time, through a public offering or a private placement, on a competitive or negotiated basis, in serial form or as term bonds, or some combination of any of the foregoing, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the date, form, denominations, interest rates, maturities (not to exceed the maximum term authorized by law), provisions for early redemption, and all other details of such Bonds and Notes, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT to the extent not payable from other funds, each year that any of the Bonds remain outstanding, the City shall levy a tax in an amount sufficient to pay the annual installment of principal and the annual interest on such Bonds.

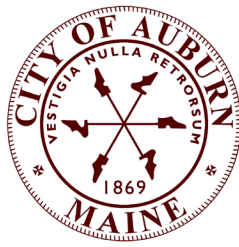
THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to do or cause to be done all such acts and things necessary and expedient in respect in connection with the financing of the School CIP Projects and the issuance the Bonds and Notes, and the investment of the proceeds thereof, including to select a financial advisor, underwriter, or paying agent/registrars with respects to the Bonds and Notes, and to execute, deliver and approve all agreements, investment agreements, bond purchase agreements, preliminary and final official statements or other offering documents, escrow agreements, continuing disclosure agreements, tax compliance agreements, or arbitrage certificates, and all other closing certificates and documents (collectively referred to as the "Bond Documents"), which

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Adam R. Platz**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Belinda A. Gerry**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



## City Council Order

Bond Documents may be in such form and contain such terms, conditions and provisions including, without limitation, the waiving of the City's sovereign or governmental immunity with respect to the enforceability of any of the forgoing, which waiver of sovereign or governmental immunity is hereby authorized, confirmed and approved, as the Finance Director shall establish, determine and approve, such establishment, determination and approval to be conclusively evidenced by the execution thereof.

THAT to the extent the Bonds or Notes are issues on a tax-exempt basis, the Finance Director is hereby authorized, in the name of and on behalf of the City:

- To covenant, agree and certify (A) that no part of the proceeds of such Bonds and Notes shall be used directly or indirectly to acquire any securities or obligations or property, the acquisition or use of which would cause the Bonds or Notes to be "private activity bonds" or "arbitrage bonds" within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended, and (B) that the City will file any required reports and take any other action that may be necessary to insure that interest on the Bonds or Notes will remain exempt from federal income taxation, and that the City will refrain from any action that would cause interest on the Bonds and Notes to be subject to federal income taxation; and
- To designate the Bond or Notes, or a portion thereof, as qualified tax-exempt obligations under and as permitted by Section 265(b)(3) of the Code, to the extent such designation is available and permissible under said Section 265(b)(3).

THAT if the Finance Director, Treasurer, or Clerk are for any reason unavailable to approve and execute the Bonds, Notes or any related Bond Document, the person or persons then acting in any such capacity, whether as an assistant, a deputy, or otherwise, in an interim or acting capacity, is hereby authorized, in the name of and on behalf of the District, to act for such official with the same force and effect as if such official had himself or herself performed such act.

THAT if any authorized representative of the City who has signed or sealed the Bonds or Notes shall cease to be such officers or officials before the Bonds or Notes so signed and sealed shall have been actually authenticated or delivered by the City, such Bonds or Notes nevertheless may be issued, delivered and authenticated with the same force and effect as though the person or persons who signed or sealed such Bonds or Notes had not ceased to be such officer or official; and also any such Bonds or Notes may be signed and sealed on behalf of the City by those persons who, at the actual date of the execution of such Bonds or Notes, shall be the proper officers and officials of the City, although at the nominal date of such Bonds or Notes any such person shall not have been such officer or official.

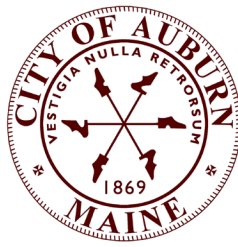
THAT if the actual cost of any School CIP Project differs from the estimated cost, whether due to completion, delay or abandonment of such School CIP Project or for any other reason, the Finance Director is hereby authorized, in the name of and on behalf of the City, in her discretion, to reallocate proceeds of the Bonds and Notes to any other listed School CIP Project, or to any other project or improvement that the Auburn School Committee has approved or may in the future approve as part of the Auburn School Department capital improvement plan.

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## City Council Order

THAT the authority to issue any Bonds or Notes not issued within 2 years of the date of approval of this Order shall automatically expire 2 years from the date of approval of this Order.

THAT notwithstanding the foregoing paragraph, during the term any of the Bonds issued pursuant to this Order remain outstanding, the Finance Director is hereby authorized, in the name of and on behalf of the City, to issue refunding bonds on either a current or advance refunding basis, to refund some or all of the Bonds then outstanding, and to establish, determine and approve the time of the sale, award and settlement of such refunding bonds, the date, form, denominations, interest rates, maturities (not to exceed the maximum term authorized by law), provisions for early redemption, and all other details of such refunding bonds, such establishment, determination and approval to be conclusively evidenced by the execution thereof, and to execute and deliver, in the name of and on behalf of the City, such additional Bond Documents as may be reasonable or necessary with respect to such refunding, and each refunding bond issued hereunder shall be signed in the same manner as the Bonds.

THAT this Order shall constitute a Declaration of Official Intent pursuant to Treasury Regulation §1.150-2, and the City hereby declares its official intent to use proceeds of the Bonds or Notes to reimburse costs of the School CIP Projects (referred to as "original expenditures") paid prior to the issuance of the Bonds or Notes.

A notice describing the above borrowing and the general purpose of such borrowing was published on or before November 4, 2024, in the *Sun Journal*, a daily newspaper of general circulation published in the City of Auburn and in Androscoggin County.

NOTE: Must be approved by roll call vote.

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**Phillip L. Crowell, Jr.**, City Manager

**CITY OF AUBURN  
NOTICE OF PUBLIC HEARING**

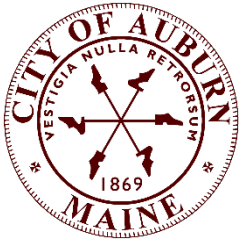
On Monday, October 21, 2024, the Auburn City Council gave first reading on a proposed order authorizing the City's general obligation bonds in the principal amount not to exceed \$983,000 to finance the Auburn School Department FY25 Capital Improvement Plan (subject to change as described below). Pursuant to Section 8.13 of the City Charter, notice is hereby given that the City Council will hold a public hearing and second reading on the order on Monday, November 18, 2024, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street. A copy of the order is available for inspection on the City's website: [auburnmaine.gov/pages/government/budget-fy25](http://auburnmaine.gov/pages/government/budget-fy25).

At or following said public hearing or second reading, and prior to final City Council action, the City Council may add, remove or otherwise revise the list of projects and may increase the foregoing amount of bonds by up to 10%. The City Council expects to take final action on the order following second reading at the said November 18, 2024 meeting.

Members of the public attend the meeting in person and offer public comment during the meeting. Comments may also be submitted via email sent to: [comments@auburnmaine.gov](mailto:comments@auburnmaine.gov). Any submitted comments will be included in the meeting minutes.

The meeting will also be broadcast on Great Falls TV (cable channel 1302) and on the City of Auburn YouTube channel.





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** November 18, 2024

ORDINANCE 20-11042024

**Author:** Kris Beaudoin- Code Compliance Team Leader

**Subject:** Chapter 12 Article IV.- Housing Code, Ordinance update

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**Information:** Updates to Chapter 12 Article IV. Housing Code to clarify its applicability to all building types and address challenges with vacant buildings. The proposed amendments include the addition of a definition for vacant buildings, requirements specific to vacant buildings, and the addition of language in Division 2 expanding inspection areas to vacant buildings and structures utilized for the purpose of conducting business. The proposed changes to the ordinance will clarify the applicability of standards to vacant and non-residential buildings and expand the enforcement ability of staff on vacant buildings. The ordinance has been reviewed by the City Attorney and the edits from that review have been included in the draft.

**City Budgetary Impacts:** None-easier enforcement

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**Staff Recommended Action:** Hold the second reading of the amended draft ordinance during November 18, 2024, Council meeting.

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**Previous Meetings and History:** Council Workshop September 3, 2024, passed first reading on November 4, 2024

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**City Manager Comments:**

Signature:

**Attachments:** Chapter 12 Article IV. document outlining changes.

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**ARTICLE IV. PROPERTY MAINTENANCE AND HOUSING CODE**

**DIVISION 1. GENERALLY**

**Sec. 12-145. Purpose.**

The purpose of this article is to establish minimum standards for all ~~dwelling~~ buildings and ~~property~~ incident thereto in the city to ~~insure~~ ensure safety, health, and public welfare through the proper construction, maintenance, and use thereof.

(Code 1967, § 20-A(1.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

**Sec. 12-146. Definitions and rules of construction.**

(a) The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Basement* means that portion of a building below the first floor joists having at least one-half of its clear ceiling height above the main level of the adjacent ground.

*Chief of police* means the legally designated head of the police department of the city or his authorized representative.

*Dwelling* or *dwelling unit* means a building or portion thereof arranged or designed to provide living facilities for one or more families.

*Dwelling unit* means a room or group of rooms located within a building and forming a single habitable unit, physically separated from any other rooms or dwelling units which may be in the same structure, with facilities which are used or intended to be used for independent living, sleeping, cooking and eating purposes. Dwelling units available for rental or occupancy for periods of less than one week shall be considered boarding/lodging units.

*Extermination* means the control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their food; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the health officer.

*Fire chief* means the legally designated head of the fire department of the city or his authorized representative.

*Garbage* means the animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.

*Habitable room* means a room or enclosed floor space used or intended to be used for living, sleeping, cooking or eating purposes excluding bathrooms, water closet compartments, laundries, pantries, game rooms, foyers or communicating corridors and permanent built-in closets and storage spaces.

*Health officer* means the legally designated health authority of the city or his authorized representative.

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*Infestation* means the presence or evidence of the presence within or around a dwelling, of any insects, rodents, or other pests.

*Manufactured housing* means a structural unit or units designed for occupancy, and constructed in a manufacturing facility and then transported by the use of its own chassis, or placed on an independent chassis, to a building site, the term includes any type of building which is constructed at a manufacturing facility and then transported to a building site where it is utilized for housing and may be purchased or sold by a dealer in the interim. Manufactured housing shall include newer mobile homes and modular homes as defined in city zoning regulations.

*Mobile homes, older*, means any factory-built home that fails to meet the definition of manufactured housing and more specifically, any mobile home constructed prior to June 15, 1976. These units shall be restrict to location in approved mobile home parks.

*Mobile home park* means a parcel of land under single ownership in rural residence, suburban residence and cluster development districts that has been planned and improved for the placement of not less than three mobile homes for non-transient use.

*Multiple dwelling* means any dwelling containing more than three dwelling units.

*Occupant* means any person over one year of age, living, sleeping, cooking, or eating in, or having actual possession of, a dwelling unit or rooming unit.

*Operator* means any person, who has charge, care or control of a building or part thereof, in which dwelling units or rooming units are rented or let or of an area where spaces are rented or let for mobile homes.

*Owner* means any person who, alone or jointly or severally with others, has legal title to any dwelling or dwelling unit, with or without accompanying actual possession thereof, or has charge, care or control of any dwelling or dwelling unit, as owner or agent of the owner, or an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of owner. Any such person thus representing the actual owner shall be bound to comply with the provisions of this chapter to the same extent as if he were the owner.

*Paint stabilization* means repairing any physical defect in the substrate of a painted surface that is causing paint deterioration, removing loose paint and other material from the surface to be treated, and applying a new protective coating or paint to the affected areas.

*Plumbing* means all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwasher, lavatories, bathtubs, shower baths, installed clothes washing machines, catch basins, drains, vents , and any other similar supplied fixtures, together with all connections to water, sewer or gas lines.

