

**City Council Workshop & Meeting  
Agenda  
September 18, 2023  
Auburn Hall, Council Chambers**

**5:30 P.M. City Council Workshop**

- A. Transportation Corridor Study Updates – Minot Avenue and Washington Street – Jonathan LaBonté
- B. Executive Session - Real estate matter – Pursuant to 1 M.R.S.A. §405(6)(C).
- C. Executive Session – Economic development – Pursuant to 1 M.R.S.A. §405(6)(C).
- D. Executive Session – Economic development – Pursuant to 1 M.R.S.A. §405(6)(C).

**7:00 P.M. City Council Meeting** - Roll call votes will begin with Councilor Gerry

**Pledge of Allegiance**

- 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 requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
  - 1. **Order 122-09182023\***  
Confirming Chief Moen’s appointment of Brent Bynum as a Constable with firearm for the Auburn Police Department.
  - 2. **Order 123-09182023\***  
Accepting the transfer of \$1,896.00 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-2020-01965 (St. Hilaire)).
  - 3. **Order 124-09182023\***  
Accepting the transfer of \$2,114.00 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-2019-02569 (Poulin)).
  - 4. **Order 125-09182023\***  
Accepting the transfer of \$1,421.00 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-22-2172 (Burnsworth)).
  - 5. **Order 126-09182023\***  
Accepting the transfer of \$557 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-23-1609 (Deam)).
  - 6. **Order 127-09182023\***  
Authorizing the cancellation of the October 2, 2023 regular City Council meeting and calling a special meeting to be held on October 23, 2023.

**7. Order 128-09182023\***

Designating Phil Crowell as the official Voting Delegate and Brian Wood as the alternate Voting Delegate for Auburn at the Maine Municipal Associations Annual Business Meeting scheduled for October 2023.

**II. Minutes**

- September 5, 2023, Regular City Council Meeting

**III. Communications, Presentations and Recognitions**

- Council Communications (about and to the community)

**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. Ordinance 11-09052023**

Approving the text amendment to the Auburn Code of Ordinances, Sec. 60-548B – Front Setback, Principal for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2023. **Second reading.**

**2. Ordinance 12-09052023**

Approving the text amendment to the Auburn Code of Ordinances, Sec. 60-548B ,T-4.2B Sec. 60-54B Intent and Purpose, Sec. 60-54B.1, Building Placement on Lot, Frontage Buildout, 3. Sec 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. **Second reading.**

**3. Ordinance 13-09052023**

Approving the zoning map amendment T-4.2B & C/OS “Area A1”. **Second reading.**

**4. Ordinance 14-09052023**

Approving the zoning map amendment T-4.2B & C/OS “Area A2”. **Second reading.**

**5. Ordinance 15-09052023**

Approving the zoning map amendment T-4.2B “Area C”. **Second reading.**

**6. Ordinance 16-09052023**

Approving the zoning map amendment T-4.2B “Area D”. **Second reading.**

**7. Ordinance 17-09052023**

Approving the Zoning Ordinance text amendments (Proposal B1) – Amend Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2-Agriculture and Resource Protection District. **Second reading.**

**8. Ordinance 18-09052023**

Approving the Zoning Ordinance text amendments (Proposal B3) – Amend Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2, Agriculture and Resource Protection District. AGRP text Amendment (Proposal B3) Planning Board Proposed Change #10 concerning prohibiting housing in the AGRP zone in the Taylor Pond watershed. **Second reading.**

**9. Ordinance 19-09052023**

Approving the AGRP text amendments (Proposal B2) Planning Board proposed change number ten to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. **Second reading.**

**VI. New Business**

**1. Public hearing**

Public Safety Building Referendum scheduled to be submitted to the Auburn voters at the November 7, 2023 Election.

**2. Ordinance 20-09182023**

Amending Chapter 24, Article II, Division 1, Sec. 24-33 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits. First reading.

**3. Order 128-09182023**

Authorizing the partial discontinuance of Chestnut Street.

**4. Order 129-09182023**

Authorizing the discontinuance and re-alignment of Miller Street.

**5. Order 130-09182023**

Authorize the city manager to modify the solid waste agreement with Casella to initiate a pilot recycling program within designated areas within the city, by using the allocated funding authorized in the FY24 budget.

**6. Ordinance 21-09182023**

Amending the Code of Ordinances, Chapter 14, Article XVIII Adult Use and Medical Marijuana Business licensing. Public hearing and first reading.

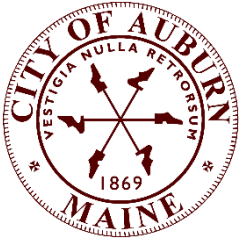
**VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda***

**VIII. Reports (from sub-committees to Council)**

- a. Mayor's Report
- b. City Councilors' Reports
- c. City Manager Report
- d. Jill Eastman, Finance Director – August 2023 Finance Report

**IX. Executive Sessions - None**

**X. Adjournment**



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 18, 2023

**Author:** Jonathan P. LaBonte, Transportation Systems Director

**Subject:** Transportation Corridor Planning Studies (Washington Street and Minot Avenue/Union Street)

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**Information:** The City Council, through the Comprehensive Plan, Strategic Plan, and workshop discussions, has directed staff to advance planning efforts to improve priority transportation corridors in growth areas of the city. More specifically, given the significant state and federal investment being made in infrastructure, Auburn wants to be position to secure that non-property tax funding to advance community needs. Two of those corridors, Washington Street and Minot Avenue/Union Street, have funding partnerships identified to initiate the studies and move forward. While the scope of work details are provided in the attached memo, here is a summary.

Washington Street from Exit 75 to just south of the rotary is identified in the comprehensive plan to have the southbound side converted to a two-way controlled access highway (similar to a Turnpike spur) with northbound Washington Street converted to a two-way local street that will accommodate all modes of transportation as a “complete street”. City staff have secured a vote from the Androscoggin Transportation Resource Center, with supports from MaineDOT, for an allocation of Federal Highway Administration planning funds to conduct the evaluation.

Minot Avenue, from the town line to and including the Union Street By-pass, has along been identified as a dangerous corridor from a crash perspective, for active transportation access (walking, biking), and for sections lacking compatibility with community quality of life (school zones, in efficient alternative to Court Street, limits to redevelopment at sites like the Lunn-Sweet Shoe Shop (The Barn). City staff have secured MaineDOT’s support for a Planning Partnership Initiative, with the goal of completing a study and then partnering with MaineDOT to seek Bi-partisan Infrastructure Law (BIL) funds for implementation. MaineDOT would fund 50% of the study up to \$100,000.

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**City Budgetary Impacts:** Use of a portion of already allocated ARPA Funds (up to \$100,000 to match MaineDOT funds)

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**Staff Recommended Action:** Council support to continue forward with initiating studies

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**Previous Meetings and History:**

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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:** Washington Street and Minot Avenue Corridor Study Scope of Work Memo





# City of Auburn, Maine

Transportation Systems Department

Jonathan P. LaBonté, Director

60 Court Street | Auburn, Maine 04210

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

TO: Mayor Jason Levesque and the Auburn City Council  
FROM: Jonathan P. LaBonte, Transportation Systems Director  
DATE: September 18, 2023  
RE: Transportation Corridor Plans

## **BACKGROUND**

With existing policies adopted through the Comprehensive Plan, Strategic Plan, and city ordinance, along with City Council discussions, city staff have been pulling together detailed scopes of work for two significant corridor studies; Washington Street and Minot Avenue/Union Street. While there are other areas that will be assessed for improvement, with associated funding strategies, these two corridors were prioritized given the existing safety and mobility challenges, and their misalignment with community development goals and quality of life for adjacent neighborhoods.

Through the assistance of AVCOG and MaineDOT staff, and support from the city of Lewiston, we have secured a vote of ATRC to allocate Federal Highway Administration planning funds for the Washington Street corridor project. This corridor is the primary north-south movement for not only western Maine, but the downtown residential and business districts of both cities.

For the Minot Avenue/Union Street study, we are collaborating with MaineDOT and their Planning Partnership Initiative. The City Council, through an allocation of \$300,000 for Small Area Master Plans, provided the matching funds necessary to draw down up to \$100,000 from MaineDOT. We project needing \$100,000 from the Small Area Master Plan allocation to match each MaineDOT dollar.

On the two pages that follow, you will see a summary of the scope and purpose for these two studies and a map of the study area. Each process, which we hope to initiate this fall through RFPs, will have extensive public involvement and cross-agency engagement (multiple city departments, state/federal partners, etc). The intent is that each process will deliver recommendations, along with public support, to secure federal implementation funding.

# Androscoggin Transportation Resource Center

## City of Auburn, Washington Street Corridor Transportation Study

### Scope of Work

#### Introduction

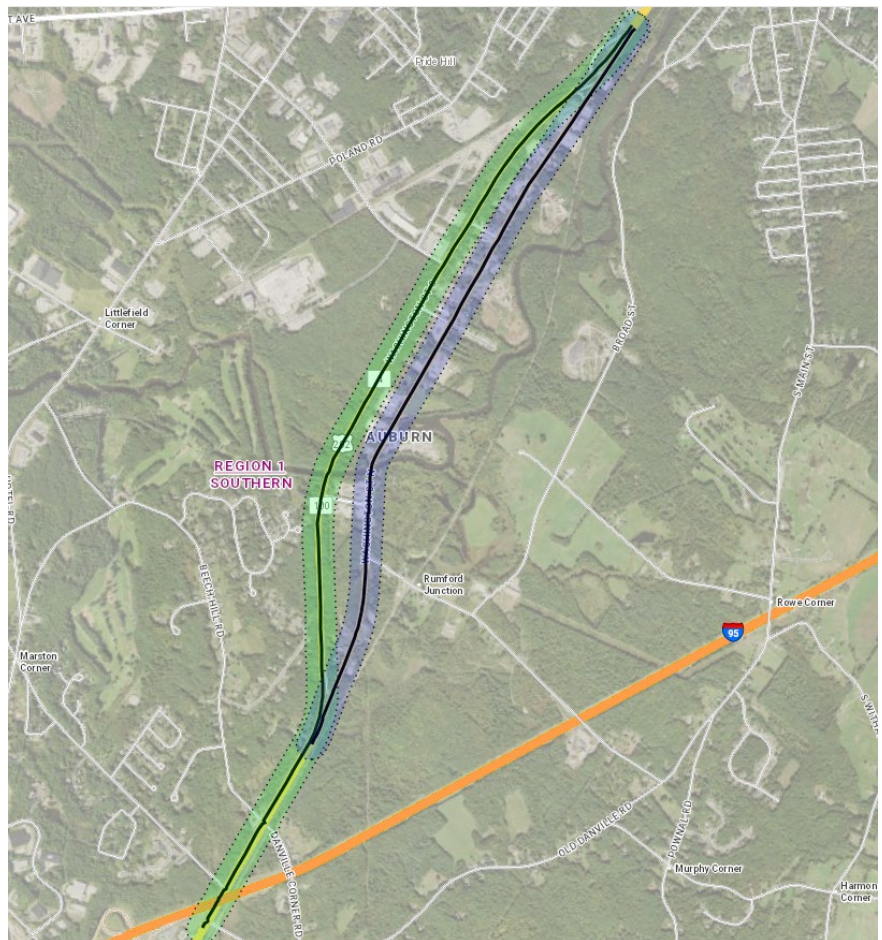
The Androscoggin Transportation Resource Center (ATRC) is conducting a feasibility study to identify corridor capacity and mobility of Washington Avenue in Auburn. The study area includes Washington Avenue (Maine Routes 202N/S) from a point south of Allied Road near the Maine Turnpike Exit 75 interchange to a point north of Brickyard Circle near the “rotary” intersection with Minot Avenue. This area of Washington Avenue includes a separated highway with two lanes of controlled access southbound and two lanes of free access highway northbound for a span of approximately three miles.

Major highway infrastructure recommendations are anticipated to be limited to Washington Street southbound. However, recommendations related to access management, frontage roads, changes to lane configurations, and traffic signal modifications may extend to areas within a reasonable distance from Washington Avenue depicted in the illustration below.

#### Purpose and Need

The purpose of this study is to understand the current capacity of Washington Avenue and to identify what improvements will be necessary to convert the southbound lanes into two-way, two-lane access; and to determine for how long two-way traffic will be sufficient and develop high-level four-lane concepts with intersections with the northbound section (two) and Rodman Road (one).

Washington Street  
Southbound – Green  
Northbound – Purple



# MaineDOT Planning Partnership Initiative

## City of Auburn, Washington Street Corridor Feasibility Study

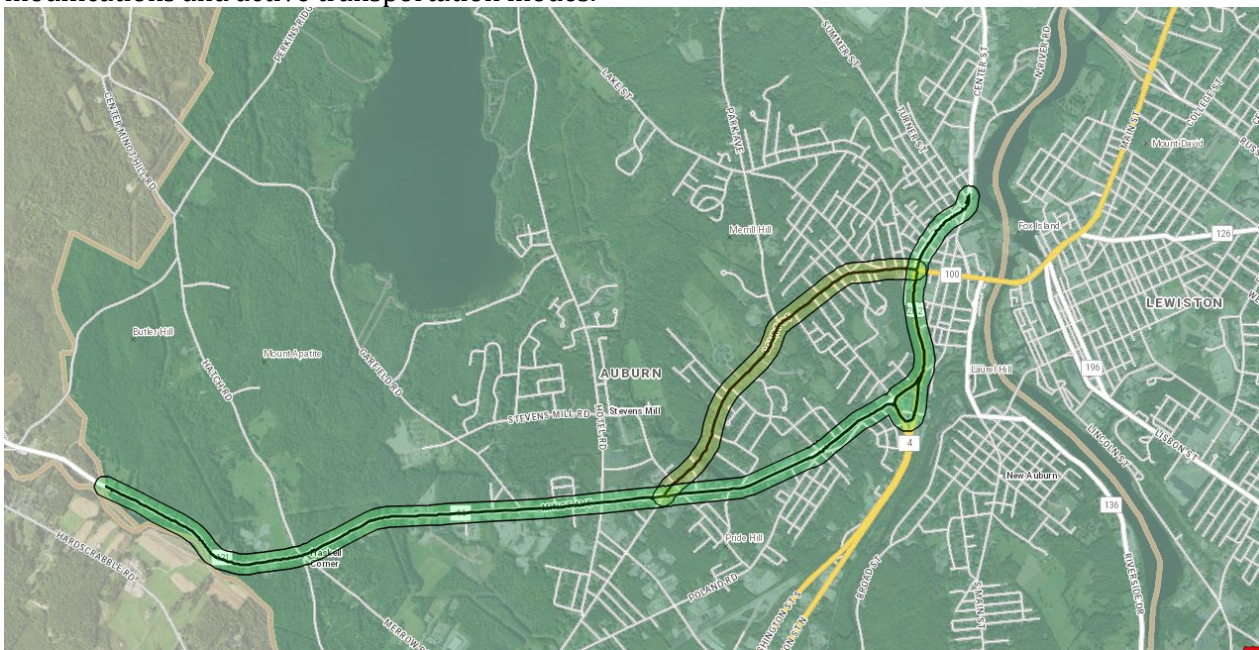
### Introduction

The City of Auburn in collaboration with the Maine Department of Transportation (MaineDOT) is undertaking a Minot Avenue Corridor Study in Auburn, ME. Minot Avenue in Auburn is an approximate 5.2-mile corridor that begins at the Court Street/ Union Avenue Intersection in the heart of downtown Auburn and ultimately continues through Minot and Mechanic Falls to Route 26 in Oxford. Depending on location, Minot Avenue may also be Route 121, 11, 202, 100 and 4. Minot Avenue provides for east-west connectivity, Maine Turnpike I-95 access, local traffic including access to multiple schools, commuters, connections to recreational areas and through traffic. It is a MaineDOT Highway Corridor Priority 1 or 2.