*Rooming house* means any dwelling, or that part of any dwelling, containing one or more rooming units, in which space is let by the owner or operator to four or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator.

*Rooming unit* means any room or group of rooms forming a single habitable unit used or intended to be used for living, and sleeping, but not for cooking or eating purposes.

*Rubbish* means combustible and non-combustible waste materials except garbage, including, without limitation, residue from the burning of wood, coal, coke, or other combustible material, paper, rags, cartons, boxes, wood, excelsior, rubber, leather, tree branches, yard trimmings, tin cans, metals, mineral matter, glass, crockery, dust and others.

*Structural elements* means all of the following components of a structure, including but not limited to: foundation, framing, sheathing, siding, roofing material, windows, doors, trim, eaves, porches, stairs, railings, guards; and interior surfaces such as sheetrock, plaster, ceiling tiles, countertops, and floors.

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*Summer camps* means seasonal dwelling units intended for and actually used for single-family dwellings only during the months of May, June, July, August, September and October or weekends or other periods of vacations but not to exceed 30 days.

*Supplied* means paid for, furnished, installed or provided by or under the control of the owner or operator.

*Temporary housing* means any tent, trailer, or other structure used for human shelter that is designed to be transportable and which is not attached to the ground, to another structure, or to any utilities system on the same premises for more than 30 consecutive days.

*Vacant building* means any building that is unoccupied, unattended, and is not actively used as a place of residence or business, or is frequently open or unsecured so that unauthorized entrance may be gained.

(b) Whenever the words "building", "dwelling," "dwelling unit," "lodging house," "rooming unit," or "premises" are used in this article, they shall be construed as though they were followed by the words "or any part thereof."

(Code 1967, § 20-A(art. V); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016; Ord. No. 10-11022020, 11-16-2020)

### **Sec. 12-147. Compliance required.**

- (a) No dwelling or dwelling unit shall be deemed to conform with the requirements of this article until it meets all of the minimum standards of this article as specified herein.
- (b) It is unlawful to construct, alter, maintain, occupy, let for occupancy, or use a building or structure, or part thereof, in violation of the provisions of this article.

(Code 1967, §§ 20-A(1.2), 20A(1.3); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

### **Sec. 12-148. Validity of other laws.**

Nothing in this article shall be construed to prevent the enforcement of other laws that prescribe more restrictive limitations.

(Code 1967, § 20-A(1.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

### **Sec. 12-149. Exceptions permitted.**

In seasonal dwellings, mobile homes, buildings erected prior to the original adoption of this article, or in agriculture and resource protection district as defined by the zoning provisions of the city, or in areas where public water or sewerage systems are not available, the code compliance officer shall upon application grant an exception for the use of buildings for dwelling purposes that do not meet the minimum standards set forth in this article when he determines that:

- (1) It is not feasible or practicable to comply with such minimum standards;
  - (2) The safety, health, or general welfare of the occupants and the public will not be adversely affected;
- and

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- (3) The effect of the granting of the exception will not adversely affect adequate light, air, overcrowding, of persons or property, the provision for public utilities, the character of the neighborhood, or traffic conditions as applied to the welfare of the occupants or the general public.

(Code 1967, § 20-A(1.6); Ord Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

### **Sec. 12-150. Procedure for granting exceptions.**

- (a) The code compliance officer shall issue such exception in writing setting forth the date of granting, the reasons for granting the same, the date it shall expire, and the location of the premises.
- (b) No such exceptions shall be granted for a period of more than five years. Any exception may be renewed one or more times, upon application to the board of appeals. Each renewal shall not exceed additional periods of five years for such renewal. Each renewal shall contain the requirements of the original exception and in addition thereto the date of issuance of the original exception and the statement that it is a renewal.

(Code 1967, § 20-A(1.7); Ord Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

### **Secs. 12-151—12-169. Reserved.**

## *DIVISION 2. INSPECTIONS*

### **Sec. 12-170. Authority of code compliance officer.**

The code compliance officer ~~is~~ hereby authorized to make inspections to determine the condition of vacant buildings, structures used for the purpose of conducting business, dwellings, dwelling units, rooming houses, rooming units and premises located within this city in order that ~~he~~ the code compliance officer may perform ~~his~~ their ~~duties~~ of safeguarding the health and safety of the occupants of dwellings and of the general public.

(Code 1967, § 20-A(2.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

### **Sec. 12-171. Right of entry for inspection.**

For the purpose of making such inspections, the code compliance officer is hereby authorized to enter, examine, and survey any or all property or building, including without limitation, vacant buildings, buildings and structures used for the purpose of conducting business, dwelling units, rooming houses, rooming units, and premises at any mutually agreeable time, ~~or as authorized by law but in any case within 20 days of notice to the owners or occupant of the intention to make such an inspection.~~

(Code 1967, § 20-A(2.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

### **Sec. 12-172. Owner and occupant to give free access.**

- (a) *Access of code compliance officer.* The owner and occupant of every dwelling, dwelling unit, lodging house and rooming unit or the person in charge thereof, shall give the code compliance officer free access to any or

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all such property or building including, without limitation, vacant buildings, buildings and structures used for the purpose of conducting business, dwellings, dwelling unit, lodging house or rooming unit and premises at any mutually agreeable time, or as authorized by law, for the purpose of such inspection, examination, or survey, ~~but in any case within 20 days of notice to the owner or occupant of the intention to make such an inspection, examination, or survey.~~

- (b) *Access of owner.* Every occupant of a property or building including, without limitation, vacant buildings, buildings and structures used for the purpose of conducting business, dwelling, dwelling unit, lodging house and rooming unit shall give the owner, and his agent or employee, access at all reasonable times to any part of the dwelling, dwelling unit, lodging house, rooming unit or premises for the purpose of compliance with the provisinesprovisions of this article or any lawful order issued pursuant to this article.

(Code 1967, §§ 20-A(2.3), 20-A(2.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

**Secs. 12-173—12-194. Reserved.**

*DIVISION 3. ENFORCEMENT*

**Sec. 12-195. Procedure generally.**

- (a) If the code compliance officer determines that there are reasonable grounds to believe that there has been a violation of any provisions of this chapter, he shall initiate enforcement proceedings in accordance with the citation system established in this Code. Alternatively, he may initiate a land use complaint pursuant to state law, in which case the penalties therein provided shall apply.
- (b) Any notice issued pursuant to this article shall:
- (1) Be in writing;
  - (2) Include a statement of the reasons why it is being issued;
  - (3) Set a reasonable time for the performance of any act it requires;
  - (4) Be served upon the owner or his agent, or the occupant, as the case may require; provided, however, that:
    - a. Complaints under this article be deemed properly served upon such owner or agent or upon such occupant if a copy thereof is served upon him personally or by leaving a copy thereof at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or
    - b. If a copy thereof is sent by registered or certified mail to his last known address or the address as shown on the records in the tax assessor's office of the city of auburn; and
    - c. If service is made personally or by leaving at his dwelling house or usual place of abode a statement signed by the person so serving stating the date of service shall be filed in the office of planning and development.
  - (5) May contain an outline of remedial action that, if taken, will effect compliance with the provision of this article.

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- (c) After service of such notice, the owner or occupant to whom it is directed shall correct the condition constituting the violation within the time specified and promptly give notice to the code compliance officer that such corrective action has been taken.

(Code 1967, § 20-A(3.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

### **Sec. 12-196. Method of petitioning for hearing.**

- (a) Any person affected by any notice issued in connection with the enforcement of any provision of this article, may request and shall be granted a hearing on the matter before the board of appeals; provided that such person shall file in the office of the board of appeals a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served.
- (b) Upon receipt of such petition, the board of appeals shall set a time and place for such hearing and shall give the petitioner notice thereof in person or by mail.
- (c) At such hearing, the board of appeals shall take evidence to determine whether such notice should be sustained, modified, or withdrawn.
- (d) The hearing shall be commenced not later than 30 days after the day on which the petition was filed; provided that upon application of the petitioner the board of appeals may postpone the date of the hearing for a reasonable time beyond such 30 day period, if in its judgment the petitioner has submitted a good and sufficient reason for such postponement.

(Code 1967, § 20-A(3.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

### **Sec. 12-197. Power of board of appeals to alter notice.**

After such hearing, the board of appeals shall sustain, modify, or withdraw the notice, depending upon its findings as to the compliance with the provisions of this chapter. If the board of appeals sustains or modifies such notice, it shall be deemed to be an order. Any notice served pursuant to this article shall automatically become an order if a written petition for a hearing is not filed in the office of the board of appeals within ten days after such notice is served. There shall be an appeal from the board of appeals to the superior court in the manner provided by state law.

(Code 1967, § 20-A(3.3); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

### **Sec. 12-198. Recording of public hearing.**

The proceedings at such hearing, including the findings and decision of the board of appeals, shall be summarized, reduced to writing, and entered as a matter of public record in the office of the board of appeals. Such record shall also include a copy of every notice or order issued in connection with the matter.

(Code 1967, § 20-A(3.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

### **Sec. 12-199. Notice of intent to sell, transfer or rent property subject to order.**

- (a) *When required.* Any person who proposes to sell, transfer or otherwise dispose of lease or sublet any dwelling unit, lodging house, rooming unit, or other premises against which there is any existing lawful order of the code compliance officer, the board of appeals or any court of competent jurisdiction shall furnish the proposed grantee or transferee a true copy of such order and shall notify the office of planning and

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development in writing of the intent to so sell, transfer, or otherwise dispose of lease or sublet in writing giving the name and address of the person to whom such transfer is proposed within three days of the proposed transfer.

- (b) *Penalty.* Any person who violates the terms of this section shall be in violation of this chapter and shall be subject to a penalty or fine of not less than \$50 and not more than \$100 to be enforced by complaint in a court of competent jurisdiction.

(Code 1967, § 20-A(3.5); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

### **Sec. 12-200. Placarding of buildings unfit for human habitation.**

- (a) *Authority of code compliance officer.* If the person so affected fails to appeal to the board of appeals or if after an appeal, the board of appeals sustains the decision of the code compliance officer, the dwelling, dwelling unit, lodging house, or rooming unit so affected may be declared unfit for human habitation and placarded by the code compliance officer.
- (b) *Procedure.* To placard, the code compliance officer shall issue to the occupants and the owner or operator a written notice to vacate the premises within such time as the code compliance officer may deem reasonable, but not less than seven days, and a placard prohibiting continued occupancy or re-occupancy may be conspicuously posted on the premises, and a copy of such notice may be filed with the police department.
- (c) *Use of placarded buildings prohibited.* No dwelling or dwelling units, lodging house, or rooming unit which has been placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from, and such placard is removed by, the code compliance officer. The code compliance officer shall remove such placard whenever the defect or defects upon which the placarding action is based have been eliminated.
- (d) *Defacement and removal of placard prohibited.* No person shall deface or remove the placard from any dwelling or dwelling unit, lodging house or rooming unit, which has been declared unfit for human habitation and placarded as such.

(Code 1967, § 20-A(3.6); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

### **Sec. 12-201. Order to vacate dangerous premises.**

In instances where the health officer, fire chief, and chief of police, or their duly qualified deputies, determine in writing that extreme danger or menace to the occupants or the public health exists, the code compliance officer, health officer, fire chief, and chief of police, or their duly qualified deputies may order immediate correction to be made or, if the circumstances warrant, may order that the occupants vacate the premises as provided in this article.

(Code 1967, § 20-A(3.7); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

### **Secs. 12-202—12-224. Reserved.**

## *DIVISION 4. MINIMUM STANDARDS*



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### **Sec. 12-225. Compliance with city codes and state law required.**

All structures and structural elements of buildings and the construction, use and occupancy thereof shall be in accordance with the requirements of this Code, including the building and technical codes adopted by the city, and with state law and regulations.