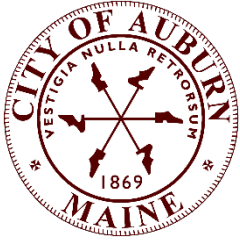
This study's purpose is to improve safety and accessibility for all transportation modes on and adjacent to Minot Avenue by making the best practical use of primarily existing right-of-way while improving or at least maintaining acceptable Levels of Service. This study will also consider planned and potential land use changes on the corridor and the City's economic development goals. Recommendations will be short and long-term and consider economies of scale associated with planned and future highway paving projects. Since a study goal includes utilization of Minot Avenue for through traffic as opposed to Court Street, the study team assumes there will be analysis and recommendations on Court Street too.

### Study Area and Scope of Work

The feasibility study will identify deficiencies for all transportation modes utilizing Minot Avenue in the study area and recommend an improvement plan that could be phased over several years. It will collect existing data and conduct an analysis of potential strategies to improve safety and accessibility along the corridor without substantial widening of Minot Avenue. Study recommendations are expected to consider but not be limited to changes to access management, including center medians where appropriate, new lane configurations, including lane reductions, intersection improvements and/or traffic signal modifications and active transportation modes.







## City of Auburn City Council Information Sheet

**Council Workshop or Meeting Date:** September 18, 2023

**Subject:** Executive Session

**Information:** Real estate matter, pursuant to 1 M.R.S.A. Section 405(6) (C).

**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;

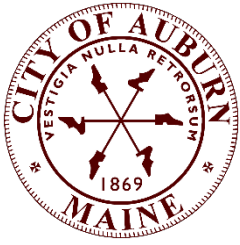
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both 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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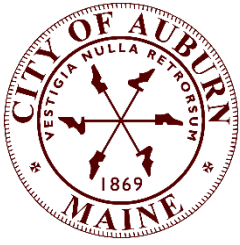
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**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 18, 2023

Order: 122-09182023

**Author:** Jason D. Moen, Chief of Police

**Subject:** Confirm Chief Moen's appointment of Brent Bynum as a Constable with firearm for the Auburn Police Department.

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**Information:** The Auburn Police Department requests the City Council appointment of Brent Bynum as Constable with firearm for the City of Auburn.

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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:** Motion to confirm Chief Moen's appointment of Brent Bynum as a Constable with firearm for the Auburn Police Department.

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**Previous Meetings and History:** None

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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:**

N/A



**ORDER 122-09182023**

# City Council Order

## IN CITY COUNCIL

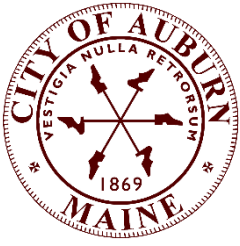
**ORDERED**, that the City Council hereby confirms Chief Moen's appointment of Brent Bynum as Constable with firearm/arrest powers for the Auburn Police Department.

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**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Meeting Date:** September 18, 2023

**Order:** 123-09182023

**Author:** Jason D. Moen, Chief of Police

**Subject:** Transfer of Forfeiture Assets – Matthew St. Hilaire

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**Information:**

In September of 2020, Auburn Police Officers Nicholas Kyllonen and Andrew Jarman were assigned to the DEA High Intensity Drug Trafficking Areas task force and Maine Drug Enforcement Agency. They were investigating drug trafficking from an apartment on Lake Street in Auburn. With the assistance of a patrol officer, they conducted a traffic stop on a suspect vehicle in which Matthew L. St. Hilaire was the operator. The officers developed information during the investigation that the occupants of the vehicle were trafficking illegal narcotics. While conducting a search of the vehicle, the officers found St. Hilaire in possession of 0.98 grams of cocaine base, 5.429 grams of cocaine HCL, 9 grams of suspected heroin/fentanyl, 0.2 grams of methamphetamines, 100 Xanax pills, \$1,896 in cash and other drug paraphernalia. St. Hilaire was charged with aggravated trafficking schedule W drugs Class B, unlawful trafficking schedule Z drugs Class D, unlawful possession of heroin/fentanyl Class C, unlawful possession of scheduled W drugs Class C, and unlawful possession of scheduled Z drugs, Class E.

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**City Budgetary Impacts:** The State of Maine, Office of the Attorney General, seeks to transfer \$1,896.00 U.S. Currency to the Auburn Police Department. Funds will be used for ongoing K-9 expenses.

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**Staff Recommended Action:** Vote to accept the transfer of \$1,896.00

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**Previous Meetings and History:** None

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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:**

\*None





**ORDER 123-09182023**

# City Council Order

## IN CITY COUNCIL

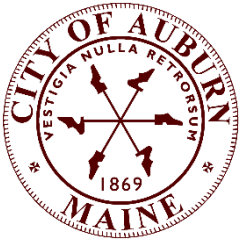
**ORDERED**, that the City Council hereby accepts the transfer of \$1,896.00 to Auburn Police Department (Unified Criminal Court Docket No. CR-2020-01965).

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**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Meeting Date:** September 18, 2023

**Order:** 124-09182023

**Author:** Jason D. Moen, Chief of Police

**Subject:** Transfer of Forfeiture Assets – Ryan M. Poulin

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**Information:**

In August 2019, Auburn Police Officer Kenneth Jones conducted a traffic stop in which Ryan M. Poulin was the operator. Officer Jones developed information during the investigation that the occupants of the vehicle were trafficking illegal narcotics. While conducting a search of the vehicle, Officer Jones found Poulin in possession of 15 grams of fentanyl, 2.6 grams of methamphetamine, 265.3 grams of hashish, 177 vials of hashish, digital scales, \$2,114 in cash and other drug paraphernalia. Ryan Poulin was charged with unlawful trafficking scheduled W drugs Class B, unlawful trafficking schedule X drugs Class C, unlawful possession of fentanyl Class C, unlawful possession of methamphetamine Class C, and unlawful possession of schedule X drugs Class D.

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**City Budgetary Impacts:** The State of Maine, Office of the Attorney General, seeks to transfer \$2,114.00 U.S. Currency to the Auburn Police Department. Funds will be used for ongoing K-9 expenses.

---

**Staff Recommended Action:** Vote to accept the transfer of \$2,114.

---

**Previous Meetings and History:** None

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**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:**

\*None



**ORDER 124-09182023**

# City Council Order

## IN CITY COUNCIL

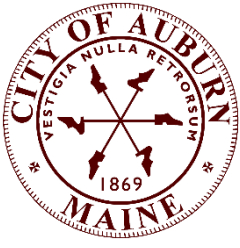
**ORDERED**, that the City Council hereby accepts the transfer of \$2,114.00 to Auburn Police Department (Unified Criminal Court Docket No. CR-2019-02569).

---

**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Meeting Date:** September 18, 2023

**Order:** 125-09182023

**Author:** Jason D. Moen, Chief of Police

**Subject:** Transfer of Forfeiture Assets – Gerald Burnsworth

---

**Information:**

In September of 2022, Auburn Police Officer Andrew Jarman and Derek Drouin were following up on a tip that Gerald Burnsworth was in the area of Cumberland Farms in a particularly described Jeep. Burnsworth was wanted in connection to a shooting that occurred in Lewiston. The officers located the Jeep and Burnsworth on Northern Avenue Heights. Burnsworth was taken into custody and in the Jeep where he was seated officers located 12.64 grams of cocaine, 6.2 grams of cocaine HCL, 7.87 grams of suspected fentanyl, 2.75 grams of suspected methamphetamines, drug ledgers, other drug paraphernalia, and \$1,421 in cash. Burnsworth was charged with aggravated trafficking scheduled drugs Class A, unlawful trafficking scheduled drugs Class B (three counts), unlawful possession of cocaine Class C, unlawful possession of methamphetamine Class C, and unlawful possession of fentanyl Class C.

---

**City Budgetary Impacts:** The State of Maine, Office of the Attorney General, seeks to transfer \$1,421.00 U.S. Funds will be used for ongoing K-9 expenses.

---

**Staff Recommended Action:** Vote to accept the transfer of \$1,421.00.

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**Previous Meetings and History:** None

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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:**

\*None



**ORDER 125-09182023**

# City Council Order

## IN CITY COUNCIL

**ORDERED**, that the City Council hereby accepts the transfer of \$1,421.00 to Auburn Police Department (Unified Criminal Court Docket No. CR-22-2172).

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**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Meeting Date:** September 18, 2023

**Order:** 126-09182023

**Author:** Jason D. Moen, Chief of Police

**Subject:** Transfer of Forfeiture Assets – Andrew M. Deam, Jr.

---

**Information:**

In June of 2022, Auburn Police Officer Andrew Jarman executed a search warrant at an apartment on Sixth Street and Auburn, searching for Andrew M. Deam Jr. who had a warrant for his arrest. Officer Jarman located Deam in the residence and took him into custody. When Deam was located, it appeared he was actively overdosing. Deam was on conditions of bail and was subject to search. While Officer Jarman transported Deam to the hospital, the other officers on scene conducted a search pursuant to Deam's bail conditions. Officers located 3 grams of fentanyl, half a Xanax pill, digital scales, and \$557 in cash. Andrew M. Deam Jr. was later charged with aggravated trafficking scheduled W drugs Class A.

---

**City Budgetary Impacts:** The State of Maine, Office of the Attorney General, seeks to transfer \$557.00 U.S. and Currency to the Auburn Police Department. Funds will be used for ongoing K-9 expenses.

---

**Staff Recommended Action:** Vote to accept the transfer of \$557.

---

**Previous Meetings and History:** None

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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:**

\*None



**ORDER 126-09182023**

# City Council Order

## IN CITY COUNCIL

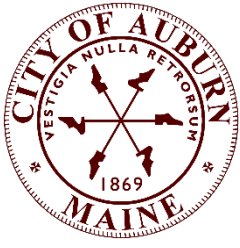
**ORDERED**, that the City Council hereby accepts the transfer of \$557 to Auburn Police Department (Unified Criminal Court Docket No. CR-23-1609).

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**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 18, 2023

**Order:** 127-09182023

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** City Council meeting schedule for October

---

**Information:** This item is to consider cancelling the Regular City Council meeting that is scheduled for Monday, October 2, 2023, and calling for a Special City Council meeting to be held on Monday, October 23, 2023.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Consider passage.

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

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**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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**Attachments:**





**ORDER 127-09182023**

# City Council Order

**IN CITY COUNCIL**

**Ordered**, that the City Council hereby authorizes the cancellation of the Regular City Council meeting that is scheduled for Monday, October 2, 2023 and calls a Special City Council Meeting to be held on Monday, October 23, 2023.

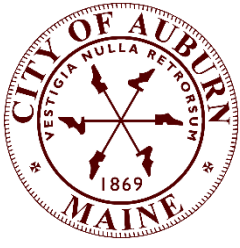
Passage on 6/20/2023 7-0.

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**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 18, 2023

**Order:** 128-09182023

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Designating City Manager, Phil Crowell, as the official voting delegate to the MMA Annual Business meeting and Brian Wood as the alternate

---

**Information:** The Maine Municipal Association will hold its Annual Business Meeting in conjunction with the MMA Annual Convention on Wednesday, October 4, 2023. The MMA Bylaws entitle each member community to 1 voting representative and an alternate. The Municipal officers may designate their municipalities voting representative and alternate.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Recommend passage.

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**City Budgetary Impacts:** None

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**Previous Meetings and History:** Annual

---

**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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**Attachments:**

**MAINE MUNICIPAL ASSOCIATION**

**VOTING DELEGATE CREDENTIALS**

Phillip Crowell is hereby designated as the official Voting Delegate and  
(name)

Brian Wood as the alternate voting delegate for City of Auburn  
(name) (municipality)

to the Maine Municipal Association Annual Business Meeting, which is scheduled to be held, Wednesday, October 4, 2023, 1:15 p.m., at the Augusta Civic Center, Augusta, Maine.

*The Voting Delegate Credentials may be cast by a majority of the municipal officers, or by a municipal official designated by a majority of the municipal officers of each Municipal member.*

Date: 9/18/23 Municipality: City of Auburn

Signature of a Municipal Official designated by a majority of Municipal Officers:

Name: \_\_\_\_\_ Position: \_\_\_\_\_

Or Signature of the Majority of Municipal Officers:

_____	_____
_____	_____
_____	_____
_____	_____

Please return this form no later than **Monday, October 2, 2023**, or bring it with you to the MMA Annual Business Meeting. If mailing, send to:

**MMA Annual Business Meeting  
Maine Municipal Association  
60 Community Drive  
Augusta, Maine 04330  
Email: [kmaines@memun.org](mailto:kmaines@memun.org)**



**ORDER 128-09182023**

# City Council Order

**IN CITY COUNCIL**

**Ordered,** that the City Council hereby designates City Manager, Phil Crowell as the official voting delegate and Brian Wood as the alternate for the Maine Municipal Association Annual Business Meeting to be held on October 4, 2023.

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**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager

Mayor Levesque called the meeting to order at 7:00 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. All Councilors were present.

**7:00 P.M. City Council Meeting**

**Pledge of Allegiance**

**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 requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.

**1. Order 113-09052023\***

Approving the renewal of an Auto Graveyard/Junkyard permit for Randy's Auto, 899 Broad St.

**2. Order 114-09052023\***

Approving the renewal of an Auto Graveyard/Junkyard permit for M&P Auto, Inc., 227 Merrow Rd.

**3. Order 115-09052023\***

Approving the renewal of an Auto Graveyard/Junkyard permit for Don's No Preference Towing, dba Morris Auto Parts, 940 Washington St. North.