(Code 1967, §§ 20-A(6.1), 20-A(12.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

### **Sec. 12-226. Maintenance.**

- (a) All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.
- (b) All painted exterior surface areas of pre 1978 properties must be maintained in a manner to not cause a public nuisance or affect the health and safety of the occupants of the property where the condition exists or of surrounding properties. Paint stabilization must occur if the potential for such a condition exists.

(Code 1967, § 20-A(6.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 10-11022020, 11-16-2020)

### **Sec. 12-227. Plumbing.**

Every dwelling unit shall contain a kitchen sink and a bathtub or shower. In addition, every dwelling unit shall contain, within a room which affords privacy, a flush water closet and a lavatory basin. All plumbing facilities required by this Code shall be in accordance with the requirements of the plumbing code adopted by the city as of date of installation and maintained in good sanitary working condition; water-related plumbing facilities required by this Code shall be connected to adequate supply of water.

(Code 1967, § 20-A(art. 7); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

### **Sec. 12-228. Heating and ventilation.**

- (a) *Maintenance.* All heating and ventilating facilities shall be maintained in safe operating condition for use without danger of asphyxiation or of overheating combustible material.
- (b) *Requirements when central heating plant not available.* When heat is not furnished by a central heating plant, each dwelling unit or rooming unit shall be provided with one or more masonry flues and smoke or vent pipe connections, or equal arrangement, in accordance with the provisions of the basic building code to permit the use of heating equipment capable of providing heat as required by this section.
- (c) *Heating facilities required in rented or leased premises.* Every habitable room, let for occupancy, shall be served by heating facilities capable of providing a minimum temperature of at least 68 degrees Fahrenheit, at a distance of three feet from the exterior walls, five feet above floor level, as required by prevailing weather conditions. In addition, the heating facilities must be operated to protect the building equipment and systems from freezing.
- (d) *Window specifications.* Every habitable room shall have a window or windows with a total sash area equal to at least eight percent of its floor area opening on a street, alley, yard, or court open to the sky and constructed and maintained so that at least one-half of the sash area can be opened, except that an approved method of mechanical ventilation may be substituted for such window or windows

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(Code 1967, § 20-A(art. 8); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

### **Sec. 12-229. Electrical and lighting.**

All lighting and other electrical facilities shall be in accordance with the requirements of the electrical code adopted by the city and shall be maintained in good, safe and suitable electrical order.

(Code 1967, §§ 20-A(9.1), 20-A(9.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

### **Sec. 12-230. Passageways, stairways and exits.**

- (a) *Exits.* Every dwelling unit and every rooming unit shall have safe, continuous and unobstructed means of egress leading from the interior of the building to safe and open spaces at ground level in accordance with applicable statutes and ordinances.
- (b) *Lighting.* Every passageway and stairway shall have at least one ceiling-type or wall-type electric light fixture adequate to provide safe passage.
- (c) *Obstructions.* Every hallway, stairway, corridor, exit, fire escape door or other means of egress shall be kept clear of obstructions at all times.

(Code 1967, §§ 20-A(9.3), 20-A(12.3), 20-A(12.4); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

### **Sec. 12-231. Garbage and rubbish.**

- (a) *Method of disposal.* Every responsible occupant of a dwelling or dwelling unit shall dispose of all his garbage and rubbish in a clean and sanitary manner. Every owner of rental property shall provide his tenants with suitable waste containers as required by city ordinance.
- (b) *Accumulations prohibited.* Every dwelling shall be clean and free from garbage or rubbish. When a dwelling or dwelling unit is not reasonably clean or free from garbage or rubbish, the code compliance officer may cause the responsible person to put the dwelling or dwelling unit in a clean and sanitary condition.

(Code 1967, § 20-A(10.1); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013; Ord. No. 02-02222016, 3-7-2016)

### **Sec. 12-232. Insect and rodent control.**

- (a) *Owner responsible for extermination in multiple dwellings.* If infestation exists in two or more of the dwelling units in any dwelling, or in the shared or public parts of any dwelling containing two or more dwelling units, extermination thereof shall be the responsibility of the owner.
- (b) *Occupant responsible for extermination.* Every occupant of a dwelling containing a single dwelling unit shall be responsible for the extermination of any insects, rodents, or other pests therein or on the premises.

(Code 1967, § 20-A(10.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

### **Sec. 12-233. Space and occupancy.**

- (a) *Floor space requirements.* The total area of every dwelling unit shall contain at least 250 square feet of floor area, with an additional 125 square feet for each occupant over two.

- 
- (b) *Ceiling height.* At least one half of the floor area of every habitable room shall have a room ceiling height of at least 7 feet; and the floor area of that part of any room where the ceiling height is less than five feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.
- (c) *Use of basement.* No basement space shall be used as a habitable room or dwelling unit unless it conforms to the minimum requirements of this article.

(Code 1967, § 20-A(art. 11); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

### **Sec. 12-234. Dwelling occupancies prohibited adjacent to hazardous establishments.**

No dwelling unit or rooming unit shall be located within a building containing any establishment handling, dispensing or storing flammable liquids or producing toxic gases or vapors in any quantity that may endanger the lives or safety of the occupants.

(Code 1967, § 20-A(12.2); Ord. of 3-26-1990; Ord. No. 02-04012013, att. B, 4-16-2013)

### **Sec. 12-235. Vacant Buildings.**

~~(a)~~ In addition to other requirements, including without limitation section Sec. 12-226, all All-vacant buildings shall be weather- protected from the elements to prevent deterioration of the interior and exterior of the building.

(b) All vacant buildings shall be secured to prevent rodent infestation and entry by unauthorized individuals.

(c) Sprinkler systems located in vacant buildings must be maintained and remain operational unless a removal request is approved in writing by the Authority Having Jurisdiction (AHJ), as such term is defined in the National Fire Protection Association Fire Prevention Code (also known as NFPA #1).



**Ordinance 20-11042024**

# City Council Ordinance

**IN CITY COUNCIL**

PROPERTY MAINTENANCE AND HOUSING CODE

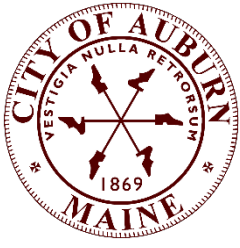
**Be it ordained,** that the Auburn City Council adopt the amendments to Chapter 12, Article IV, Property Maintenance And Housing Code as shown on the attached copy.

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** November 18, 2024

**ORDER 150-11182024 through  
ORDER 152-11182024**

**Author:** Emily F. Carrington, City Clerk

**Subject:** Recommendations from the Appointment Committee

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**Information:** On November 13, 2024, the Appointment Committee met to review applications received by the posted deadline of November 8 to the Comprehensive Plan Committee (2 resident seats, added with amendment made on November 4, 2024), Age Friendly Community Committee (for unexpired term ending 6/1/27), and Zoning Board of Appeals (associate member, for a term ending 5/1/26).

The Appointment Committee voted unanimously to recommend the following:

- Virginia Keel, Ward 4 – Comprehensive Plan Committee
- Heidi Bertels, Ward 1 - Comprehensive Plan Committee
- Kryston Chapman, Associate Member – Zoning Board of Appeals for a term ending 5/1/26.

The Appointment Committee received only one application by the November 8 deadline for the Age Friendly Community Committee and decided not to make a recommendation to the Council and instead re-post for more applications. The deadline will be updated on the City's website.

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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:** N/A

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**Previous Meetings and History:** N/A

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**City Manager Comments:** *Phillip Crowell Jr.*

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**Attachments:** None

## Emily Carrington

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**From:** donotreply@auburnmaine.gov  
**Sent:** Saturday, August 24, 2024 9:22 AM  
**To:** Emily Carrington  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Virginia

Middle Initial:

Last Name: Keel

Residence Address: 121 High St

Ward: Ward 1

City: Auburn

Home Phone: 2072402918

Cell Phone: 2072402618

E-mail Address: Vkeel730@yahoo.com

Current Occupation: HR Business Partner

Previous Occupation (if retired or no longer working): Employment Opportunity Coach

Education and/or experience: A.A - Paralegal Studies & Current UMA BA student for public admin

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above): Anything that has to do with workforce & economic development ,

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): As an Auburn resident, I've seen the challenges and opportunities we face. My HR background, with a focus on diversity, equity, and inclusion (DEI), and my studies in Public Administration equip me to contribute effectively.

Managing over 500 employees, I've developed skills in strategic planning, balancing short-term needs with long-term goals?vital for the comprehensive plan. My DEI expertise ensures inclusivity, engaging all community segments. I'm skilled in conflict resolution and consensus-building, essential for navigating diverse opinions.

What do you hope to accomplish?: I envision a comprehensive plan promoting balanced growth, environmental stewardship, and social equity, reflecting Auburn?s diverse needs.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: VP Elect CMHRA & CCU board member

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: MERN

Dates served (if known):

How did you learn of this vacancy?: Newsletter

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Virginia Keel

Date of Electronic Signature: 08/24/24

**From:** [donotreply@auburnmaine.gov](mailto:donotreply@auburnmaine.gov)  
**To:** [Emily Carrington](#)  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application  
**Date:** Wednesday, October 9, 2024 2:04:19 PM

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The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Heidi

Middle Initial:

Last Name: Bertels

Residence Address: 273 N River Road, APT 309

Ward: Ward 1

City: Auburn

Home Phone: 5413908403

Cell Phone: 5413908403

E-mail Address: [hbertels@gmail.com](mailto:hbertels@gmail.com)

Current Occupation: Technology Governance, U.S. Treasury HQ

Previous Occupation (if retired or no longer working):

Education and/or experience: 1 year as secretary for Big Bend Chamber of commerce, big bend national Park area, Texas

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one).: Comprehensive Plan Committee

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): Prior to my career change to the federal government, I spent years working in tourism, the last position as the operations manager of a boutique hotel chain near Big Bend National Park. I sat on the board of the Big Bend Chamber of Commerce as secretary for one year before stepping down due to a conflict of interest once I began working for the National Park Service. I have a fairly well rounded understanding of inherently governmental functions, including the budget process, though I do not have experience with local government outside of the chamber of commerce. I believe with my background in tourism, as well as being one of the influx of remote professional workers living in Auburn, I may provide a unique and hopefully helpful perspective

What do you hope to accomplish?: I'm hoping to do my civic duty to make support our community in whatever way I can. If I am a qualified candidate to help support this committee I'm happy to provide what input I can. If there are more qualified candidates that's great, I wouldn't want to get in their way.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: See chamber



experience above

Dates served (if known): 2019

How did you learn of this vacancy?: Facebook

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Heidi Bertels

Date of Electronic Signature: 10/9/2024

**From:** [donotreply@auburnmaine.gov](mailto:donotreply@auburnmaine.gov)  
**To:** [Emily Carrington](#)  
**Subject:** [External]A New Form Has Been Submitted - Board/Committee Application  
**Date:** Tuesday, November 5, 2024 5:05:18 PM

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The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Kryston

Middle Initial: M.

Last Name: Chapman

Residence Address: 51 EASTMAN LN

Ward: Ward 4

City: AUBURN

Home Phone: 2077498052

Cell Phone: 2077498052

E-mail Address: kryston\_m@hotmail.com

Current Occupation: Math Teacher

Previous Occupation (if retired or no longer working):

Education and/or experience: BA in Business Management

Please check which board or committee you are interested in serving on. We require individual applications for each board or committee (if you wish to serve on more than one): Zoning Board of Appeals

OTHER (Ad-Hoc Committees not on the list above)::

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I feel it is my civic duty and responsibility as an Auburn resident to serve on a meaningful committee.