**4. Order 116-09052023\***

Approving the renewal of an Auto Graveyard/Junkyard permit for Prolerized New England Company, LLC., 522 Washington St. North.

**5. Order 117-09052023\***

Approving the renewal of an Auto Graveyard/Junkyard permit for Isadore T. Miller, 79 & 80 Hotel Rd.

Councilor Staples requested that items #1 and #3 be removed from the Consent Agenda and placed under New Business.

Motion was made by Councilor Staples and seconded by Councilor Whiting for passage of the three remaining consent items.

Passage 7-0.

**II. Minutes - August 21, 2023, Regular City Council Meeting**

Motion was made by Councilor Walker and seconded by Councilor Staples to approve the minutes of the August 21, 2023, Regular City Council meeting.

Passage 7-0.

**III. Communications, Presentations and Recognitions**

- Council Communications (about and to the community)

**Councilor Staples** reported on the meeting with Casella (Waste Systems) adding that it was a productive meeting.

**Mayor Levesque** provided an update on recycling and handed out a memorandum regarding curbside recycling which states the following:

*I recently requested a meeting with the City of Auburn's recycling vendor, Casella, to discuss the effectiveness of our city's recycling program. City administration and department heads, along with Councilor Staples, were also invited and participated in the conversation. We discussed both our historic bi-weekly curbside pick-up and current consolidated program with the goal of gathering information on recyclable items - where they go and to what extent our recycling is actually benefiting the environment once we factor in variables such as contamination, freight omissions, and off-gassing.*

*During this process, we identified some issues with our historic and current single-stream recycling program, from high contamination rates, to lack of commodity market for certain items commonly placed into the recycling bin, to a lack of general knowledge on participation and efficacy of Auburn's recycling initiatives. These missing data points will be essential in helping the City Council - with the assistance of the Sustainability and Natural Resource Management Board - to make appropriate decisions when a new recycling contract is being considered early in 2024 and to determine the programs overall benefit to our environment.*

*I am, therefore, proposing to the City Council a limited pilot recycling program that would have the following components:*

1. *Re-introduction of curbside recycling to select parts of the city, with a mix of urban and rural areas.*
2. *Increased pick up in those areas, from bi-weekly to weekly.*
3. *Definition of exactly what should be put into single-stream recycling. For example, glass should go into household trash, and some plastics should not be placed in recycling bins.*
4. *In partnership with Casella, increased public education on what goes into recycling and how to prevent contamination, such as making sure residents are covering their recycling to prevent moisture, and if that is not possible, holding onto it until the following week.*
5. *Launch of a Casella mobile app to help participating households understand what should and should not be recycled.*
6. *Distribution of Auburn-specific direct mail educational pieces produced by Casella.*
7. *Periodic reporting of data collected by Casella, to include recycling program participation by household, and percentage of overall waste collected.*
8. *Retaining the centralized drop-off containers located at Public Works for those who are not part of the pilot program and remain in the control group.*

*By creating a new best practice pilot program with a statistically relevant sample size of participants, we can more effectively gather data on efficacy, participation, contamination, and more. If done correctly, this could become the standard model to use throughout the region, therefore influencing the recycling and re-using efforts (incineration to produce energy is a re-*

*use) in surrounding communities.*

*The cost of this pilot program should not exceed the already budgeted and set aside amount for recycling for this current financial year, details to be worked out prior to, and made available to the Council during its deliberations on September 18, 2023.*

*Our goal is simple and remains consistent: To ensure that Auburn's government and residents are effective in their efforts to enhance global health and sustainability of natural resources using educated decision making based on quantifiable results. The decision to add or modify a city program lies with the City Council, not with the Mayor or staff, and it is my hope that implementing a short-term option will bring forth the information needed for educated decision-making during next year's budget deliberations.*

*City Staff will prepare specifics on the pilot program and will provide details and an order for you to consider at our next meeting.*

**IV. Open Session**

Art Dingley, 512 Danville Corner Road, spoke regarding recycling.

Caroline Davidson, Danville Corner Road, also spoke regarding recycling.

**V. Unfinished Business - None**

**VI. New Business**

Orders 113-09052023\* and 115-09052023\* below were removed from the Consent Agenda and placed under New Business.

**Order 113-09052023\***

Approving the renewal of an Auto Graveyard/Junkyard permit for Randy's Auto, 899 Broad St.

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public comment – No one from the public spoke.

Passage 6-1 (Councilor Gerry opposed). A roll call vote was taken at the request of the Mayor.

**Order 115-09052023\***

Approving the renewal of an Auto Graveyard/Junkyard permit for Don's No Preference Towing, dba Morris Auto Parts, 940 Washington St. North.

Motion was made by Councilor Hawes and seconded by Councilor Morin for passage.

Public comment – No one from the public spoke.

Motion was made by Councilor Milks and seconded by Councilor Whiting to postpone until the October 16, 2023, City Council meeting.

Passage 7-0.

1. **Order 118-09052023**

Authorizing the City Manager to execute a real estate transaction to swap City owned parcel 271-100-000 for privately held parcel 261-056-002.

Motion was made by Councilor Gerry and seconded by Councilor Walker for passage.

Public comment – No one from the public spoke.

Passage 7-0.

2. **Ordinance 11-09052023**

Approving the text amendment to the Auburn Code of Ordinances, Sec. 60-548B – Front Setback, Principal for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2023. **Public hearing and 1<sup>st</sup> reading.**

Motion was made by Councilor Milks and seconded by Councilor Staples for passage.

Public hearing – Stephen Beal, 575 Johnson Road, stated that he supports staffs position on this proposal (opposed).

Failed 0-7. A roll call vote was taken.

3. **Ordinance 12-09052023**

Approving the text amendment to the Auburn Code of Ordinances, Sec. 60-548B ,T-4.2B Sec. 60-54B Intent and Purpose, Sec. 60-54B.1, Building Placement on Lot, Frontage Buildout, 3. Sec 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. **Public hearing and 1<sup>st</sup> reading.**

Motion was made by Councilor Milks and seconded by Councilor Morin for passage.

Public hearing – John Cleveland, 183 Davis Avenue, spoke regarding the language in this proposal, adding that he would like to see it removed until after the court proceeding.

Passage 5-2 (Councilors Gerry and Whiting opposed). A roll call vote was taken.

4. **Ordinance 13-09052023**

Approving the zoning map amendment T-4.2B & C/OS “Area A1”. **Public hearing and 1<sup>st</sup> reading.**

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.



Public hearing – Robert Hayes, 172 Allen Avenue, spoke and said he would like to see the Council table this to allow more public discussion.

Passage 4-3 (Councilors Walker, Gerry, and Whiting opposed). A roll call vote was taken.

**5. Ordinance 14-09052023**

Approving the zoning map amendment T-4.2B & C/OS “Area A2”. **Public hearing and 1<sup>st</sup> reading.**

Motion was made by Councilor Milks and seconded by Councilor Morin for passage.

Public hearing – Dee Chapman, 40 Vivian Street, asked that all of area A2 be removed. She spoke regarding LD2003. She also asked the Council to slow down on the changes.

Mike Adler, 82 Loring Avenue, stated that the rezoning has to stop and leave the neighborhood as it is.

Bob Hayes, 172 Allen Avenue, spoke regarding regarding being called to participate in meetings on T-4.2.

Bruce Rioux, Mary Carroll Street, stated the issue he has with changes to zoning map is that it seems like these zone changes are inviting developers from other areas, and will not be owner occupied. He asked that the Council slows down on the zoning changes and maybe spot zoning is what we should look at.

Failed 0-7. A roll call vote was taken.

**6. Ordinance 15-09052023**

Approving the zoning map amendment T-4.2B “Area C”. **Public hearing and 1<sup>st</sup> reading.**

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public hearing – Bob Hayes, 172 Allen Avenue, stated that form-based planning should be built on neighborhood characteristics and the Planning Board should have been given time to reach out and engage with the public. He said he questions our future when looking at property values.

Passage 5-2 (Councilors Gerry and Whiting opposed). A roll call vote was taken.

**7. Ordinance 16-09052023**

Approving the zoning map amendment T-4.2B “Area D”. **Public hearing and 1<sup>st</sup> reading.**

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public hearing – No one from the public spoke.

Passage 5-2 (Councilors Gerry and Whiting opposed). A roll call vote was taken.

8. **Ordinance 17-09052023**

Approving the Zoning Ordinance text amendments (Proposal B1) – Amend Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2-Agriculture and Resource Protection District. **Public hearing and 1<sup>st</sup> reading.**

Motion was made by Councilor Staples and seconded by Councilor Morin for passage.

Public hearing – Stephen Beal, 575 Johnson Road spoke regarding the process, he is in favor of the proposed amendment.

Motion was made by Councilor Staples and seconded by Councilor Walker to strike #6 from the Order to add “or 400 feet, whichever is less” to Sec. 60-146(3)(c) after the word “lot”. Which was not recommended by the Planning Board.

Passage 6-1 (Councilor Milks opposed).

Passage as amended 6-1 (Councilor Milks opposed). A roll call Vote was taken.

9. **Ordinance 18-09052023**

Approving the Zoning Ordinance text amendments (Proposal B3) – Amend Sec. 60-145 and Sec. 60-146 of Article IV, District Regulations, Division 2, Agriculture and Resource Protection District. AGRP text Amendment (Proposal B3) Planning Board Proposed Change #10 concerning prohibiting housing in the AGRP zone in the Taylor Pond watershed. **Public hearing and 1<sup>st</sup> reading.**

Motion was made by Councilor Staples and seconded by Councilor Walker for passage.

Public hearing – No one from the public spoke.

Failed 0-7. A roll call vote was taken.

10. **Ordinance 19-09052023**

Approving the AGRP text amendments (Proposal B2) Planning Board proposed change number ten to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. **Public hearing and 1<sup>st</sup> reading.**

Motion was made by Councilor Staples and seconded by Councilor Hawes for passage.

Public hearing – Stephen Beal, 575 Johnson Hill Road, supports staff’s recommendation opposing this proposed amendment.

Failed 0-6 (Councilor Walker was not in the room for the vote). A roll call vote was taken.

**11. Order 119-09052023**

Authorizing the proposed Public Safety Building to be placed on a referendum ballot and submitted to the voters of Auburn at the November 7, 2023, Election.

Motion was made by Councilor Whiting and seconded by Councilor Morin for passage.

Public comment – Andy Titus, Rubelite Lane, was on the committee when this was talked about two years ago and he thought there would be more discussion on this. He also spoke regarding the tax impact if this passes. He would like more discussion before this goes to referendum.

Passage 6-1 (Councilor Gerry opposed).

**12. Order 120-09052023**

Allocating \$5,700 out of the American Rescue Plan Act (ARPA) funds for Literacy Volunteers, Androscoggin.

Motion was made by Councilor Gerry and seconded by Councilor Morin for passage.

Public comment – No one From the public spoke.

Motion was made by Councilor Gerry and seconded by Councilor Staples to double the amount by increasing it from \$5,700 to \$11,400.

Failed 1-6 (Councilors Whiting, Hawes, Milks, Morin, Walker, and Staples opposed).

Passage of original motion 7-0.

**13. Order 121-09052023**

Authorizing the City Manager to execute the purchase and sales agreement of 80 Lake Street (PID 239-114), 7 Fern Street (PID 239-113), and 9 Fern Street (PID 239-112).

Motion was made by Councilor Gerry and seconded by Councilor Staples for passage.

Public comment – No one from the public spoke.

Passage 7-0.

**VII. Open Session** – Corey Wallace, 93 Gamage Avenue, asked about 67 Minot Avenue and wondered if there have been any updates on that structure. He said he could see this as a non-profit housing unit.

**VIII. Reports (from sub-committees to Council)**

**Mayor Levesque**, announced that the Blues and Brews Festival will be held on September 9<sup>th</sup>; there is new college housing in our downtown where the Value Inn used to be on Center Street; last week he met with the Governor's staff on infrastructure law and more; and the

School Committee will be meeting on Wednesday; and last, the he reported on the open house at the new Edward Little High School.

**Councilor Staples** also commented on the Edward Little High School open house.

**Councilor Walker** also commented on the Edward Little High School open house and was looking for the big plaque but could not find it.

**Councilor Morin** stated that he also attended the Edward Little High School open house. He added that if anyone is looking for a rewarding opportunity, they can donate their time and volunteer with Literacy Volunteers.

**Councilor Gerry** also reported on the Edward Little High School open house.

**City Manager Crowell** reported on the partnership with school and city to rehab the tennis courts at the East Auburn School, the project is complete. The grand opening will be on Monday. They can also be used for Pickleball. PAL movie night was held last Friday, 100 people attended, and he encouraged the Council and the Public to listen to our new Podcast called Absolutely Auburn. There are 4 episodes out at this time.

**IX. Executive Sessions - None**

**X. Adjournment**

Motion was made by Councilor Hawes seconded by Councilor Morin to adjourn.

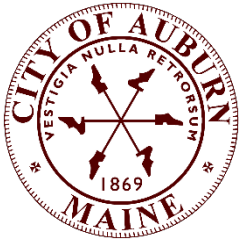
Unanimously approved and the meeting adjourned at 9:03 pm.

A TRUE COPY

ATTEST

*Susan Clements-Dallaire*

Susan Clements-Dallaire, City Clerk



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 18, 2023

**Ordinance:** 11-09052023

**Author:** Katherine Cook, Planning Coordinator

**Subject:** Consider a proposed text change to Sec. 60-548B-*Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2023.

---

**Information:** This text amendment to Sec. 60-458B- Front Setback, Principal was initiated by a citizen's petition which asks to codify the interpretation of where to measure the front setback from. This language addition is consistent with the comprehensive plan, but staff suggests a few additional changes to T-4.2B including amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration T-4.2B to decrease the minimum frontage buildout for residential lots. Because staff recommends additional changes to the text of the zone in conjunction with what the petition proposed, amending the ordinance with each of these changes included is preferable.

---

**City Budgetary Impacts:** None.

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**Staff Recommended Action:** Staff recommends that the Council vote **not to approve** first reading of the petition-initiated amendment to T-4.2B. Staff recommends instead to consider the changes that are presented as the next item in the Council packet.

---

**Previous Meetings and History:** July 7, 2023- Planning Board Public Hearing and vote to table until the next meeting; August 8, 2023- Planning Board Public Hearing and recommendation to not amend the ordinance as described. Public hearing and first reading on 9/5/2023.

**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:** Recommendation to City Council, Planning Board Staff Report, draft amendment to Sec. 60-549, signed and notarized citizen petition, Draft Ordinance 11-09052023.



## City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on a citizen petition-initiated zoning text amendment affecting T-4.2B.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Consider a proposed text change to Sec. 60-548B-*Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen Petition submitted on June 12, 2013. This item is pursuant to Chapter 60, Article XVII, Division 2-Amendment to the Zoning Ordinance or Zoning Map. This item was tabled at the July 11, 2023, meeting.

**MOTION:** Evan Cyr; Second: David Trask.

“I make a motion to recommend that the Council not amend (\*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen’s Petition submitted June 12, 2023.” **VOTE:** Motion passes 7-0-0.



## City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 [www.auburnmaine.gov](http://www.auburnmaine.gov) |

207.333.6601

To: Auburn Planning Board  
From: Katherine Cook, Planning Coordinator  
Re: Staff Report: Petition to amend T-4.2B zoning text  
Date: August 8th, 2023

**I. Public Hearing/ Zoning Text Amendment:** Consider a proposed text change to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen’s Petition submitted June 12, 2023 and subsequently tabled by the Planning Board to a date certain (August 8<sup>th</sup>, 2023) on the July 11, 2023 Planning Board meeting. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the zoning ordinance or zoning map.

**II. Background:** Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or by a petition signed by not less than 25 registered voters of the city (Ord. of 9-21-2009, Sec. 8.1A) Zoning map and text changes may be appropriate where they serve to support the goals of the Comprehensive Plan.

Staff currently understands that front setbacks in T-4.2B zoning districts may be measured from shared accessways, private ways, and shared parking areas. This petition seeks to clarify this understanding by adding the underlined language to Sec. 60-548B as follows: “Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of the principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. **Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area.**”

This language addition is consistent with the comprehensive plan, but staff suggests a few additional changes to T-4.2B including amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration T-4.2B to decrease the minimum frontage buildout for residential lots.

In the petition's explanation, the circulator intends for the added language confirming setback interpretation to be applied to the approval of past projects to this point, and notwithstanding M.R.S. § 302 is intended to apply retroactively to all pending proceedings, without requiring any remand for re-approval by the Board for its implementation to approved projects. Staff acquired legal counsel on the intention for this language change to apply retroactively, and as such, recommends that the Board not consider retroactive because the language was not included in the petition for the amendment to change the text in the asterisk (\*) to Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B.

**Planning Board Action:** Staff suggests planning board forward a negative recommendation to Council on the proposed text change to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023 and recommend that they not consider the retroactive language suggested in the description of the petition.

**III. Suggested Reasons and Finding of Fact:**

1. The applicant submitted rezoning petitions and signatures, Text with public Notice, on June 12, thus meeting submission standards (Sec. 60-1446).
2. The text amendment is consistent with the current comprehensive plan and the intent of the existing ordinance text and diagrams.
3. The text and intent of the petition can be clarified in a different way and the Board will review that later this evening.

**V. Suggested Motion:** I make a motion to recommend that the Council not amend (\*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area* for Traditional Downtown Neighborhood T-4.2B as shown in the Citizen's Petition submitted June 12, 2023.



**Sec. 60-548B. Traditional Neighborhood T-4.2B.**

**Illustrative View of T-4.2B**



**Intent and Purpose:  
Traditional Neighborhood (T-4.2B)**

The Traditional Neighborhood district is characterized by small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

Item #3 Citizen Petition New Proposed Text Language

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## Item #3 Citizen Petition New Proposed Text Language

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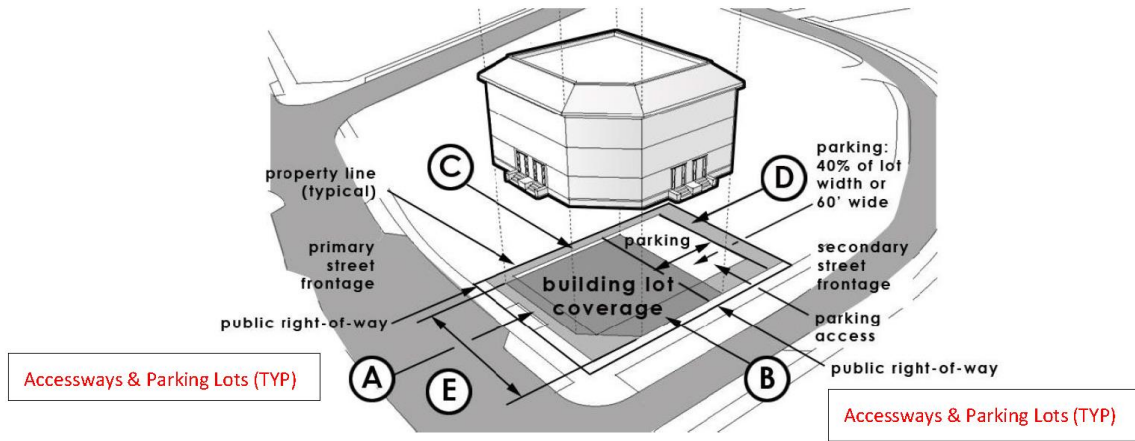


### Characteristic Features

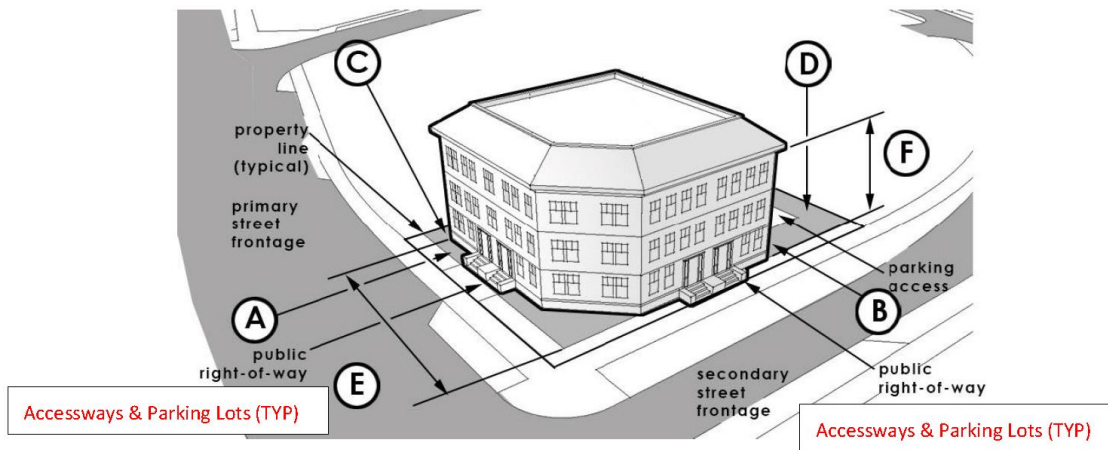
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-548B.1. Building placement and configuration T-4.2B.**



**Elevated Building Placement**



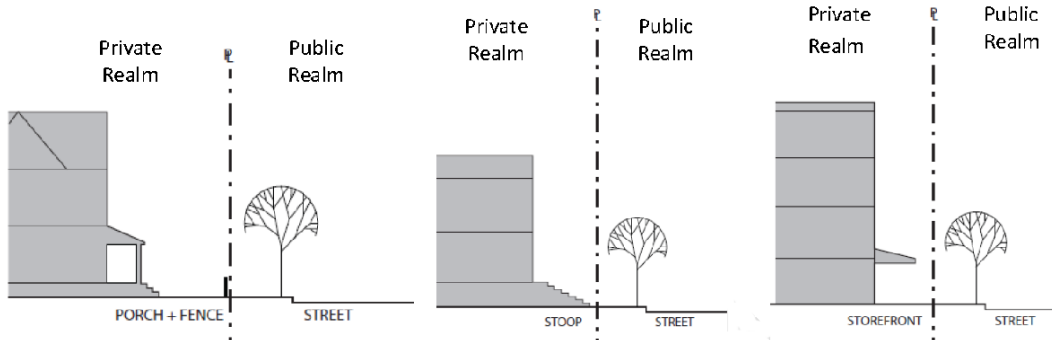
**Building Placement on Lot**

<b>PRINCIPAL BUILDING PLACEMENT:</b>		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary)	
Lot Width:	24 ft. min/120 ft. max.	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

\* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. [Front Setback, Principal Where a private shared access drive is provided serving more than once structure \(minimizing access points on any public road\), the front setback shall be measured from the private access drive, pedestrian accessway or parking area.](#)

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-548B.2. Building frontages T-4.2B.**



**Common or Porch Yard Stoop Yard Frontage Storefront Type**

<b>BUILDING FRONTAGE TYPES:</b>	Common yard; porch yard, stoop and storefront.
<b>BUILDING ENTRIES:</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground story building frontage facade:	<u>Residential</u> - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. <u>Commercial</u> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground story finished floor elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-548B.3. External elements T-4.2B.**

Front yard fence:	<u>Residential</u> - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed .
Front yard fence/wall opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & stoop encroachments:	Porches & stoops may encroach upon the minimum front setback line by the following distances: Front setback, principal frontage 5 ft. maximum. Front setback, secondary frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-554. Form based code use and parking matrix.**

<b>Key:</b>	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU	Dwelling unit
=	

USE(1)	T-4.1	T-4.2B(4)	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS(2)
<b>Residential Use Type</b>							
Single family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & breakfast < 4 rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & breakfast > 4 rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/child care facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/8 users
Home occupation	P	P	P	P	P	P	Based on use type (ch. 60, art. IX)
Community based residential facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding house/ lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus 1 sp/employee
<b>Office/Service</b>							
Professional offices	S	S	S	P	P	P	None
Medical and dental clinics	S	S	S	P	P	P	None
Personal services	S	S		P	P	P	None
<b>Retail Type Use</b>							
General retail	S	S	S	P	P	P	None
Age restricted retail(3)	S	X	S	S	S	S	None
Specialty shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, private clubs, indoor amusement	S	S	S	S	P	P	None
Artist studios, performing art center	S	S	S	P	P	P	None

<b>Civic</b>							
Church or places of worship	S	S	S	P	P	P	None
Government offices	X	S	X	P	P	P	None
Art galleries	S	P	P	P	P	P	None
Transportation facilities	X	X	X	S	S	S	None
Adaptive reuse of structures of community significance	S	S	S	S	S	S	None
Public safety services(5)	S	S	S	S	S	S	None
Government service(5)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities(5)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention facility(5)	X	X	X	X	S	X	None

**Notes:**

- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- (2) \* Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to planning board approval.
- (3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.
- (4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.
- (5) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)



East Auburn -- Citizens' Petition

REZONING PETITION

MUNICIPALITY Auburn TOTAL VALID 38 TOTAL INVALID 5

I hereby certify that the names of all the petitioners listed as valid appear on the voting list as qualified to vote in the City of Auburn.

Date petition certified: 6/12/2003 Signature of Registrar: Sharon F. Penne

DATE & TIME PETITION RECEIVED  
6/12/2003  
1:42



## REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the City of Auburn Zoning Ordinance to add clarity. The proposed change includes an amendment to change the text in the asterisk (\*) to Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B . *Front Setback, Principal* for Traditional Neighborhood T-4.2B to add the underlined language as follows

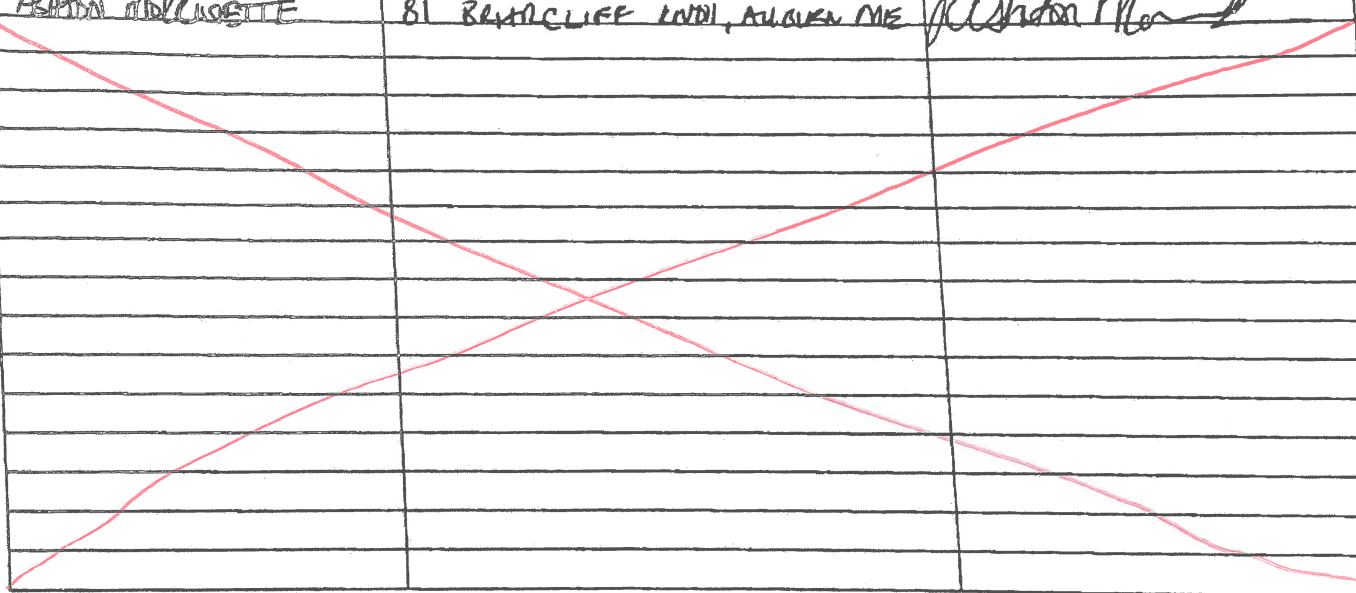
<b>PRINCIPAL BUILDING PLACEMENT:</b>		
Front Setback, Principal.	5 ft. Min./, 25 ft. Max.*	(A)
{Corner Lot} Front Setback, Secondary.	5 ft. Min., 15 ft. Max.	(B)
Side Setback:	5 ft. Min.	(C)
Rear Setback:	10 ft. Min.	(D)
Building Lot Coverage:	70% Max.	
Useable Open Space:	10% Min.	
Frontage Build-Out:	60% Min (along Front Setback, Primary)	
Lot Width:	24 ft. Min, 120 ft. Max.	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		
Building Width:	14 ft. Min., 110 ft. Max.	(E)
Building Height Minimum:	1 Story Min.	(F)
Building Height Maximum:	3 Story Max.	(F) (excluding attic story)

\* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian access way or parking area.