What do you hope to accomplish?: To better understand and interpret the zoning ordinance and regulations for the city of Auburn.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Yes, Conservation Committee

Dates served (if known): 2021

How did you learn of this vacancy?: City of Auburn Website

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Kryston M. Chapman

Date of Electronic Signature: 11/5/2024



**ORDER 150-11182024**

# City Council Order

**IN CITY COUNCIL**

**ORDERED**, that Virginia Keel, Ward 4, be appointed to the City's Comprehensive Plan Committee, as recommended by the Appointment Committee.

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 151-11182024**

# City Council Order

**IN CITY COUNCIL**

**ORDERED**, that Heidi Bertels, Ward 1, be appointed to the City's Comprehensive Plan Committee, as recommended by the Appointment Committee.

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**ORDER 152-11182024**

# City Council Order

**IN CITY COUNCIL**

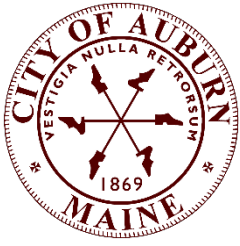
**ORDERED**, that Kryston Chapman be appointed to the City's Zoning Board of Appeals, Associate Member, for a term ending 5/1/2026, as recommended by the Appointment Committee.

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**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date: November 18, 2024**

**ORDINANCE 21-11182024**

**Author:** John Blais – Deputy Director of Planning, Permitting and Code

**Subject:** First Reading Text Amendments related to Lake Auburn Watershed Overlay District and Lake Auburn Watershed Overlay District Agricultural Buffer Setbacks Map

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**Background:** In January of 2024, the City Council ordered (04-01022024) the City Manager to direct staff to work with city wide interest groups (AG Working Group, Sustainability and Natural Resources Board, LAWPC, Planning Board and public stakeholders) to create the Lake Auburn Stakeholders Group. Since that time the group(s) have met on approximately 10 occasions to address continued concerns pertaining to protecting Lake Auburn. The group(s) have relied on the ordinance to drive the discussion on what is best for the public water supply of Lewiston and Auburn. The proposed changes are detailed in the attached order and proposed text. The proposed changes include amendments to Section 60.2 Definitions, Sec. 60-951 Use and environmental regulations and Sec. 60-952 as they relate to agricultural, forestry and erosion control. The amendments include changes that will strengthen the ordinances pertaining to Lake Auburn Watershed and the source water protection for the communities of Auburn and Lewiston which serves clean drinking water to 39,000 residents from Lake Auburn.

In July of 2024 the City Council ordered the Planning Board to review draft ordinance text changes recommended by the Lake Auburn Stakeholders Group. The directive specifically asked the Planning Board to review updates to Article II, Division 4, Lake Auburn Watershed Overlay District as proposed by the Lake Auburn Stakeholder Group pursuant to order 04-01022024 as they relate to agricultural, forestry and erosion control land uses.

**Information:** The attached ordinance is a culmination of efforts put forth by the above groups. The Planning Board provided a favorable recommendation to City Council on a text and associated map amendment. All the residents in the watershed were notified about October, Planning Board Public Hearing, City Council Workshop on November 4<sup>th</sup> and future City Council Public Hearing on December 2<sup>nd</sup>. The edits come from two different staff personnel (Megan & John) and The Ag committee.

*Highlights from the proposed changes:*

- Definitions for Agricultural and Forestry Uses (Text Changes/Additions)
  - Update definitions to agricultural use, animal units, clearcutting, invasive species, livestock, NRCS, NWI, fertilizer, pest, pesticides, poultry, soil test, summer dormancy, tillage, Total N. Allows farming in the watershed with defined safe boards for water quality protections (waste and nutrient management plans with required buffers).
- Fertilizers and Pesticides (Text Additions)
  - Requires existing farms to comply with obtaining waste or nutrient management plans that raise livestock or poultry by June 30, 2027, regardless of size.
  - Set limits on animal and poultry units.
  - Manure spreading prohibited, language for manure storage BMPs

- Guideline for fertilizer and pesticide use applications
- Erosion Control, Tree Clearing and Forestry (Text Changes/Additions)
  - Tillage setbacks from 100' to 250' (Map Developed)
  - Clearcutting limited to 2 acres on a 20-acre tract.
  - Clearcutting is limited to 25% of the amount on 20-acres or less.
- Map of 250' Setback to Lake, Pond, Stream, Brook or NWI Wetland
  - Added State forestry BMP language for tree clearing and state requirements for harvesting in the SLZ.
  - Adopted "Rule 20" by the MFS policy under the Maine Forest Practices Act Legislation.

**City Budgetary Impacts:** Staff Time

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**Staff Recommended Action:** . Hold the first reading. On both attached text amendment and Lake Auburn Watershed Overlay Agricultural Buffer Setback Map.

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**Previous Meetings and History:** Unanimous favorable recommendation in the October Planning Board Meeting, November 4, 2024, City Council Workshop .

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**City Manager Comments:**

Signature:



**Attachments:** Amended Text Edits , Proposed Map Amendment, City Council PowerPoint Presentation, Planning Board staff report for public hearing



## ***DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT***

### **Sec. 60-950. Purpose.**

The Lake Auburn Watershed Overlay District is intended to maintain safe and healthful environmental conditions; prevent and control water pollution; protect spawning ground for fish, aquatic life, bird and other wildlife habitats; control building sites; provide visual and physical points of access to waters and natural beauty; and protect and maintain the present quality and volume of potable water supplied from the Lake Auburn Watershed to the population of the Auburn-Lewiston area.

(Ord. of 9-21-2009, § 5.3A; Ord. No. 28-11202023, 12-4-2023)

### **Sec. 60-951. Boundaries and definitions.**

- (a) *Boundaries.* The Lake Auburn Watershed Overlay District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the Auburn Water District on file in the office of the Auburn Water District, the city planning, permitting and code department and the city clerk. The Lake Auburn Watershed Overlay District shall be superimposed over underlying zoning districts within the city. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed Overlay District.
- (b) *Definitions.* For purposes of this division, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned.

*Agricultural use means the production, growing, cultivation, or harvesting of any agricultural commodity or product or the raising, shearing, feeding, caring for, training, and management of livestock or poultry for commercial or personal use.*

*Animal unit has the same meaning as in section 60-2.*

*Building* has the same meaning as in section 60-2.

*Clearcutting means any cutting of any trees or timber on a forested site that results in a residual basal area of trees over 4 1/2 inches in diameter measured at 4 1/2 feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of acceptable growing stock, as defined by rule, of at least 3 feet in height for softwood trees and 5 feet in height for hardwood trees that meets the regeneration standards defined under Section 8869, subsection 1 of the Maine Forest Practices Act.*

*Curtain drain* means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

*Dwelling Unit* has the same meaning as in section 60-2. ~~*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:*~~

~~(1) 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~~

~~(2) The allowances set forth in section 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in article VII, division 4 of chapter 8 of this Code are not exceeded.~~

Invasive Species. Means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees.

Lake Auburn Watershed Protection Commission or LAWPC means the commission formed through an interlocal cooperation agreement between and among the Auburn Water District, City of Lewiston, and the Town of Turner, consisting of three commissioners appointed by the Auburn Water District, three commissioners appointed by the City of Lewiston, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

Livestock has the same meaning as in section 60-2.

Local plumbing inspector means a plumbing inspector or alternate plumbing inspector as defined in Section 12-22 of the Auburn City Ordinances. 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.

Natural Resource Conservation Service or NRCS means the U.S. Department of Agriculture, Natural Resources Conservation Service or, in those instances where the NRCS is prohibited by federal law from providing services to the property owner or lessee, an alternative service provider approved by the director of the city planning, permitting, and code department, or their designee.

Normal high-water line and Normal high-water mark means that line which is apparent from visible markings, changes in the character of soils due to prolonged action of the water or changes in vegetation, and which distinguishes between predominantly aquatic and predominantly terrestrial land.

NWI Wetland means any waterbody shown on the U.S. Fish & Wildlife Service National Wetlands Inventory.

Organic fertilizer means fertilizer derived from either plant or animal products that contain nutrients for plant growth. It is acceptable for the materials in these fertilizers to have been subjected to biological degradation processes under normal conditions of aging, rainfall, sun curing, air drying, composting, rotting, enzymatic, or anaerobic/aerobic bacterial action, or any combination of these. In order to qualify as organic fertilizer, the materials in these fertilizers may not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by processing such as drying, cooking, chopping, grinding, shredding, hydrolysis, or pelleting. Organic fertilizers are broken down by and feed the microbial life in the soil.

Pest shall have the same meaning as the term set forth in 40 C.F.R. § 152.5, as the same may be amended from time to time.

Pesticide means any substance, or mixture, or combination of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency. Herbicides, fungicides, insecticides and rodenticides are considered pesticides.

Pests of significant public health importance means pests listed by the U.S. Environmental Protection Agency, in conjunction with the U.S. Department of Health and Human Services and the U.S. Department of Agriculture, as pests of significant public health importance.

Poultry means domesticated birds.

*Soil horizon* means a layer within a soil profile differing from the soil above or below it in one or more soil morphological characteristics. The characteristics of the layer include the color, texture, rock-fragment content, and consistency of each parent soil material.

*Soil horizon, limiting or limiting soil horizon* means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material excessively coarse soil horizons and parent material, and the seasonal groundwater table. Any of these limiting horizons may from time to time be referred to as a "limiting factor."

*Soil profile* means a vertical cross section of the undisturbed soil showing the characteristic soil horizontal layers or soil horizons that have formed as a result of the combined effects of parent material, topography, climate, biological activity, and time.

*Soil filter media* means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of six inches of upper fill layer meeting the following upper fill layer specifications.

Soil Filter Media Specifications

Upper fill layer	
Sieve #	% passing by weight
No. 4	75—95
No. 10	60—90
No. 40	35—85
No. 200	20—40
200 (clay size)	< 2.0

Lower fill layer	
Sieve #	% passing by weight
No. 10	85—100
No. 20	70—100
No. 60	15—400
No. 200	6—8
200 (clay size)	< 2.0

Soil test means the Comprehensive Soil Test provided by the Maine Soil Testing Service, or equivalent.

*State licensed site evaluator* means a person licensed by the Maine Department of Health and Human Services to evaluate soils for the purpose of designing subsurface wastewater disposal systems.

*Stream or Brook* means a channel between defined banks as depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map.

*Subsurface wastewater disposal system inspector* means a person who holds a current certification issued by the Maine Department of Health and Human Services, Division of Environmental and Community Health as a Subsurface Wastewater Disposal System Inspector.

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Summer dormancy means the period during mid-summer most commonly observed in unirrigated grasses when growth ceases. Dormancy is characterized by brittle texture and a loss of green color.

Synthetic fertilizer means any fertilizer manufactured from one or more synthetic materials containing no animal parts, animal byproducts, manures or renderings.

Tillage or tilled means the reconfiguration of the soil into a desired condition by mechanical means.

Total nitrogen means the sum of all nitrogen forms contained within fertilizer, including water soluble nitrogen forms, slow-release nitrogen forms, and water insoluble nitrogen forms. The percentage of total nitrogen appears as the leftmost number of the grade on fertilizer labels or containers.

Wetland, see NWI Wetland.