**Explanation:** One of the primary tests of a zone change is its conformance with the Comprehensive Plan. GROWTH AREAS Type A [Residential] The Traditional Neighborhood Development (TND) District requires that new development be designed to minimize the number of vehicular access points to existing collector or other roads; shared driveways are encouraged; and dimensional standards be established that relate to the size and width of the lot. A copy of that Comprehensive Plan section is attached and marked as Exhibit A. The City has adopted the T-4.2B zoning district to meet the goals of the TND District in the Comprehensive Plan by encouraging the use of shared driveways and limiting vehicular access points to Collector roadways, the new Ordinance was intended to allow for front setbacks in the T-4.2B district to be measured from Access Ways and Parking areas on internal, shared access points. This amendment clarifies the existing text to advance the shared access point objectives of the Plan; confirms the interpretation of the dimensional requirements of the T-4.2B zoning district adopted by the planning board in its approval of projects to date; and notwithstanding 1 M.R.S. § 302 is intended to apply retroactively to all pending proceedings, without requiring any remand for re-approval by the Board for its implementation to approved projects.

25

Print Name	City of Auburn Legal Address	Signature
<del>Patricia Coulombe</del>	<del>19 Aquamarine Ct.</del>	<del>Patricia Coulombe</del>
<del>LORRAINE COTE</del>	<del>527 MERRLOW RD, AUB.</del>	<del>Lorraine Cote</del>
<del>ROLAND BERGERON</del>	<del>527 MERRLOW RD AUB</del>	<del>Roland Bergeron</del>
<del>HELENE J. COTE</del>	<del>465 MERRLOW Rd Auburn</del>	<del>Helene J. Cote</del>
<del>RAYMOND MARCHESSAULT</del>	<del>90 HAVARD AVE. AUB. ME</del>	<del>Raymond Marchessault</del>
<del>DIANE H. DENNIS</del>	<del>70 ROYAL OAKS DA. AUB. ME</del>	<del>Diane H. Dennis</del>
<del>ROGER MOREAU</del>	<del>588 LAKE ST AUBURN ME 04210</del>	<del>Roger Moreau</del>
<del>Anita L. Moreau</del>	<del>588 Lake St. Auburn, Me. 04210</del>	<del>Anita L. Moreau</del>
<del>RAY BIRON</del>	<del>124 Broadview Ave Ne04210</del>	<del>Ray Biron</del>
<del>Sherley BIRON</del>	<del>124 Broadview Ave Me 04216</del>	<del>Sherley Biron</del>
<del>Paul R. MORIN</del>	<del>16 CLIFF ST. Auburn 04210</del>	<del>Paul R. Morin</del>
<del>Maurice A. MORIN</del>	<del>16 Cliff St Auburn 04210</del>	<del>Maurice A. Morin</del>
<del>RONALD PEYSER</del>	<del>19 DEERFIELD DR. Auburn 04210</del>	<del>Ronald Peyser</del>
<del>Rex Anthony NORRIS</del>	<del>503 Auburn, ME Park Ave 04210</del>	<del>Rex Norris</del>
<del>Mary Tucker</del>	<del>La Rosewood RD. Auburn, ME</del>	<del>Mary Tucker</del>
<del>GINY TUCKER</del>	<del>La Rosewood RD. Auburn ME</del>	<del>Giny Tucker</del>
<del>Philip Vaillancourt</del>	<del>470 MERRLOW Rd, Auburn ME</del>	<del>Philip Vaillancourt</del>
<del>MARK VAILLANCOURT</del>	<del>470 MERRLOW RD, AUBURN, ME</del>	<del>Mark Vaillancourt</del>
<del>Donald INGER</del>	<del>852 Washington St Auburn ME</del>	<del>Donald Inger</del>
<del>Pauline Berrier</del>	<del>150 Mill St. Auburn, ME</del>	<del>Pauline Berrier</del>
<del>Riane Caron</del>	<del>204 Bowdoin St</del>	<del>Riane Caron</del>
<del>CAROL DERBY</del>	<del>68 Aquamarine Ct.</del>	<del>Carol DeRoy</del>
<del>Landon Morrissette</del>	<del>81 Brancliff Knoll, Auburn, ME</del>	<del>Landon Morrissette</del>
<del>Doris MARCHESSAULT</del>	<del>81 Brancliff Knoll, Auburn, ME</del>	<del>Doris Marchessault</del>
<del>Jessica Klimck</del>	<del>81 Brancliff Knoll, Auburn ME</del>	<del>Jessica Klimck</del>
<del>ASHLEY MORRISSETTE</del>	<del>81 BRANCLIFF KNOI, AUBURN ME</del>	<del>Ashley Morrissette</del>




Note \* Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I CAROL DeROY  
of 68 Aquamarine Ct., Auburn, hereby certify that I am a resident of  
the City of Auburn; that I personally circulated this paper and witnessed the  
signatures thereon; and, to the best of my knowledge and belief, each signature  
is that of the person it purports to be. Further, I certify that each signer had the  
opportunity, before signing, to read the full text of the ordinance proposed to be  
enacted. \_\_\_\_\_

Signature of Circulator

Carol A. DeRoy

Printed Name CAROL DeROY

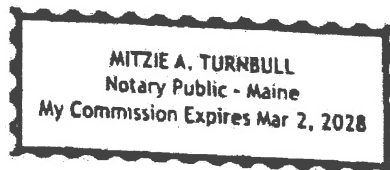
Subscribed to and sworn before me on this date June 10, 2023 (Date must be completed by Notary)

Mitzi A. Turnbull

Signature of Notary

Mitzi A. Turnbull Printed Name

Date my Notary Commission expires: March 2, 2028






Note \* Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I Abigail Prosser  
of Auburn, ME, hereby certify that I am a resident of  
the City of Auburn; that I personally circulated this paper and witnessed the  
signatures thereon; and, to the best of my knowledge and belief, each signature  
is that of the person it purports to be. Further, I certify that each signer had the  
opportunity, before signing, to read the full text of the ordinance proposed to be  
enacted. AMM

Signature of Circulator

Abigail L. Prosser

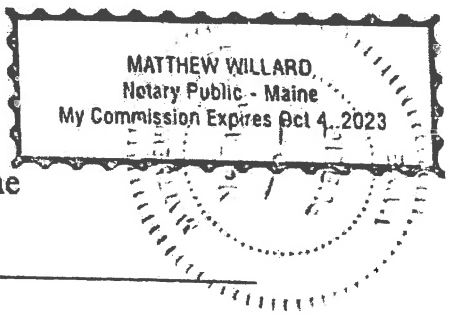
Printed Name

Subscribed to and sworn before me on this date 06/09/2023 (Date must be  
completed by Notary)

[Signature]

Signature of Notary

MATTHEW WILLARD Printed Name



Date my Notary Commission expires: 10/04/2023


Note \* Twenty-five (25) registered Auburn voters' signatures are required on the petition (it is suggested that you get at least 35-40 signatures in case some signatures cannot be read or they are disqualified for some other reason).

Circulator's Affidavit

I Jessira Klimek  
of Auburn, hereby certify that I am a resident of  
the City of Auburn; that I personally circulated this paper and witnessed the  
signatures thereon; and, to the best of my knowledge and belief, each signature  
is that of the person it purports to be. Further, I certify that each signer had the  
opportunity, before signing, to read the full text of the ordinance proposed to be  
enacted.

Signature of Circulator

Jessica Klimek

Printed Name

Subscribed to and sworn before me on this date 06/10/2023 (Date must be  
completed by Notary)

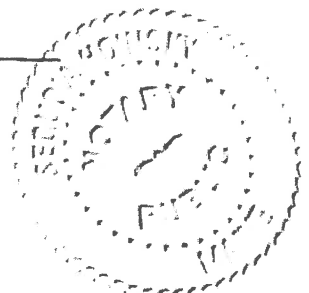
[Signature]

Signature of Notary

Sequoia Hoinsky Printed Name

Date my Notary Commission expires: September 19, 2029

SEQUOIA HOINSKY  
NOTARY PUBLIC  
State of Maine  
My Commission Expires  
September 19, 2029





# Exhibit A

In addition to the Future Land Use Map, four detail maps ( [REDACTED] ) show the future land use designations for specific portions of the community, including Downtown, New Auburn, Minot Avenue, and Center Street.

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## **FUTURE LAND USE PLAN VISION STATEMENT:**

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As a model of carefully managed growth, Auburn seeks to grow outward from the historic cores within our city and be known for its strong, vibrant neighborhoods. The city is committed to making careful, effective, and efficient use of land and corresponding services, while strengthening the character of our neighborhoods, ensuring that resources exist to maintain and enhance the quality of life for current and future residents. Auburn's continued commitment to strong community connections, embracing opportunity, and mindful growth should be balanced with natural resource conservation and woven into the city's unique identity.

### **1. GROWTH AREAS –**

#### **Type A: Development Areas**

Designation: Residential

#### **TRADITIONAL NEIGHBORHOOD DEVELOPMENT DISTRICT (TND)**

**Objective** – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre in areas that are served or can be served by public/community sewerage and public/community water ( [REDACTED] ). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

**Allowed Uses** – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update ( [REDACTED] ). The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

**Development Standards** – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 10 feet. Side and rear setbacks should

# Exhibit A

be 5-15 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

## **SUBURBAN DEVELOPMENT DISTRICT (SD)**

**Objective** – Allow for the development of a limited range of residential and community uses at a density of up to 6-8 units per acre in areas that are served or can be served by public/community sewerage and/or public/community water (see Figure 2.4). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

**Allowed Uses** – The Suburban Development District generally follows the boundaries of the Multifamily Suburban and Suburban Residential Zoning Districts, in effect at the time of the 2021 Comprehensive Plan update (see appendix). The following general types of uses should be allowed within the Suburban Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Recreational Uses of Land
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

**Development Standards** – Residential uses should be allowed at a density of up to 8 units per acre with no minimum road frontage required, shared driveways are encouraged. In general, the minimum front setback should be 10 feet. Side and rear setbacks should be 5-20 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot.

Designation: Nonresidential and Mixed Use

## **FORM-BASED CODE DEVELOPMENT DISTRICT (FBCD)**

**Objective** – Stabilize and promote continued investment in the City's high-density neighborhoods which include a mix of housing types including multi-unit buildings to assure that they remain safe, attractive areas in which residents want to live (see Figures 2.3 and 2.4). To this end, the district should allow property owners to upgrade their properties, and for infill development and redevelopment/reuse to occur, as long as it is compatible with the character of the neighborhood.

**Allowed Use** – The Form-Based Code Development District generally follows the boundaries of the Form-Based Code (Transects 4.1, 4.2, 5.1, 5.2 and 6), in effect at the time of the 2021 Comprehensive Plan update (see appendix). The following general types of uses should be allowed within the Form-Based Code Development District:

- Low and High Density Residential Dwelling Units
- Home Occupations
- Civic Uses
- Office/Service Type Uses
- Retail Type Uses

**Development Standards** – The reuse/reconfiguration of existing buildings for residential purposes should be allowed without consideration of density/lot size requirements, provided that



# City Council Ordinance

## IN CITY COUNCIL

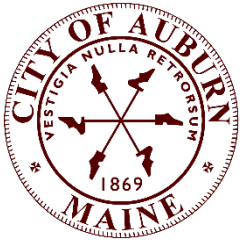
**Be it ordained**, that the Auburn City Council amend to Sec. 60-548B- *Front Setback, Principal* for Traditional Downtown Neighborhood T-4.2B, specifically adding an asterisk (\*) to the Table of PRINCIPAL BUILDING PLACEMENT, *Front Setback, Principle for Traditional Neighborhood T-4.2B* and adding the following underlined language to the same section: "Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback shall be measured from the private access drive, pedestrian accessway or parking area."

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**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 18, 2023

**Ordinance:** 12-09052023

**Author:** Katherine Cook, Planning Coordinator

**Subject:** Consider a proposed text change to Sec. 60-548B, T-4.2B 1.) Sec. 60-54B Intent and Purpose, 2.) Sec. 60-548B.1, building placement on lot, frontage buildout, 3.) Sec. 548B.2 common or porch yard stoop yard frontage storefront type, building envelope articulation, ground and upper story building façade.

---

**Information:** On July 7, 2023, The Planning Board help a public hearing on a citizen petition-initiated change to T-4.2B which sought to further define how to measure front setbacks. At this time, staff suggested that there are other elements of the ordinance in addition to adding language to Sec. 60-5480-Front Setback, Principal. Specifically, that there should be more flexibility and simplicity in applying the ordinance to single family and two-family homes. This proposed amendment offers language to clarify the point from which one may measure front setback on their property, and reduce the frontage buildout restrictions on single family, and two-family homes, and dwellings with an accessway that is shared by more than one structure. Staff is recommending these changes because it is plausible that such restrictions, if they remain, could cause undue burden to a smaller developer, and hinder the goals to reduce access points onto public streets.

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**City Budgetary Impacts:** None.

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**Staff Recommended Action:** Staff recommends that the Council adopt the first reading of the attached amendments to T-4.2B.

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**Previous Meetings and History:** July 7, 2023- Planning Board initiated request to consider additional amendments to T-4.2B following the T-4.2B citizens petition that was tabled at this same meeting; August 8, 2023- Planning Board Public Hearing and recommendation to amend the ordinance as described. Public hearing and 1st reading on 9/5/2023.

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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:** Recommendation to City Council, Planning Board Staff Report, draft amendment to Sec. 60-549, draft ordinance and Ordinance 12-09052023.



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on a staff0-recommemnded amendments to T-4.2B text.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Consider a proposed text change for Sec. 60-548B, T-4.2B pursuant to Chapter 60, Article XVII, Division 2- Amendment to the zoning ordinance 1.) Sec. 60-54B Intent and Purpose, 2.) Sec. 60-548B.1, building placement on lot, frontage buildout, 3.) Sec. 548B.2, common or porch yard stoop yard frontage storefront type, building envelope articulation, ground and upper story building façade.

**MOTION:** David Trask; Second: Evan Cyr.

“I make a motion to recommend that the City Council approve the proposed ordinance amendment(attached), including amendments to:

- 1) Sec. 60-548B- 1. Intent and Purpose “setback”,
- 2) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout for commercial and multi-family and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.,
- 3) Sec. 548B.2, Building Frontages T4.2B Table as shown on the attached Ordinance Amendment Document.
- 4) Amendment to the note (\*) in the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal - Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area. (As shown in the attached Ordinance Amendment Document)”

**VOTE:** Motion passes 6-1-0.



## City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 [www.auburnmaine.gov](http://www.auburnmaine.gov) |

207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report: Staff Recommendation Text Amendments to T-4.2B to Add Clarity

Date: August 8th, 2023

**I. Public Hearing/ Zoning Text Amendment:** Consider a proposed text change to Sec. 60-548B- 1.) Intent and Purpose, 2.) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout, 3.) Sec. 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. 4.) amend (\*) the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. *Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area for Traditional Downtown Neighborhood T-4.2B.*

**II. Background:** Staff currently understands that additional clarity is desired for the text of the T-4.2B Zoning District. The current text of the T-4.2B form-based codes does not differentiate between residential single-family homes, development of small infill lots and special exception/subdivision development of larger lots. Some clarification is recommended that effects frontage buildout, setback measurements and general clerical items.

Staff suggests that the Board consider language similar to the previous petition in addition to amending Sec. 60-548B.2- Building frontages to allow for greater flexibility for single family homes and duplexes and amending Sec. 60-548B.1- Building placement and configuration to decrease the minimum frontage buildout for residential lots. The proposed language and changes are attached. Staff recommends that the Planning Board hold a Public Hearing, and vote on the amendments to the zone.

**Planning Board Action:** Staff suggests planning board hold a public hearing and vote to recommend approval of the ordinance amendments(attached).

### III. Suggested Reasons and Finding of Fact:

1. The text amendment is consistent with the current comprehensive plan.
2. The proposed text amendment clarifies the intent of the existing ordinance and encourages shared access ways for multiple buildings to minimize curb openings on public streets.
3. The amendment modifies the T4.2B text to allow additional flexibility and simplify permitting for one and two-family homes.

**V. Suggested Motion:** I make a motion to recommend that the City Council approve the proposed ordinance amendment(attached), including amendments to:

1) Sec. 60-548B- 1. Intent and Purpose “setback”,

2) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout for commercial and multi-family and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.,

3) Sec. 548B.2, Building Frontages T4.2B Table as shown on the attached Ordinance Amendment Document.

4) Amendment to the note (\*) in the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B. Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. Front Setback, Principal - Where a private shared access drive is provided serving more than one structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area.

(As shown in the attached Ordinance Amendment Document)

**Sec. 60-548B. Traditional Neighborhood T-4.2B.**



**Illustrative View of T-4.2B**

**Intent and Purpose:  
Traditional Neighborhood (T-4.2B)**

The Traditional Neighborhood district is characterized by small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building ~~set-backs~~~~setbacks-~~ form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.

**[Illustrative View of T-4.2B](#)**





Sec.60-40(b) Table update

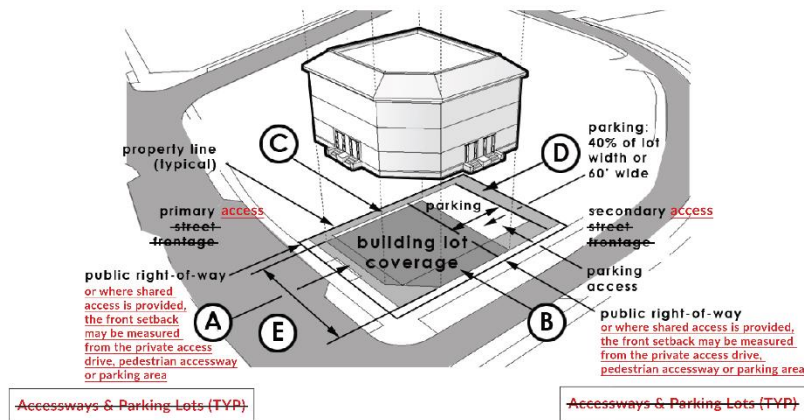


### Characteristic Features

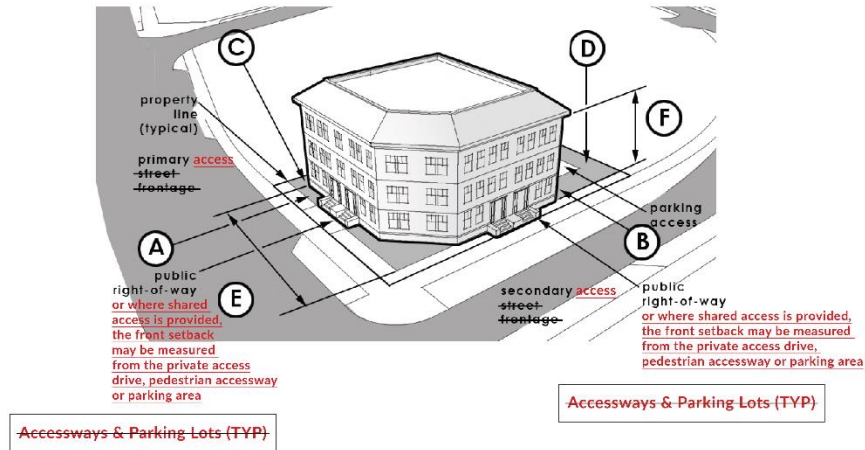
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

(Ord. No. 20-09062022, § 2, 9-19-2022)

### Sec. 60-548B.1. Building placement and configuration T-4.2B.



Elevated Building Placement



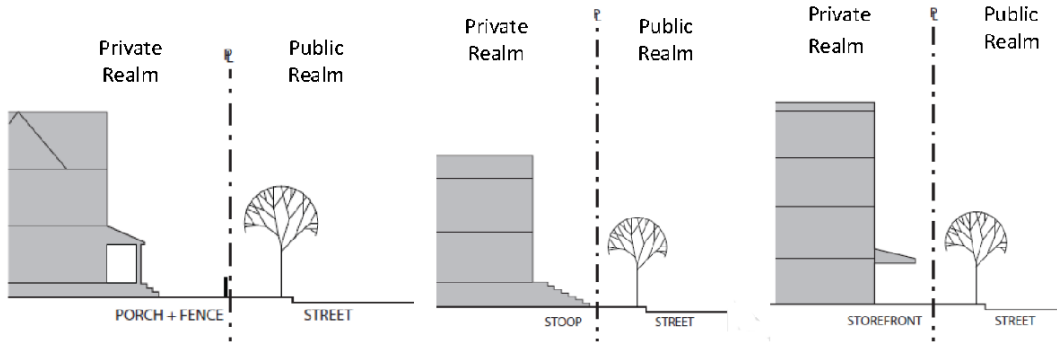
### Building Placement on Lot

PRINCIPAL BUILDING PLACEMENT:		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary) <a href="#">for commercial and multi-family uses and 30% minimum for single family and two-family homes. This provision does not apply to developments with private shared access ways to more than one structure.</a>	
Lot Width:	24 ft. min/120 ft. max.	
PRINCIPAL BUILDING CONFIGURATION:		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

\* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation. [Front Setback, Principal – Where a private shared access drive is provided serving more than one structure \(minimizing access points on any public road\), the front setback may be measured from the private access drive, pedestrian accessway or parking area.](#)

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-548B.2. Building frontages T-4.2B.**



**Common or Porch Yard Stoop Yard Frontage Storefront Type**

<b>BUILDING FRONTAGE TYPES:</b>	Common yard; porch yard, stoop and storefront.
<b>BUILDING ENTRIES:</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground story building frontage facade:	<p><a href="#">Residential with one or two units – No minimum and maximum window and door area applies.</a></p> <p><a href="#">Residential with three or more units</a>- Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade.</p> <p><a href="#">Commercial</a> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.</p>
Upper story building frontage facade:	<p><a href="#">Residential structures with one or two units – No minimum and maximum window and door area applies.</a></p> <p><a href="#">Residential structures with three or more units and Commercial</a> - Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.</p>
Ground story finished floor elevation:	<p><a href="#">Residential</a> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade).</p> <p><a href="#">Commercial</a> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.</p>
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-4. Zoning districts.**

- (a) For the purposes in section 60-3, the use, construction and alteration of buildings and structures and the use and alteration of land in the city are hereby restricted and regulated according to the provisions of this chapter.
- (b) The city is hereby divided into zoning districts designated as follows and more fully described on the official zoning map:

District title	Classification	Short title
Agriculture and Resource Protection	Resource	AG
Low Density Country Residential	Resource/Residential	LDCR
Rural Residence	Residential	RR
Suburban Residence	Residential	SR
Urban Residence	Residential	UR
Multifamily Suburban	Residential	MFS
Multifamily Urban	Residential	MFU
Planned Unit Development	Residential/Commercial	PUD
Downtown Enterprise Zone	Residential/Commercial	DEZ
General Business	Commercial	GB
Neighborhood Business	Commercial	NB
Form Based Code Regulating Plan:		
Traditional Main Street Neighborhood (Transect 4.1)	Residential/Commercial	T-4.1
<b>Traditional Neighborhood (Transect 4.2B)</b>	<b>Residential/Commercial</b>	<b>T-4.2B</b>
Traditional Downtown Neighborhood (Transect 4.2)	Residential/Commercial	T-4.2
Downtown Traditional Center (Transect 5.1)	Residential/Commercial	T-5.1
Downtown City Center (Transect 5.2)	Residential/Commercial	T-5.2
Great Falls Metropolitan (Transect 6)	Residential/Commercial	T-6
Industrial	Industrial	ID
Floodplain Overlay District	Environmental	FPO
Taylor Pond Overlay District	Environmental	TPO
Lake Auburn Watershed Overlay District	Environmental	LAO
Shoreland Overlay District	Environmental	SLO
Manufacturing Housing Overlay District	Residential	MHO

(Ord. of 9-21-2009, § 1.2; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-03012021, § 56, 3-15-2021)



# City Council Ordinance

## IN CITY COUNCIL

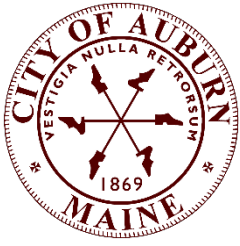
**Be it ordained**, that the Auburn City Council amend Sec. 60-548B- 1.) Intent and Purpose, 2.) Sec. 60-548B.1, Building Placement on Lot, Frontage Buildout, 3.) Sec. 548B.2, Common or Porch Yard Stoop Yard Frontage Storefront Type, Building envelope articulation, Ground and Upper story building façade. 4.) amend the Table of PRINCIPAL BUILDING PLACEMENT of Section 60-548B, adding \* Front Setback, Principal Where a private shared access drive is provided serving more than once structure (minimizing access points on any public road), the front setback may be measured from the private access drive, pedestrian accessway or parking area for Traditional Downtown Neighborhood T-4.2B and to add the zoning district Traditional Neighborhood (Transect T-4.2B) to Sec. 60-4-. zoning districts as shown in the attached draft ordinance language.

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**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date: September 18, 2023**

**Ordinance: 13-09052023**

**Author:** Office of Planning and Permitting

**Subject:** Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area A1".

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**Information:**

On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area A1, generally located in the New Auburn area near South Main and Broad Streets and Vickery Road, from the Urban Residence, Multifamily Suburban, Neighborhood Business, Low Density Rural Residence (Rural Residential), and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B and Conservation/Open Space zoning districts. Area A1 is part of Area A, which was presented to the Planning Board on July 11, 2023. Area A was divided into Area A1 and Area A2 for the August 8 Planning Board meeting so Planning Board and City Council could consider how the proposed zone, T-4.2B, would apply to different parts of this land area, and consider the zone change incrementally.

After conducting a public hearing, Planning Board is recommending that City Council vote to amend area A1 as described, in the attached motion and staff report, and shown on the attached map.

**City Budgetary Impacts:** None

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**Staff Recommended Action:**

Review the Planning Board's findings, discuss, hold a public hearing on Area A1 as presented and vote to approve the map amendment.

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**Previous Meetings and History:**

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

August 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas.

Public hearing and first reading on 9/5/2023.

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**City Manager Comments:**



I concur with the recommendation. Signature:

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**Attachments:**

Planning Board recommendation to City Council, 08/08/2023 staff report, proposed map amendment, T-4.2B ordinance text, Appendix A Transportation Document, Form Based Code FAQs, and Ordinance 13-09052023.





## City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area A1.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road.

**MOTION:** Paul Jacques; **SECOND:** Darren Finnegan.

“I make a motion to recommends amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment has been and is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road as shown on the attached map (A1)” **VOTE:** 5-2-0 motion passes.



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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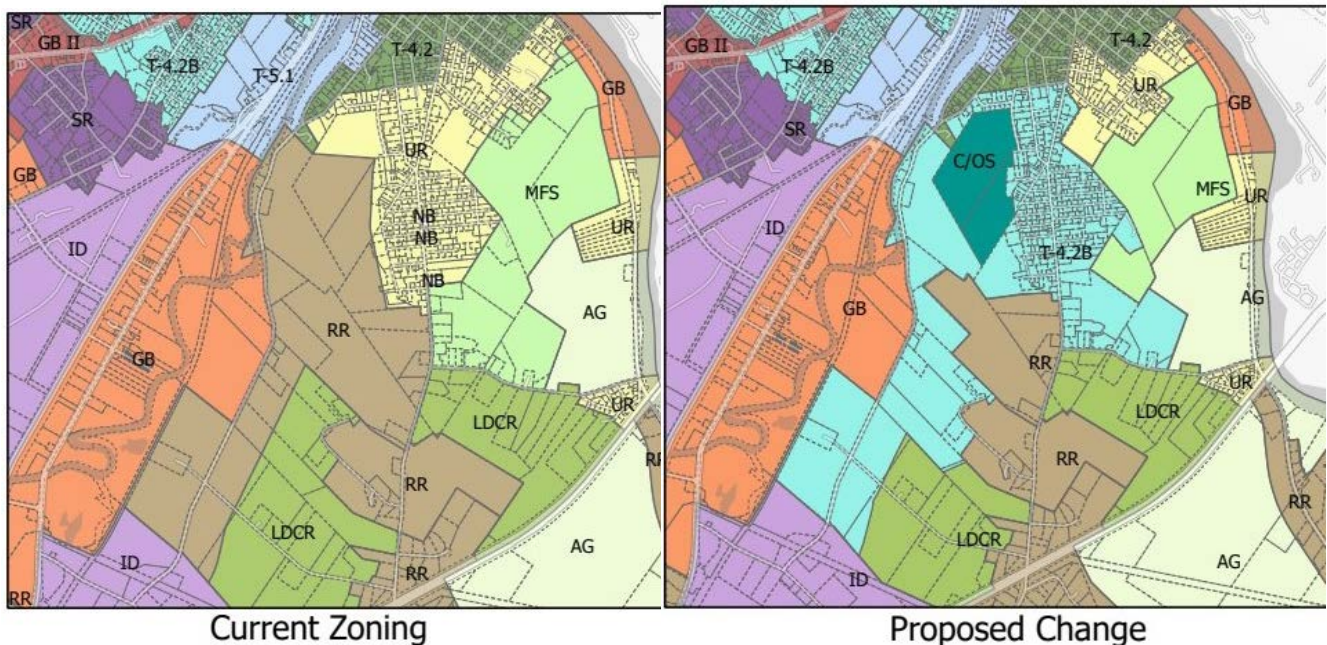
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area A1

Date: August 8, 2023

- I. Public Hearing/ Zoning Map Amendment/ T-4.2B Area A1:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road.