(Ord. of 9-21-2009, § 5.3B; Ord. No. 28-11202023, 12-4-2023)

## **Sec. 60-952. Use and environmental regulations.**

### *1. Subsurface Wastewater Disposal Systems.*

- (a) *Dwelling units in the agriculture and resource protection zoning district.* Notwithstanding the provisions of subsections 60-145(a)(1), ~~60-145(b)(18)~~ and 60-146(1)c., new dwelling units are prohibited in that part of the Lake Auburn Watershed Overlay District which overlies the Agriculture and Resource Protection Zone. Pursuant to 30-A M.R.S.A. §§ 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.
- (b) *Private subsurface wastewater disposal systems.* Each new building, or any existing building for which there is any addition, alteration, or change of use, each new dwelling unit, or any existing dwelling unit for which there is an addition or alteration thereto that includes the addition of one or more bedrooms, in the Lake Auburn Watershed Overlay District, not served by public sewer, shall, in the development of a private subsurface wastewater disposal system, adhere to the requirements of this section as well as the requirements of the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241. Notwithstanding any provision of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 the Rule shall be applied regardless of whether the addition or alteration is an initial or subsequent addition or alteration--:
- (1) Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filler media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a state licensed site evaluator affirm that these design requirements are met before the local plumbing inspector finds the design or installation of the system to comply with this section.
  - (2) New (first use), expanded, or replacement disposal fields shall be set back from the normal high-water mark of any lake, pond, stream, or brook as follows:
    - a. Where the daily wastewater flow is, or is reasonably likely to be, 2,000 gallons or less, the system shall be set back at least 400 feet from the normal high-water mark of any lake, pond, stream, or brook.

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- b. Where the daily wastewater flow is, or is reasonably likely to be, in excess of 2,000 gallons, the system shall be set back at least 1,000 feet from the normal high-water mark of any lake, pond, stream, or brook.
- (3) All new (first use), expanded, or replacement private subsurface wastewater disposal systems shall include one of the two following design elements. The selection of which design element is most appropriate shall be determined by a state licensed site evaluator based upon the evaluation of the groundwater conditions, soils, and slopes present at the site where the system is to be installed.
- a. Curtain drain installed per Section 12(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2023), as may be amended from time to time; or
- b. Diversion ditch, upslope of the disposal field, installed for the disposal field's entire length including fill extensions, and constructed so that the curtain drain or diversion ditch is located to prevent any short circuiting of the disposal field
- (4) All new (first use), expanded, or replacement private subsurface wastewater disposal systems shall be installed on the same lot as the building or dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of an expanded or replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the expanded or replacement system's location on adjacent lots if the property owner holds a perpetual easement from the adjacent lot owner allowing the installation and maintenance of the system.
- (5) Commencing July 1, 2024, the owner of each building or dwelling unit in the Lake Auburn Watershed Overlay District, not served by public sewer, shall have their private subsurface wastewater disposal system inspected to ensure continuing compliance with this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241.

a. *Inspections.* An initial inspection shall be completed by the completion date specified in the Lake Auburn Watershed Overlay District Septic Systems Inspection Map, dated ~~June 24~~ ~~March 19~~, 2024, which is on file in the office of the city planning, permitting and code department.

Subsequent inspections shall be completed within five years of the initial inspection and every subsequent inspection, unless the property is sold, in which case a subsequent inspection shall be conducted at the time of sale.

Such inspections shall be completed by a certified subsurface wastewater disposal system inspector. Such inspector shall inspect the private subsurface wastewater disposal system using the minimum requirements established by the Maine Department of Health and Human Services, Division of Environmental and Community Health for evaluating and reporting on existing subsurface wastewater disposal systems.

b. *City record keeping and notifications.* The city planning, permitting and code department shall maintain, within the city GIS system, a record of each subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District that requires inspection. The record must include, at a minimum, the city parcel identifier, date the next inspection is due, and date of the last inspection.

The city planning, permitting and code department shall provide the owner of each building or dwelling unit written notices by regular mail, to the address shown on the city property tax records, of the date by which the inspection of the subsurface wastewater disposal system must be completed. The first notice shall be mailed 12 months prior to each required completion date and the second notice six months prior to each required completion date.

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c. *Reporting and reviewing of results of inspections.* Reporting shall be made utilizing the latest version of the HHE-240 reporting form, for initial inspections, and the Supplement HHE-240 reporting form, for subsequent inspections, as published by the Maine Department of Health and Human Services, Division of Environmental and Community Health. Such reports shall be submitted to the local plumbing inspector.

The local plumbing inspector shall review the report and determine if corrective action is required to ensure that;

1. for subsurface wastewater disposal systems for which a design is on file with the planning, permitting and code department, the system is functioning per the design on file,
2. for subsurface wastewater disposal systems for which there is no design on file with the planning, permitting and code department, the system is functioning as built.

d. *Alternative design for replacement subsurface wastewater disposal systems.* For buildings or dwelling units that exist in the Lake Auburn Watershed Overlay District as of July 1, 2024, should the local plumbing inspector determine, upon review of the report from the subsurface wastewater disposal system inspector, through personal observation, or through independent means, that the subsurface wastewater disposal system is not functioning as designed or built and a replacement system is required, and:

1. a state licensed site evaluator informs the local plumbing inspector that the parcel on which the building or dwelling unit is situated is not suitable to site a replacement subsurface wastewater disposal system that meets the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241; and
2. the local plumbing inspector determines that the replacement subsurface wastewater disposal system cannot be sited pursuant to Subsection 4;

then a state licensed site evaluator may propose, and the local plumbing inspector may approve, after consultation with the Lake Auburn Watershed Protection Commission, an alternative subsurface wastewater design that does not meet the requirements of this section and the latest version of the Maine Subsurface Wastewater Disposal Rule, 10-144 C.M.R. ch. 241 but which meets as many of the requirements as possible, and for those requirements that cannot be met, includes design elements that maximize the efficacy of the treatment of the wastewater.

- (6) In coordination with the local plumbing inspector, LAWPC, or its designee, shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the City of Auburn health officer, police chief, local plumbing inspector or code enforcement officer of any observed defects or malfunction that require corrective action by the property owner or operator.
- (7) The local plumbing inspector shall furnish a copy of all site evaluation and inspection reports in the Lake Auburn Watershed Overlay District to LAWPC.
- 8) Commencing on July 1, 2024, a maximum of three new dwelling units per calendar year are permitted in that part of the Lake Auburn Watershed Overlay District in which new dwelling units are permitted.

The city planning, permitting, and code department shall, on an annual basis, provide a report to the Planning Board as to the extent and effect of the construction of new dwelling units in the Lake Auburn Watershed Overlay District. The report shall include, at a minimum, the number of new dwelling units constructed in the past year, the cumulative number of new dwelling units constructed since July 1, 2024, and the effect of such construction on the Lake Auburn water quality.

Should the Planning Board conclude, based on the city planning, permitting and code department report that the construction of new dwelling units has had an adverse effect on the Lake Auburn water

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quality, the Planning Board shall consider what action is to be taken to prevent further degradation of Lake Auburn water quality from the construction of new dwelling units.

2. Agricultural, Forestry, and Erosion Control.

(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 prohibited.~~ Use of land for agricultural use within the Lake Auburn Watershed Overlay District is only ~~allowed~~ permitted if:

- (1) ~~The property owner or operator~~ lessee shows, and the director of the city planning, permitting, and code department, or their designee, finds, after consultation with the LAWPC watershed manager, ~~first demonstrates to LAWPC's watershed manager that~~
  - a. ~~Such use, or expansion of such use, will not cause groundwater contamination and, will not contaminate or disturb the normal course of surface water runoff, and will not contaminate any lake, pond, stream, brook, or NWI wetland; and~~
  - b. ~~The property owner or lessee has a waste and nutrient management plan developed in compliance with the Natural Resource Conservation Service's standards for waste and nutrient management.~~
- (2) ~~LAWPC's watershed manager approves such use or expansion in writing and so notifies the code enforcement officer.~~ The director of the city planning, permitting, and code department, or their designee, has provided their written finding of conformity with the requirements of this Sec. 952(2)(a) to the property owner or lessee.
- (3) ~~The provisions of this Subsection 2(a) shall apply to all new or expanded agricultural uses of land within the Lake Auburn Watershed Overlay District. For those agricultural uses that exist on July 1, 2024, the property owner or lessee shall comply with the requirements of Subsection 2(a)(1)(b) no later than June 30, 2027.~~
- (4) ~~The provisions of this Subsection 2(a) requiring a showing to the director of the planning, permitting, and code department, or their designee, and the requirement to have a waste and nutrient management plan, shall not apply if the agricultural use of the land is for the production, growing, cultivation, or harvesting of any agricultural commodity or product, (but not for or the raising, shearing, feeding, caring for, training, and management of livestock or poultry), whether for commercial or personal use, if the agricultural use of the land encompasses no more than 1,000 square feet in total on any lot. This provision shall not be construed to exempt the property owner or lessee from any other provision of this Division.~~

(b) ~~Reserved Residential dwellings in the agriculture and resource protection zoning district. Notwithstanding the provisions of subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)c., new dwelling units are prohibited in the Lake Auburn Watershed Overlay District. Pursuant to 30-A M.R.S.A. 4364(9), 4364-A(1-A), and 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act to Implement the Recommendations of the Commission to Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related state regulations do not apply in the Lake Auburn Watershed Overlay District.~~

(c) ~~Number of animal units permitted. The number of animal units of livestock permitted in the Lake Auburn Watershed Overlay District shall be calculated utilizing the formula in the definition of Farm, Livestock in section 60-2. The number of animal units of poultry permitted in the district shall be calculated as 15 animal units per acre of cleared land not to exceed a total of 150 animal units per lot.~~

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~~(ed) Agricultural-Vegetated buffer strip. Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted. Where soil is tilled for agricultural purposes, or livestock or poultry is kept, an untilled, vegetated buffer strip at least 250 feet wide shall be retained between the tilled area and the normal high-water mark of any lake, pond, stream, brook, or NWI Wetland.~~

Vegetated buffer strips shall be constructed and maintained as specified in the latest version of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorous Control Manual, Volume II & Technical Design Manual Volume III, March 2016.

This subsection shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

~~(de) Manure and sludge spreading, storage, and disposal. The sSpreading and or disposal of manure or sludge within the Lake Auburn Watershed Overlay District is prohibited. Manure shall be stored on an impervious surface which has a roof or cover. All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal.~~

~~(f) Fertilizer use and application. The following provisions shall apply to the use, application, or storage of fertilizer in the Lake Auburn Watershed Overlay District.~~

~~(1) The following uses and applications of fertilizer are permitted.~~

- ~~a. Organic fertilizer if a soil test is conducted annually; and~~
- ~~b. The fertilizer that is used or applied does not contain nutrients in excess of the amount recommended by the completed soil test; and~~
- ~~c. No more than two fertilizer applications are made in one calendar year; and~~
- ~~d. For each application, total nitrogen may not exceed 1 lb. per 1,000 square feet.~~

~~(2) The following uses and applications of fertilizer are prohibited.~~

- ~~a. Fertilizer containing phosphorus, unless a waiver for the use of fertilizer containing phosphorus is issued by the city planning, permitting, and code department.~~
- ~~b. Synthetic fertilizers.~~
- ~~c. Fertilizer used within 100 feet of the normal high-water mark of a lake, pond, steam, brook, or NWI Wetland.~~
- ~~d. Fertilizer used when a rain event producing 0.5 inch or more of precipitation in a one-hour period is forecast or is occurring.~~
- ~~e. Fertilizer used on saturated surfaces.~~
- ~~f. Fertilizer used on partially or wholly frozen ground.~~
- ~~g. Fertilizer used on impervious surfaces, if spills occur on impervious surfaces they must be removed immediately.~~
- ~~h. Fertilizer used during the summer dormancy period.~~

~~(3) Waivers of the provisions of this Subsection (f) may be issued by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager:~~



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a. upon a showing by the applicant that the use of synthetic fertilizer, or the use of fertilizer containing phosphorus, is necessary because a suitable organic fertilizer product that meets the nutrient needs of the soil as specified in the soil test is unavailable. The waiver may contain additional conditions on the use or application of the waived fertilizer product to minimize the risk to any lake, pond, stream, brook or NWI Wetland.

b. upon a showing by the applicant that a nutrient management plan prepared by the Natural Resources Conservation Service for a specific agricultural use requires a frequency of application greater than that specified in subsection 2(f)(1)(c) of this section and/or a total nitrogen application greater than that specified in subsection 2(f)(1)(d) of this section.

(4) Fertilizers shall be stored, mixed, and loaded:

a. pursuant to the specific manufacturer's storage instructions on the fertilizer label; and

b. must be stored in an impervious container on an impervious surface; and

c. must be mixed and loaded on an impervious surface; and

d. no more than two times the volume needed for a single application may be stored at any one time.

(g) Allowed and prohibited pesticides. For outdoor pest management activities in the Lake Auburn Watershed Overlay District, the following shall apply:

(1) Synthetic substances are prohibited unless specifically listed as "allowed" on the U.S. Department of Agriculture's National List of Allowed and Prohibited Substances (the "National List");

(2) Non-synthetic substances are allowed unless specifically listed as "prohibited" on the National List;

(3) Pesticides determined to be "minimum risk pesticides" pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 4 and listed in 40 C.F.R. § 152.25(f)(1) or (2), as may be amended from time to time, are allowed; and

(4) The use or application of pesticides (whether natural, organic, "non-synthetic," synthetic or otherwise) within 250 feet of the normal high-water mark of a lake, pond, stream, brook, or NWI Wetland is prohibited.

(5) The following materials, applications, or activities are exempt from the provisions of this subsection (g) (and are so allowed):

a. Pet supplies, such as shampoos and tick and flea treatments, when used in the manner specified by the manufacturer;

b. Disinfectants, germicides, bactericides, miticides and virucides, when used in the manner specified by the manufacturer;

c. Insect repellents when used in the manner specified by the manufacturer;

d. Rat and rodent control supplies when used in the manner specified by the manufacturer;

e. Swimming pool supplies when used in the manner specified by the manufacturer.

(6) The following uses of prohibited pesticides are exempt from the provisions of this subsection (and are so allowed) when the use of the material, application, or activity is more than 250 feet from the normal high-water mark of a lake, pond, stream, brook, or NWI Wetland or when a waiver has been granted by the director of the city planning, permitting, and code department or their designee.

a. Prohibited pesticides may be used to control plants that are poisonous to the touch, such as poison ivy; pests of significant health importance, such as ticks and mosquitoes; animals or insects that may

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cause damage to a structure, such as carpenter ants or termites; invasive species; or when used by a public utility for maintenance of a right-of-way through the Lake Auburn Watershed Overlay District.

b. The director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager, may grant a waiver to use a prohibited pesticide within 250 feet of the high-water mark of a lake, pond, stream, brook, or NWI Wetland when such use is necessary to protect public health or safety.

(7) Pesticides shall be stored, mixed, loaded, and applied:

a. pursuant to the specific manufacturer's storage instructions on the pesticide label or container; and

b. must be stored in an impervious container on an impervious surface; and

c. must be mixed and loaded on an impervious surface; and

d. no more than two times the volume needed for a single application may be stored at any one time; and

e. shall not be applied by aerial spraying.

(eh) Erosion control. The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:

(1) Any exposing, moving, removal, or stockpiling of soil, or the removal of vegetative cover ~~earth-cutting, moving or removal activities~~ that will result in erosion or runoff which increases sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed any lake, pond, stream, brook, or NWI Wetland in the Lake Auburn Watershed Overlay District ~~are~~ is prohibited.

(2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Water District. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.

(3i) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn Water District indicating the changes so that a record can be maintained of watershed water yields to the system.

Tree clearing and forestry. Clearcutting is limited to 25% of the total area of a lot or two acres, whichever is less; provided that on lots of 20 acres or more, one clearcut of not more than two acres in every 20 contiguous acres may be made. Any discrete tree or timber cutting operation on a lot of any size over two acres shall be permitted only pursuant to a harvest plan prepared by a Maine licensed forester meeting the standards in the latest versions of Rule 20 of the rules adopted under the Maine Forest Practices Act, the Maine Department of Agriculture, Bureau of Forestry's manual on Best Management Practices for Forestry: Protecting Maine's Water Quality and, where applicable, the requirements of Chapter 21 of Maine Forest Service's Statewide Standards for Timber Harvesting in Shoreland Areas. All harvest plans must be approved by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager. Such harvest plan will be approved or disapproved based on its conformance with this Division, with a focus on its ability to ensure protection of the water quality of Lake Auburn. ~~From time to time,~~ The director, or their designee, may require the approved harvest plan to be

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amended to ensure preventive and corrective actions which may become necessary to protect the water quality of Lake Auburn.

### 3. *Enforcement*

The city planning, permitting and code department shall have authority to enforce all requirements of this Division in accordance with section 60-1403.

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019; Ord. No. 10-06202023, 7-10-2023; Ord. No. 28-11202023, 12-4-2023)

### **Sec. 60-953. Dimensional regulations; building setbacks.**

Any new or expanded buildings or structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 100 feet inland from the normal high-water mark of Lake Auburn. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages, or other structures. Marinas and boat rental facilities shall not be permitted within 100 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

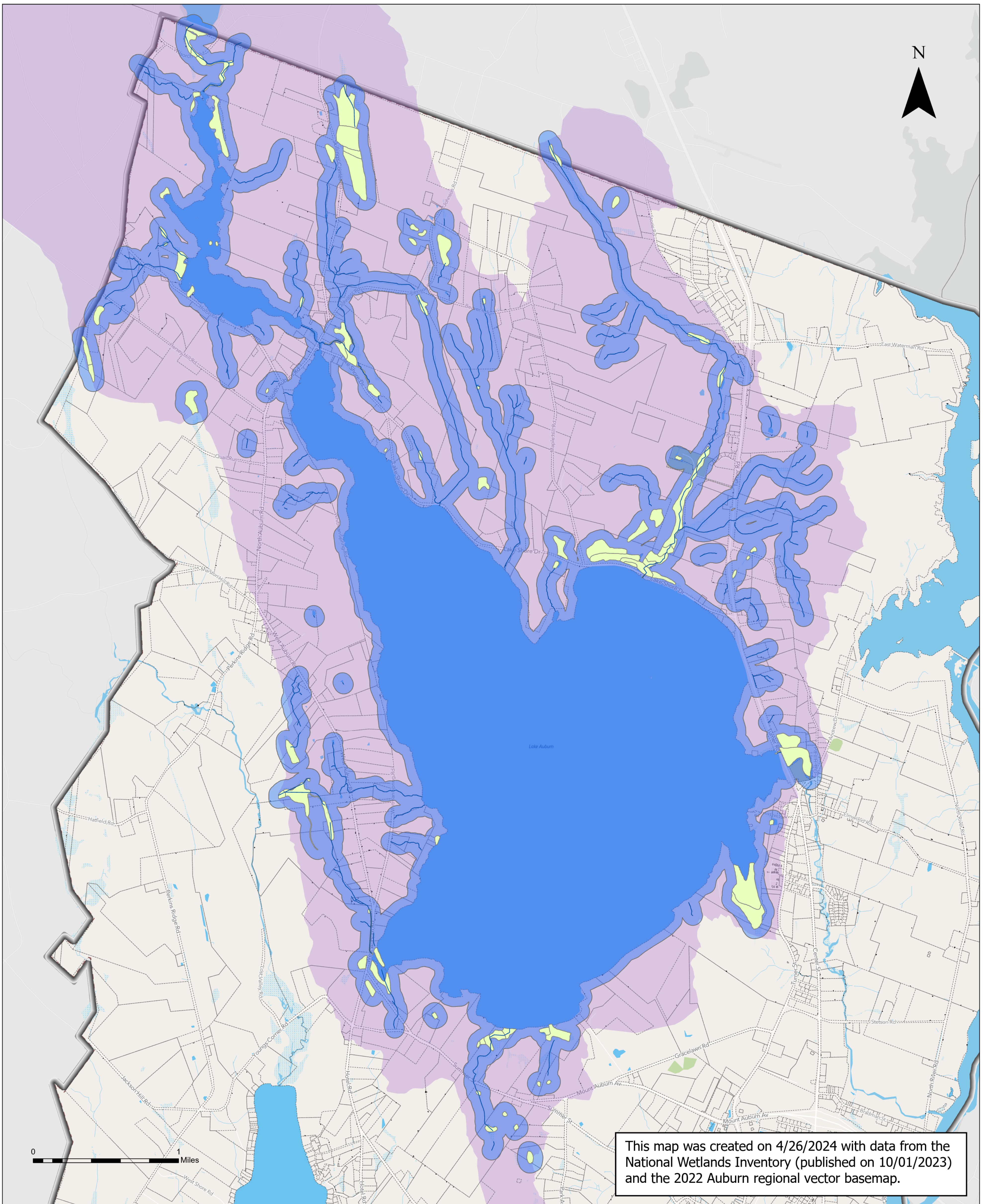
### **Sec. 60-954. Conflicts.**

In any case in which a provision of this section conflicts with a provision of any other section of this chapter, the provision which establishes the more stringent standard shall apply.

(Ord. of 9-21-2009, § 5.3E)

### **Secs. 60-955—60-981. Reserved.**

# Lake Auburn Watershed Overlay Agricultural Buffer Setbacks



- Streams
- NWI Wetlands
- Lake Auburn Watershed
- Lake Auburn Streams Wetlands Buffer 250 ft



# Map & Ordinance Text Amendments Related to Lake Auburn Watershed Chapter 60, Article XII, Division 4

City Council Workshop 11/04/2024  
Agriculture & Forestry

# Agenda

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- 1.) Why more changes?
- 2.) Definitions for Agricultural and Forestry Uses (Text Changes/Additions)
- 3.) Fertilizers and Pesticides (Text Additions)
- 4.) Erosion Control, Tree Clearing and Forestry (Text Changes/Additions)
- 5.) Natural Resource Map of 250' Setback to lake, pond, stream, brook, or NWI wetland.

# Why More Changes?

- January 2024; CC, Order 04-01022024 City Manager to direct staff to work with the Lake Auburn Stakeholders Group. (AG working group, Sustainability, and Natural Resources Board, LAWPC, PB members, and public stakeholders) met in a public setting over 10 times from Jan-July to discuss and identify continued concerns and processes related to ordinances that protect Lake Auburn and its watershed.
- September 2024; CC, Order XX-09032024: Initiating ordinance amendments process to Division 4 Lake Auburn Watershed District focus on agriculture and forestry.
- Update definitions: to agricultural use, animal units, clearcutting, invasive species, livestock, NRCS, NWI, fertilizer, pest, pesticides, poultry, soil test, summer dormancy, tillage, Total N.
- Allows farming in the watershed with defined safe boards for water quality protections. (waste and nutrient management plans with required buffers)
- Requires existing farms to comply with obtaining waste or nutrient management plan that raise livestock or poultry by June 30, 2027 regardless of size.
- Set limits on animal and poultry animal units.
- Tillage setbacks from 100' to 250' (Map Developed)
- Manure spreading prohibited, language for manure storage BMPs
- Guideline for fertilizer and pesticide use and applications.
- Clearcutting limited to 2 acres on a 20-acre tract.
- Clearcutting is limited 25% of the lot on 20-acres or less.
- Added state forestry BMP language for tree clearing and state requirements for harvesting in the SLZ.
- Adopted "Rule 20" by the MFS policy under the Maine Forest Practices Act legislation.