**II. Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four Areas, A-D, across the city.

The July 11, 2023 meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11<sup>th</sup> meeting:

1. “Area A” as presented on July 11 has been divided into ‘Area A1” and “Area A2”. Since portions of the area are more controversial than others, this makes it possible to decide on the two portions individually as shown on the proposed zoning maps.
2. The proposed map reflects the existing colors in Auburn’s official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
3. Two parcels, Sherwood Forest, and the adjacent parcel owned by Androscoggin Land Trust are proposed to be changed to a Conservation Open Space zone to reflect their public use and to make it clear that they are not available for T-4.2B development.

**III. Traditional Neighborhood Development District:** *Description-* The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

*Objective* – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

*Allowed Uses* – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

*Development Standards* – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the

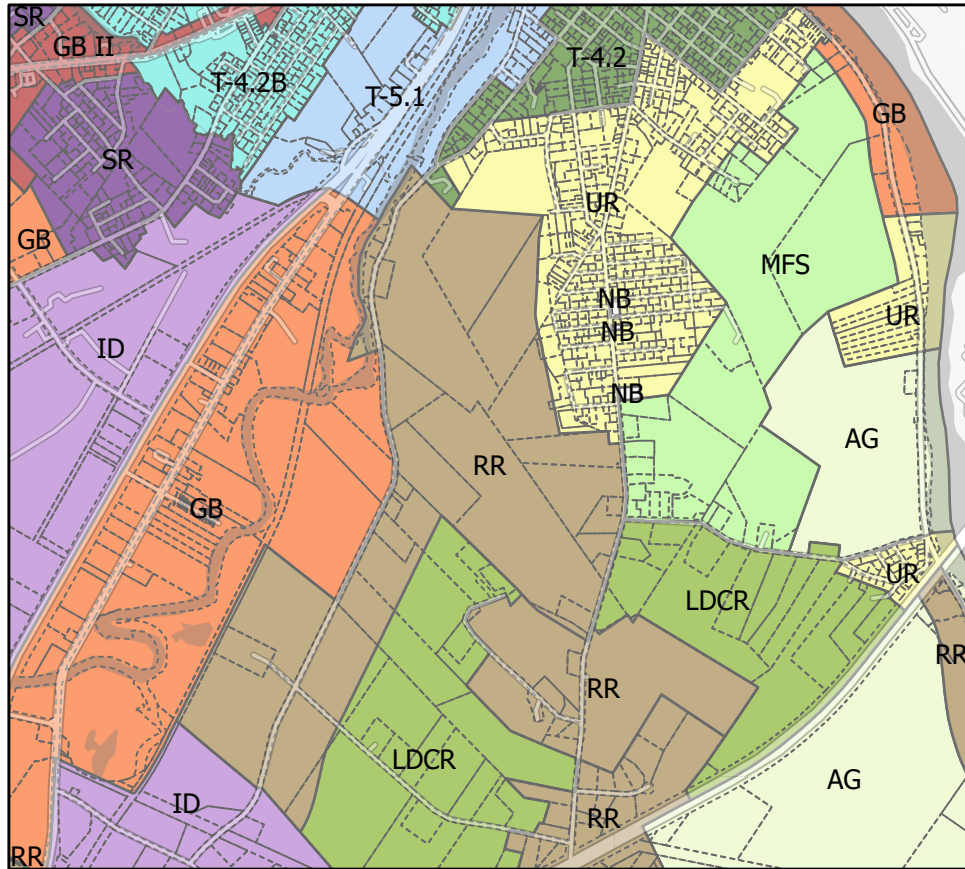
size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

**IV. Suggested Findings, Reasons and Staff Recommendation:** Forward a positive recommendation to City Council to rezone Area A1 to T-4.2B and Conservation Open Space as shown on the attached proposed zoning map (Area A1) with the following suggested findings:

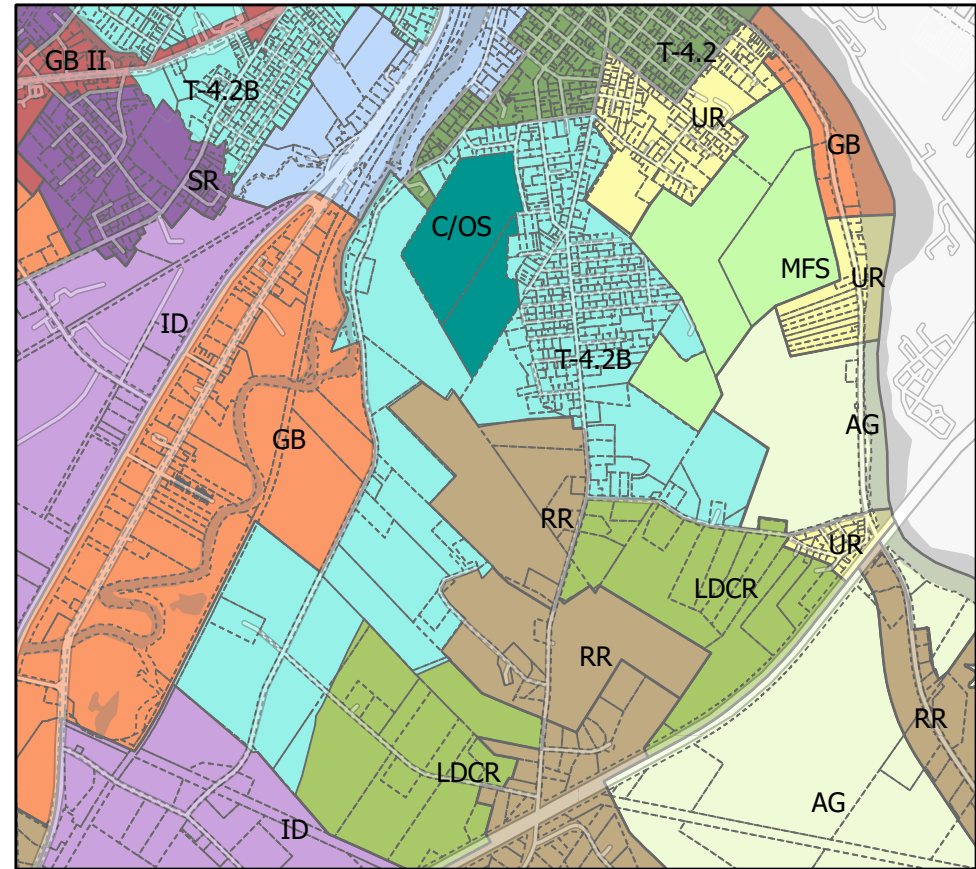
1. The 2021 Comprehensive Plan recommends expanding the Form Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals (see above item IV).
3. The city's transportation goals identified in the Comprehensive Plan will require infill between New Auburn and Broad Street. As the City is planning for a highway interchange, (Appendix A) creating higher density in this area will bring the City closer to this goal.
4. The Comprehensive Plan supports growth in the "city core" which includes Area A1. Developing within the city core means more efficient, cost-effective city services to support growth.
5. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
6. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
7. Limit the need for new city- maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
8. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. Many existing homes in Area A1 are nonconforming because the traditional building pattern set homes close to the road, not in alignment with current zoning standards. The nonconforming buildings meeting this description can remain where they are if unchanged, but nonconformance drastically limits the improvements or repairs a homeowner can make. Reducing the setbacks as proposed alleviates this challenge.
9. The current zoning in Area A1 only allows single-family and two-family homes, limiting housing affordability, production and who can live in Auburn's neighborhoods. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many people. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
10. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

- V. **Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment has been and is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. The area is generally located in the New Auburn area near South Main and Broad Streets and Vickery Road as shown on the attached map (A1).

# Area A1



Current Zoning



Proposed Change

## Zoning Districts

- |  |                             |  |   |  |                                     |                        |
|--|-----------------------------|--|---|--|-------------------------------------|------------------------|
| AG - Agriculture and Resource Protection | GB - General Business       | LDCR - Low Density Country Residential | SR - Suburban Residential                   | T-4.2 - Traditional Downtown Neighborhood              | T-5.1 - Downtown Traditional Center | UR - Urban Residential |
| C/OS - Conservation / Open Space         | GB II - General Business II | MFS - Multi-Family Suburban            | T-4.1 - Traditional Mainstreet Neighborhood | T-4.2B - Traditional Neighborhood Development District | T-5.2 - Downtown City Center        | Parcels                |
|  | ID - Industrial             | RR - Rural Residential                 |   |  | T-6 - Great Falls Metropolitan      |                        |

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**Sec. 60-548B. Traditional Neighborhood T-4.2B.**

**Illustrative View of T-4.2B**



**Intent and Purpose:  
Traditional Neighborhood (T-4.2B)**

The Traditional Neighborhood district is characterized by small to medium sized buildings with smaller front yards and stoops in a more compact urban environment, and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building set-backs form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks.





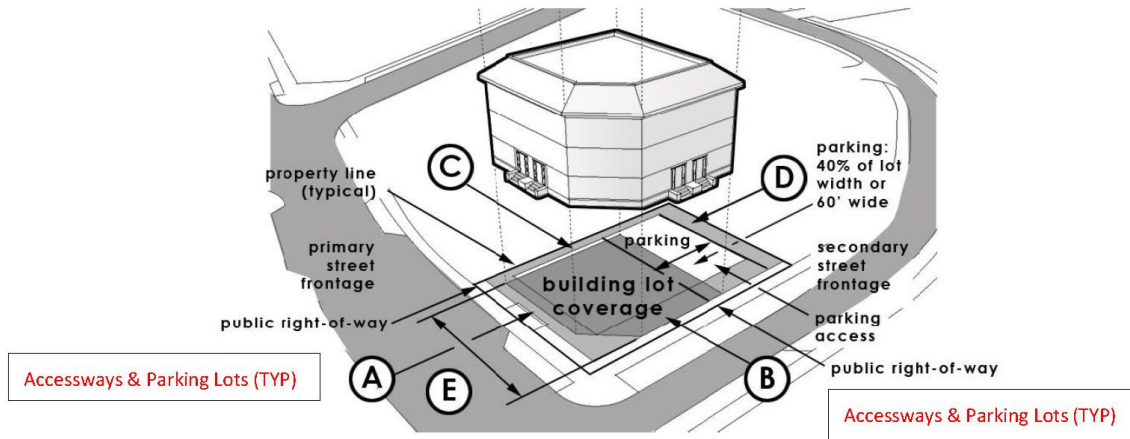
### Characteristic Features

- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

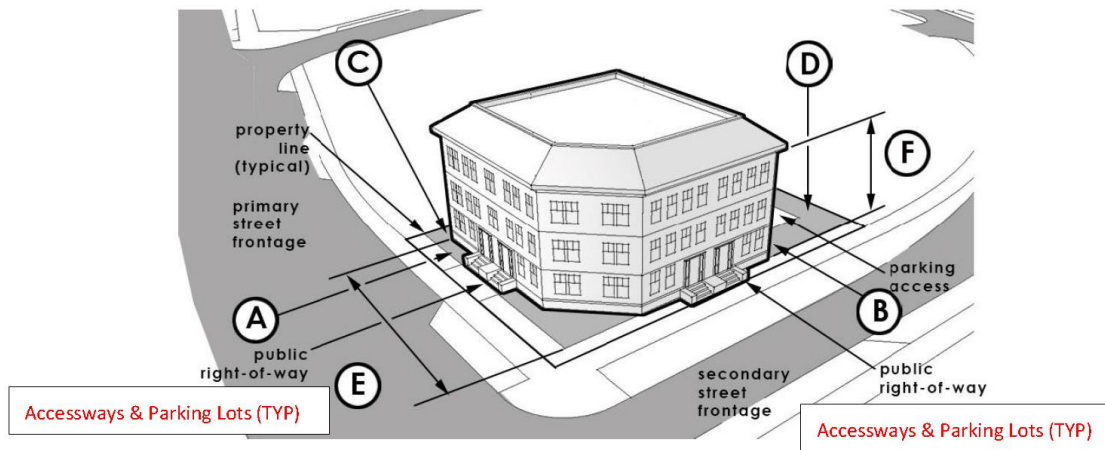
(Ord. No. 20-09062022, § 2, 9-19-2022)



**Sec. 60-548B.1. Building placement and configuration T-4.2B.**



**Elevated Building Placement**



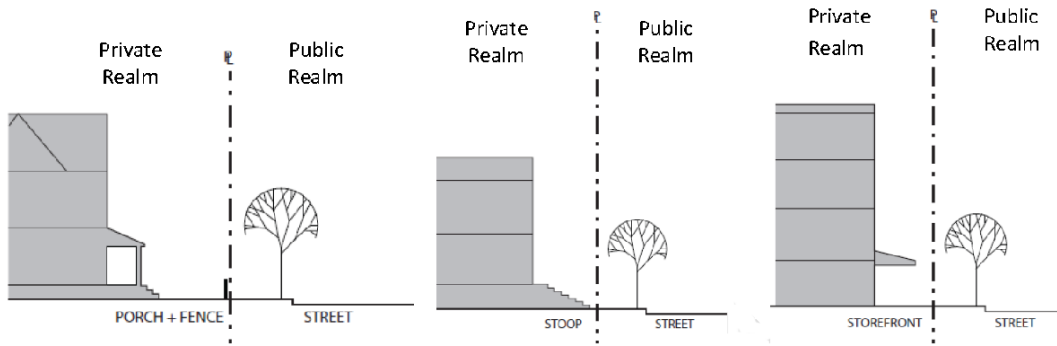
**Building Placement on Lot**

<b>PRINCIPAL BUILDING PLACEMENT:</b>		
Front setback, principal:	5 ft. min./25 ft. max.*	(A)
(Corner lot) front setback, secondary:	5 ft. min./15 ft. max.	(B)
Side setback:	5 ft. min.	(C)
Rear setback:	10 ft. min.	(D)
Building lot coverage:	70% Max.	
Useable open space:	10% Min.	
Frontage build-out:	60% min (along front setback, primary)	
Lot Width:	24 ft. min/120 ft. max.	
<b>PRINCIPAL BUILDING CONFIGURATION:</b>		
Building width:	14 ft. min./110 ft. max.	(E)
Building height minimum:	1 story min.	(F)
Building height maximum:	3 story max.	(F) (excluding attic story)

\* Where adjacent buildings exceed the maximum setback, the maximum setback may be calculated by the average setback of principal structures on adjacent lots. For undeveloped adjacent lots, a setback of 25 feet shall be used for the calculation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-548B.2. Building frontages T-4.2B.**



**Common or Porch Yard Stoop Yard Frontage Storefront Type**

<b>BUILDING FRONTAGE TYPES:</b>	Common yard; porch yard, stoop and storefront.
<b>BUILDING ENTRIES:</b>	Primary entry door is encouraged along ground story facade facing a primary street.
<b>BUILDING ENVELOPE ARTICULATION:</b>	
Ground story building frontage facade:	<u>Residential</u> - Windows and doors shall comprise a minimum of 25% and maximum 60% coverage of the total ground story frontage facade. <u>Commercial</u> - Windows and doors shall comprise a minimum of 40% and maximum of 90% coverage of the total ground story frontage facade.
Upper story building frontage facade:	Windows and doors shall comprise a minimum of 20% and maximum 40% coverage of the total upper story building frontage facade.
Ground story finished floor elevation:	<u>Residential</u> - The ground story elevation must be a minimum of 2 feet minimum and 6 feet maximum above the front yard elevation (average grade). <u>Commercial</u> - The ground story elevation must be at a minimum of sidewalk grade to maximum of 2 feet.
Frontage facade wall:	Blank lengths of wall exceeding 10 linear feet are prohibited.