*Source Water Protection for the Auburn and Lewiston Community.*  
**That's our drinking water!**

**Right to food.** All individuals have a natural, inherent and unalienable right to save and exchange seeds and the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being, as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food.



# Division 4. Definitions

- **Update definitions: to agricultural use, animal units, clearcutting, invasive species, livestock, NRCS, NWI, fertilizer, pest, pesticides, poultry, soil test, summer dormancy, tillage, Total N.**

District. ¶

(b) → *Definitions.* For purposes of this division, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned. ¶

*Agricultural use* means the production, growing, cultivation, or harvesting of any agricultural commodity or product or the raising, shearing, feeding, caring for, training, and management of livestock or poultry for commercial or personal use. ¶

*Animal unit* has the same meaning as in section 60-2. ¶

*Clearcutting* means any cutting of any trees or timber on a forested site that results in a residual basal area of trees over 4-1/2 inches in diameter measured at 4-1/2 feet above the ground of less than 30 square feet per acre, unless, after harvesting, the site has a well-distributed stand of acceptable growing stock, as defined by rule, of at least 3 feet in height for softwood trees and 5 feet in height for hardwood trees that meets the regeneration standards defined under Section 8869, subsection 1 of the Maine Forest Practices Act. ¶

*Curtain drain* means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field. ¶

*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: ¶

(1) → 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 ¶

(2) → The allowances set forth in section 60-2 regarding "farm, livestock" of this chapter and the allowances set forth in article VII, division 4 of chapter 8 of this Code are not exceeded. ¶

¶

*Invasive Species.* Means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees. ¶

*Livestock* has the same meaning as in section 60-2. ¶

*Soil test* means the Comprehensive Soil Test provided by the Maine Soil Testing Service, or equivalent. ¶

*Summer dormancy* means the period during mid-summer most commonly observed in unirrigated grasses when growth ceases. Dormancy is characterized by brittle texture and a loss of green color. ¶

*Synthetic fertilizer* means any fertilizer manufactured from one or more synthetic materials containing no animal parts, animal byproducts, manures or renderings. ¶

*Tillage or tilled* means the reconfiguration of the soil into a desired condition by mechanical means. ¶

*Total nitrogen* means the sum of all nitrogen forms contained within fertilizer, including water-soluble nitrogen forms, slow-release nitrogen forms, and water-insoluble nitrogen forms. The percentage of total nitrogen appears as the leftmost number of the grade on fertilizer labels or containers. ¶

*Wetland*, see NWI-Wetland. ¶

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*Invasive Species.* Means a plant or insect that is not native to a particular ecosystem, and whose introduction does or is likely to cause economic or environmental harm or harm to human health. Invasive species include those plants listed under the Maine Department of Agriculture, Conservation and Forestry's Natural Areas Program as currently invasive, potentially or probably invasive, and highly likely but not currently invasive, as well as those insects listed by the Maine Forest Service as threats to Maine's forests and trees. ¶

*Livestock* has the same meaning as in section 60-2. ¶

*Lake Auburn Watershed Protection Commission or LAWPC* means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments. ¶

*Natural Resource Conservation Service or NRCS* means the U.S. Department of Agriculture, Natural Resources Conservation Service or, in those instances where the NRCS is prohibited by federal law from providing services to the property owner or lessee, an alternative service provider approved by the director of the city planning, permitting, and code department, or their designee. ¶

*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. ¶

*NWI-Wetland* means any waterbody shown on the U.S. Fish & Wildlife Service National Wetlands Inventory. ¶

*Organic fertilizer* means fertilizer derived from either plant or animal products that contain nutrients for plant growth. It is acceptable for the materials in these fertilizers to have been subjected to biological degradation processes under normal conditions of aging, rainfall, sun-curing, air-drying, composting, rotting, enzymatic, or anaerobic/aerobic bacterial action, or any combination of these. In order to qualify as organic fertilizer, the materials in these fertilizers may not be mixed with synthetic materials or changed in any physical or chemical manner from their initial state except by processing such as drying, cooking, chopping, grinding, shredding, hydrolysis, or pelleting in order to qualify as organic fertilizer. Organic fertilizers are broken down by and feed the microbial life in the soil. ¶

*Pest* shall have the same meaning as the term set forth in 40-C.F.R. § 152.5, as the same may be amended from time to time. ¶

*Pesticide* means any substance, or mixture, or combination of substances intended for preventing, destroying, repelling or mitigating any pest; any substance or mixture of substances intended for use as a plant regulator, defoliant or desiccant. It does not include multicellular biological controls such as mites, nematodes, parasitic wasps, snails or other biological agents not regulated as pesticides by the U.S. Environmental Protection Agency. Herbicides, fungicides, insecticides and rodenticides are considered pesticides. ¶

*Pests of significant public health importance* means pests listed by the U.S. Environmental Protection Agency in conjunction with the U.S. Department of Health and Human Services and the U.S. Department of Agriculture, as pests of significant public health importance. ¶

*Poultry* means domesticated birds. ¶





# Farming in the Lake Auburn Watershed

(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 prohibited. Use of land for agricultural use within the Lake Auburn Watershed Overlay District is only allowed permitted if:~~

(1) → ~~The property owner or operator/lessee shows, and the director of the city planning, permitting, and code department, or their designee, finds, after consultation with the LAWPC watershed manager, first demonstrates to LAWPC's watershed manager that:~~

~~a. → Such use or expansion of such use, will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and will not contaminate any lake, pond, stream, brook, or NWI wetland; and~~

~~b. → The property owner or lessee has a waste and nutrient management plan developed in compliance with the Natural Resource Conservation Service's standards for waste and nutrient management.~~

(2) → ~~LAWPC's watershed manager approves such use or expansion in writing and so notifies the code enforcement officer. The director of the city planning, permitting, and code department, or their designee, has provided their written finding of conformity with the requirements of this Sec. 952(2)(a) to the property owner or lessee.~~

(3) → ~~The provisions of this Subsection 2(a) shall apply to all new or expanded agricultural uses of land within the Lake Auburn Watershed Overlay District. For those agricultural uses that exist on July 1, 2024, the property owner or lessee shall comply with the requirements of this Subsection 2(a)(1)(b) no later than June 30, 2027.~~

(4) → ~~The provisions of this Subsection 2(a) requiring a showing to the director of the planning, permitting, and code department, or their designee, and the requirement to have a waste and nutrient management plan, shall not apply if the agricultural use of the land is for the production, growing, cultivation, or harvesting of any agricultural commodity or product, (but not for or the raising, shearing, feeding, caring for, training, and management of livestock or poultry), whether for commercial or personal use, if the agricultural use of the land encompasses no more than 1,000 square feet in total on any lot. This provision shall not be construed to exempt the property owner or lessee from any other provision of this Division.~~

- **Allows farming in the watershed with defined safe boards for water quality protection. (waste and nutrient management plans by NRCS with required buffers-250 Feet)**
- **Requires existing farms to comply with obtaining waste or nutrient management plan that raise livestock or poultry by June 30, 2027 regardless of size and crop farms over 1,000 SF.**
- **Removes hobby farms.**
- **Approvals are required by LAWPC, City Staff, and NRCS input.**

# Set Limits on Animal Units In the Watershed

~~(c) → Number of animal units permitted. The number of animal units of livestock permitted in the Lake Auburn Watershed Overlay District shall be calculated utilizing the formula shown in the definition of Farm, Livestock as shown in section 60-2. The number of animal units of poultry permitted in the district shall be calculated as 15 animal units per acre of cleared land not to exceed a total of 150 animal units per lot. ¶~~

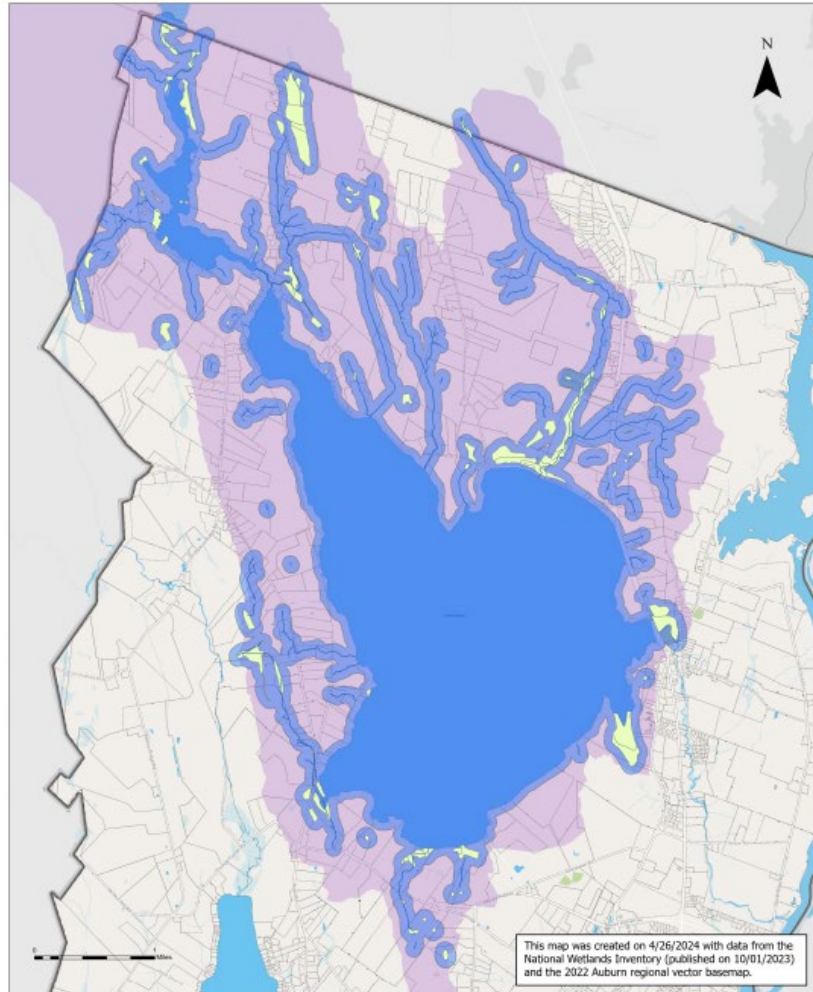
*(60-2) Farm, livestock*, means any parcel of land that contains at least the following land area used for the keeping of horses, mules, donkeys, cattle, goats, sheep, swine and similar-sized animals for the agricultural use of the residents of the lot, provided that there is a minimum of 1 acre of land as required by [Chapter 8](#) Animals and adequate land area is provided for each animal unit, excluding water bodies of one-quarter acre surface area or larger:

1. Cattle: One bovine animal unit per acre of cleared hay-pasture land.
2. Horse: 1.5 animal units per acre of cleared hay/pasture land.
3. Sheep: Three animal units per acre of cleared hay/pasture land.
4. Swine: Two animal units per acre of cleared land.

Other livestock farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

# Division 4 Buffers

## Lake Auburn Watershed Overlay Agricultural Buffer Setbacks



- Streams
- NWI Wetlands
- Lake Auburn Watershed
- Lake Auburn Streams Wetlands Buffer 250 ft



Tillage setback of 250' from Natural Resources.

(cd) → Agricultural Vegetated buffer strip. Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5-minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100-foot wide shall be retained between the tilled area and the normal high water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted. Where soil is tilled for agricultural purposes, or livestock or poultry is kept, an

(Supp. No. 29)

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untilled, vegetated buffer strip at least 250-foot wide shall be retained between the tilled area and the normal high water mark of any lake, pond, stream, brook, or NWI Wetland.

Vegetated buffer strips shall be constructed and maintained as specified in the latest version of the Maine Department of Environmental Protection, Maine Stormwater Management Design Manual, Phosphorous Control Manual, Volume II & Technical Design Manual Volume III, March 2016.

This subsection shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.



# Division 4. Lake Auburn Watershed Overlay District Cont.

## Manure storage requirements.

~~(de) → Manure and sludge spreading, storage, and disposal. The spreading and or disposal of manure or sludge within the Lake Auburn Watershed Overlay District is prohibited. Manure shall be stored on an impervious surface which has a roof or cover. All spreading and disposal of manure shall be accomplished in conformance with the then current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal. ¶~~



# Division 4. Lake Auburn Watershed Overlay District Cont.

## Guideline for fertilizer and pesticide use and applications.

b. → upon a showing by the applicant that a nutrient management plan prepared by the Natural Resources Conservation Service for a specific agricultural use requires a frequency of application greater than that specified in subsection 2(f)(1)(c) of this section and/or a total nitrogen application greater than that specified in subsection 2(f)(1)(d) of this section. ¶

(4) → Fertilizers shall be stored, mixed, and loaded: - ¶

a. → pursuant to the specific manufacturer's storage instructions on the fertilizer label; and ¶

b. → must be stored in an impervious container on an impervious surface; and ¶

c. → must be mixed and loaded on an impervious surface; and ¶

d. → no more than two times the volume needed for a single application may be stored at any one time. ¶

(g) → Allowed and prohibited pesticides. For outdoor pest management activities in the Lake Auburn Watershed Overlay District, the following shall apply: ¶

(1) → Synthetic substances are prohibited unless specifically listed as "allowed" on the U.S. Department of Agriculture's National List of Allowed and Prohibited Substances (the "National List"); ¶

(2) → Non-synthetic substances are allowed unless specifically listed as "prohibited" on the National List; ¶

(3) → Pesticides determined to be "minimum-risk pesticides" pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) 4 and listed in 40 C.F.R. § 152.25(f)(1) or (2), as may be amended from time to time, are allowed; and ¶

(4) → The use or application of pesticides (whether natural, organic, "non-synthetic," synthetic or otherwise) within 250 feet of the normal high-water mark of a lake, pond, stream, brook, or NWI Wetland is prohibited. ¶

(5) → The following materials, applications, or activities are exempt from the provisions of this subsection (and are so allowed). ¶

a. → Pet supplies, such as shampoos and tick and flea treatments, when used in the manner specified by the manufacturer; ¶

b. → Disinfectants, germicides, bactericides, miticides and virucides, when used in the manner specified by the manufacturer; ¶

c. → Insect repellents when used in the manner specified by the manufacturer; ¶

d. → Rat and rodent control supplies when used in the manner specified by the manufacturer; ¶

e. → Swimming pool supplies when used in the manner specified by the manufacturer. ¶

(6) → The following uses of prohibited pesticides are exempt from the provisions of this subsection (and are so allowed) when the use of the material, application, or activity is more than 250 feet from the normal high-water mark of a lake, pond, stream, brook, or NWI Wetland or when a waiver has been granted by the director of the city planning, permitting, and code department or their designee. ¶

a. → Prohibited pesticides may be used to control plants that are poisonous to the touch, such as poison ivy; pests of significant health importance, such as ticks and mosquitoes; animals or insects that may cause damage to a structure, such as carpenter ants or termites; invasive species; or when used by a public utility for maintenance of a right-of-way through the Lake Auburn Watershed Overlay District. ¶

b. → The director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager, may grant a waiver to use a prohibited pesticide within 250 feet of the high-water mark of a lake, pond, stream, brook, or NWI Wetland when such use is necessary to protect public health or safety. ¶

(f) → Fertilizer use and application. The following provisions shall apply to the use, application, or storage of fertilizer in the Lake Auburn Watershed Overlay District. ¶

(1) → The following uses and applications of fertilizer are permitted. ¶

a. → Organic fertilizer if a soil test is conducted annually; and ¶

b. → The fertilizer that is used or applied does not contain nutrients in excess of the amount recommended by the completed soil test; and ¶

c. → No more than two fertilizer applications are made in one calendar year; and ¶

d. → For each application, total nitrogen may not exceed 1 lb. per 1,000 square feet. ¶

(2) → The following uses and applications of fertilizer are prohibited. ¶

a. → Fertilizer containing phosphorus, unless a waiver for the use of fertilizer containing phosphorus is issued by the city planning, permitting, and code department. ¶

b. → Synthetic fertilizers. ¶

c. → Fertilizer used within 100 feet of the normal high-water mark of a lake, pond, stream, brook, or NWI Wetland. ¶

d. → Fertilizer used when a rain event producing 0.5 inch or more of precipitation in a one-hour period is forecast or is occurring. ¶

e. → Fertilizer used on saturated surfaces. ¶

f. → Fertilizer used on partially or wholly frozen ground. ¶

g. → Fertilizer used on impervious surfaces, if spills occur on impervious surfaces they must be removed immediately. ¶

h. → Fertilizer used during the summer dormancy period. ¶

(3) → Waivers may be issued by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager. ¶

a. → upon a showing by the applicant that the use of synthetic fertilizer, or the use of fertilizer containing phosphorus, is necessary because a suitable organic fertilizer product that meets the nutrient needs of the soil as specified in the soil test is unavailable. The waiver may contain additional conditions on the use or application of the waived fertilizer product to minimize the risk to any lake, pond, stream, brook or NWI Wetland. ¶

# Division 4. Lake Auburn Watershed Overlay District Cont.

- Clearcutting limited to 2 acres on a 20-acre tract.
- Clearcutting is limited 25% of the lot or 2 acres, whichever is less on lots less than 20-acres.
- Added state forestry BMP language for tree clearing and state requirements for harvesting in the SLZ.
  - Adopted "Rule 20" by the MFS policy under the Maine Forest Practices Act Legislation.

Tree clearing and forestry. Clearcutting is limited to 25% of the total area of a lot or two acres, whichever is less; provided that on lots of 20 acres or more, one clearcut of not more than two acres in every 20 contiguous acres may be made. Any discrete tree or timber cutting operation on a lot of any size over two acres shall be permitted only pursuant to a harvest plan prepared by a Maine licensed forester meeting the standards in the latest versions of Rule 20 of the rules adopted under the Maine Forest Practices Act, the Maine Department of Agriculture, Bureau of Forestry's manual on Best Management Practices for Forestry: Protecting Maine's Water Quality and, where applicable, the requirements of Chapter 21 of Maine Forest Service's Statewide Standards for Timber Harvesting in Shoreland Areas. All harvest plans must be approved by the director of the city planning, permitting, and code department, or their designee, after consultation with the LAWPC watershed manager. Such harvest plan will be approved or disapproved based on its conformance with this Division, with a focus on its ability to ensure protection of the water quality of Lake Auburn. From time to time, the director, or their designee, may require the approved harvest plan to be amended to ensure preventive and corrective actions which may become necessary to protect the water quality of Lake Auburn.





# 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: John Blais, Deputy Director of Planning and Permitting

Re: ITEMS #9 &10: Public Hearing – Text Amendments related to Lake Auburn Watershed Overlay District and Lake Auburn Watershed Overlay District Agricultural Buffer Setbacks Map.

Date: October 8, 2024

\*\*\*\*\*

**I. PROPOSAL:** Discuss amendments to Chapter 60, Article XII, Division 4, Lake Auburn Watershed Overlay District of the Auburn Code of Ordinances to more precisely identify the standards governing definitions, agriculture, pesticides, fertilizers, forestry, resource protection and erosion control in the Lake Auburn Watershed Overlay District. This amendment is pursuant to Chapter 60, Article XVII Division 2-Amendment to the Zoning Ordinance or Zoning Map.

Consider adopting the Lake Auburn Watershed Overlay District Agricultural Buffer Setbacks Map. This map is to establish a 250’ setback to agricultural field tillage from natural resources and will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

**II. BACKGROUND:** In January of 2024, City Council ordered (04-01022024) the City Manager to direct staff to work with city wide interest groups (AG Working Group, Sustainability and Natural Resources Board, LAWPC, Planning Board and public stakeholders) to create the Lake Auburn Stakeholders Group. Since that time the group(s) have met on approximately 10 occasions to address continued concerns pertaining to protecting Lake Auburn. The group(s) have relied on the ordinance to drive the discussion on what is best for the public water supply of Lewiston and Auburn. The proposed changes are detailed in the attached order and proposed text. The proposed changes include amendments to Section 60.2 Definitions, Sec. 60-951 Use and environmental regulations and Sec. 60-952 as they relate to agricultural, forestry and erosion control. The amendments include changes that will strengthen the ordinances pertaining to the Lake Auburn Watershed and the source water protection for the communities of Auburn and Lewiston which serves clean drinking water to 39,000 residents from Lake Auburn.

**III. SUGGESTED LANGUAGE:** See Attached.

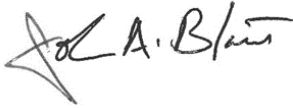
**IV. SUGGESTED FINDINGS OF FACT:**

1. The amendments are consistent with the growth pattern specified in the Future Land Use Plan in Auburn’s Comprehensive Plan.
2. The proposed map and text amendments serve Goal A.1 in the Comprehensive Plan to maintain the exceptional water quality of Lake Auburn and existing waiver from filtration to avoid or delay the need for costly treatment (pages 4-9)
3. These proposed amendments are in service of Goal B.1 in the Comprehensive plan, to ensure sufficient clean water supplies to meet current and future needs (pages 20-21).
4. These amendments align with the Lake Auburn Study, 2021; and the report by FB Environmental: Lake Auburn Memo from August 2022.
5. These amendments are the result of several public meetings with the Lake Auburn Stakeholders Group as ordered by City Council.

**V. PLANNING BOARD ACTION/STAFF RECOMMENDATIONS:** Lake Auburn Overlay District: These two items are on the Planning Board agenda as public hearing item(s). Staff recommends the Planning Board have a discussion and make a formal recommendation to the City Council on the text amendments in Chapter 60, Article II General Provisions, Division 4, Lake Auburn Watershed Overlay District, Sec. 60-951, Sec. 60-952, and Sec.60-953 and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

**1<sup>st</sup> POTENTIAL MOTION:** I make a motion to forward a favorable recommendation to City Council to amend the text in Chapter 60, Article II General Provisions, Division 4 Lake Auburn Watershed Overlay District, Sec. 60-951, Sec.60-952 and Sec. 60-953. Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.

**2<sup>nd</sup> POTENTIAL MOTION:** I make a motion to forward a favorable recommendation to City Council to adopt the Lake Auburn Watershed Overlay District, Agricultural Buffer Setbacks Map. This map is for establishing a 250' setback to agricultural field tillage from natural resources and will be referred to in Chapter 60 Article XII Division 4 Lake Auburn Watershed Overlay District and will be considered in accordance with Chapter 60, Article XVII Division 2- Amendment to the Zoning Ordinance or Zoning Map.



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Signed





# City Council Ordinance

## IN CITY COUNCIL

Division 4 Lake Auburn Watershed Overlay District Text/Map Amendments

**Be it ordained,** that the Auburn City Council adopt the text and map amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District as shown on the attached copy.

---

**Richard S. Whiting**, Ward One  
**Benjamin J. Weisner**, Ward Four  
**Belinda A. Gerry**, At Large

**Timothy M. Cowan**, Ward Two  
**Leroy G. Walker, Sr.**, Ward Five  
**Jeffrey D. Harmon**, Mayor

**Stephen G. Milks**, Ward Three  
**Adam R. Platz**, At Large  
**Phillip L. Crowell, Jr.**, City Manager