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-548B.3. External elements T-4.2B.**

Front yard fence:	<u>Residential</u> - A front yard fence a minimum of 2 feet and a maximum of 4 feet in height is encouraged to maintain spatial edge of street. No chain link, vinyl, split rail, or barbed wire is allowed .
Front yard fence/wall opening:	A vehicle entry way, as part of a front fence/wall, shall be a maximum width of 20 feet; a pedestrian entry way shall be a maximum width of 6 feet.
Building projections:	No part of any building, except overhanging eaves, awnings, balconies, bay windows, stoops and other architectural features shall encroach beyond the minimum front setback line.
Porch & stoop encroachments:	Porches & stoops may encroach upon the minimum front setback line by the following distances: Front setback, principal frontage 5 ft. maximum. Front setback, secondary frontage 5 ft. maximum.
Garages:	Detached garages shall be located a minimum of 20 feet from any street right-of-way.
Driveways:	Driveways are encouraged to be on the secondary street frontage. Driveways shall be paved and a minimum of 8 feet wide and a maximum of 20 feet wide.
Parking:	<u>Residential</u> - Vehicle parking areas shall be located only on driveways or designated parking areas and shall not extend into the street right-of-way or sidewalk. <u>Commercial</u> - Parking shall be located to rear of the property to the greatest extent possible. Parking on a side yard is limited to no more than 60 feet wide or 40% of the lot width. Screening and/or street wall is required for parking areas along a street.
Accessory structures:	Accessory structures shall be located a minimum of 20 feet from any street right-of-way and 5 feet from either side or rear property line.
Landscaping:	Landscaping is encouraged but shall not extend into any street right-of-way or sidewalk. Street trees are encouraged.
Foundation planting:	Foundation plantings are encouraged but should be pruned and maintained with enough clearance from the building facade to encourage air circulation.

(Ord. No. 20-09062022, § 2, 9-19-2022)

**Sec. 60-554. Form based code use and parking matrix.**

<b>Key:</b>	
S =	Special exception
P =	Permitted
X =	Prohibited
sp =	Parking space
sf =	Square foot of gross floor space
DU =	Dwelling unit

USE(1)	T-4.1	T-4.2B(4)	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS(2)
<b>Residential Use Type</b>							
Single family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & breakfast < 4 rooms	S	S	P	P	P	P	1 sp/employee plus 1 sp/guest
Bed & breakfast > 4 rooms	S	S	S	P	P	P	1 sp/employee plus 1 sp/guest
Hotel	X	X	X	S	S	P	½ sp/employee plus 1 sp/room
Elderly/child care facility	S	S	S	S	S	P	½ sp/employee plus 1 sp/8 users
Home occupation	P	P	P	P	P	P	Based on use type (ch. 60, art. IX)
Community based residential facilities	P	S	P	P	P	P	1 sp/employee plus 1 sp/client
Boarding house/ lodginghouse	P	S	P	P	S	X	1 sp/guestroom plus 1 sp/employee
<b>Office/Service</b>							
Professional offices	S	S	S	P	P	P	None
Medical and dental clinics	S	S	S	P	P	P	None
Personal services	S	S		P	P	P	None
<b>Retail Type Use</b>							
General retail	S	S	S	P	P	P	None
Age restricted retail(3)	S	X	S	S	S	S	None
Specialty shops	S	P	P	P	P	P	None
Restaurant up to 30 seats w/16 outdoor	X	S	S	P	P	P	None
Restaurant over 30 seats w/16 outdoor		X	S	S	P	P	None
Halls, private clubs, indoor amusement	S	S	S	S	P	P	None
Artist studios, performing art center	S	S	S	P	P	P	None

<b>Civic</b>							
Church or places of worship	S	S	S	P	P	P	None
Government offices	X	S	X	P	P	P	None
Art galleries	S	P	P	P	P	P	None
Transportation facilities	X	X	X	S	S	S	None
Adaptive reuse of structures of community significance	S	S	S	S	S	S	None
Public safety services(5)	S	S	S	S	S	S	None
Government service(5)	S	S	S	S	S	S	None
Municipal or public utilities and communication facilities(5)	S	S	S	S	S	S	None
Municipal services	P	P	P	P	P	P	None
Detention facility(5)	X	X	X	X	S	X	None

**Notes:**

- (1) Uses not listed are considered prohibited unless deemed similar by the director of planning or by the planning board through a special exception approval.
- (2) \* Parking requirements in T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6 may be provided by the municipality or private parking resources within 500 feet of the principal building, subject to planning board approval.
- (3) Where more than 50 percent of floor space is devoted to age restricted goods. This may include licensed adult use or medical marijuana stores.
- (4) Office, service and retail uses limited to 1,500 SF footprint and must include a residential unit; no drive through businesses allowed.
- (5) All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. No. 04-03072016, 5-16-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 07-05202019, 6-3-2019; Ord. No. 29-06212021, 7-19-2021; Ord. No. 20-09062022, § 3, 9-19-2022; Ord. No. 02-02132023, 2-17-2023)

**Appendix A: Transportation Goals:** This applies to Area A1, A2, Area B1 & B1. Future plan regarding Washington Street also connect to Area C.

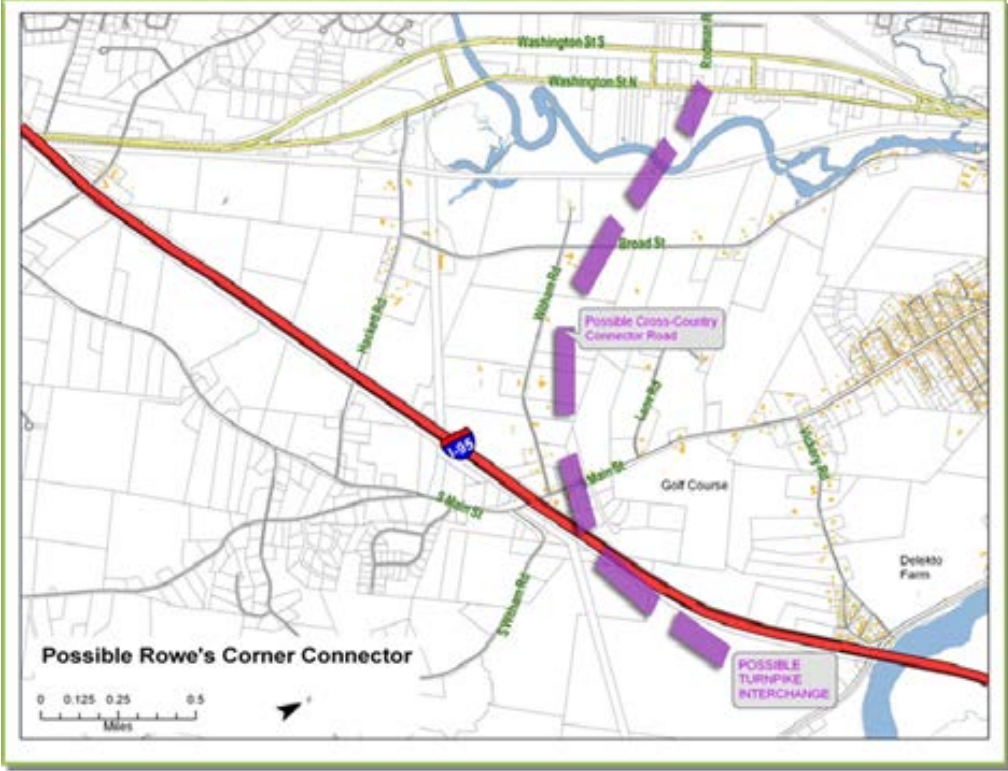
***“Goal G.1: Auburn supports real-estate growth patterns that fully utilize the utility of all road networks in the city, making necessary additional connections between road networks to advance this goal...”***

1. The full utility of the Maine Turnpike and Washington Street have not been integrated into residential growth patterns in Auburn. Previous efforts to integrate the Turnpike focused on industrial/commercial growth, which is no longer recommended in the Comprehensive Plan.
2. The New Auburn area is dominated by streets running north to south with limited east to west connections. The Little Androscoggin and Androscoggin Rivers have driven that development history and the Comprehensive Plan specifies recommendations to establish broader east-west connectivity. Developing a grid network as projects are proposed under site plan review will allow for priority streets to serve both local uses and regional mobility and keep through traffic out of neighborhoods.
3. Developing a connected grid of streets will need to be part of site plan review to avoid creating congestion and safety issues in key areas of New Auburn village and Danville.

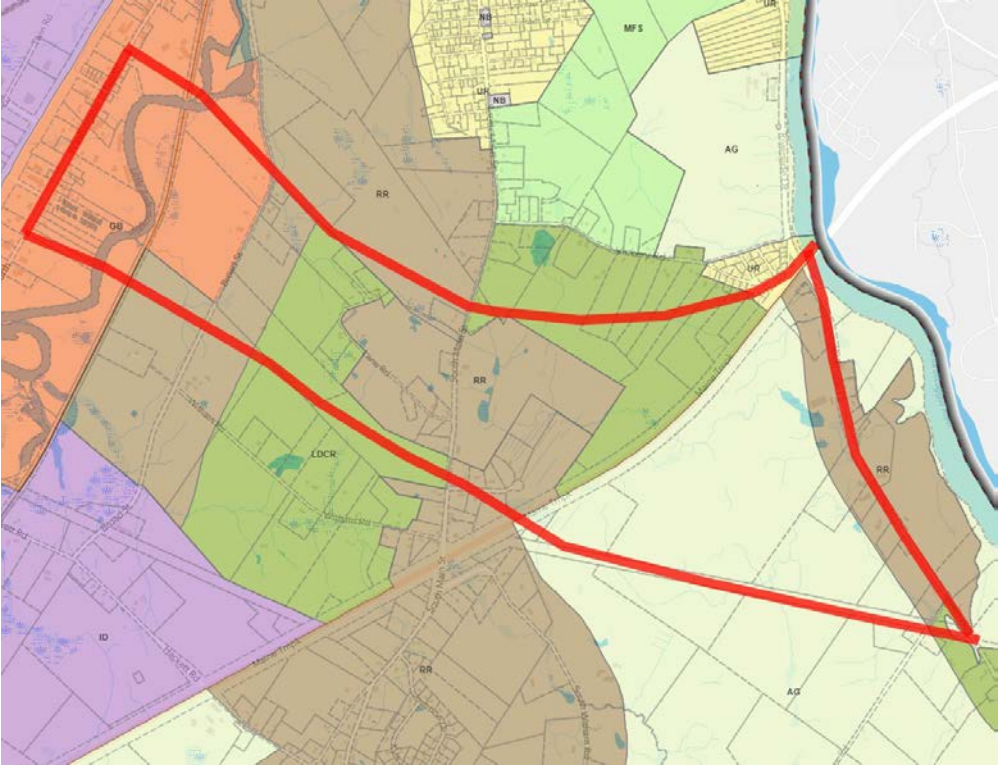
***“Goal G.2: Auburn has a well-designed–and functioning road network that safely and equitably moves all manner of users (cars, buses, bikes, and pedestrians) into and through the community while expanding traditional residential neighborhood growth patterns in Danville and New Auburn. Expansions in neighborhood growth are in keeping with traditional transportation network patterns, such as interconnected streets that provide multiple travel patterns, avoiding a rigid hierarchy of streets.”***

1. Additional residential growth at the densities already in place in the core neighborhood will have an impact on the existing road network in New Auburn. Implementing this comprehensive plan goal is done through increased density allowed in zoning and the establishment of an interconnected street grid, over time, resembling the existing built area.
2. Expansions in transportation capacity, such as connector roads or highway interchanges, are difficult to permit if the goal is “sprawl repair” due to haphazard road layout and inefficient use of land for community growth.
3. New capacity, linked to providing for regional mobility and a protection of neighborhood and village street grids, does provide a strong foundation for pursuing state/federal permitting.

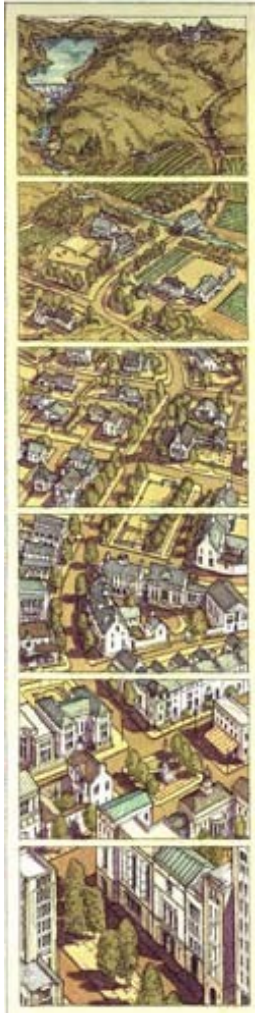
Possible Connector- Comprehensive Plan page 51



Possible Connector Protection Corridor



## FREQUENTLY ASKED QUESTIONS



**FORM-BASED CODE** The Form Based Code Institute defines a form-based code as “a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code. A form-based code is a regulation, not a mere guideline, adopted into city, town, or county law. A form-based code offers a powerful alternative to conventional zoning regulation.”<sup>2</sup> The purpose of implementing form-based code is to provide equitable access to housing in walkable neighborhoods by allowing residential uses at a density driven by the form, lot size and configuration of the lot with less minimum road frontage required and shared driveways encouraged. Form-based code regulates the physical form of the built environment using transects, which are the standardized categories that describe the range or continuum of development types; from T-1 Natural Areas to T-6 Urban Core or City Center with an additional category designated for other uses. Form-based code offers an alternative to traditional zoning laws which separate where we live from where we work, learn, shop, play, and gather. By strictly regulating the setbacks and types of housing, units are built further apart resulting in greater reliance on roads. As an alternative, form-based code promotes walkability by reducing the separation between private and public realms of life. Auburn’s form-based code proposes six types of form-based code districts, T-4.1, T-4.2B, T-4.2, T-5.1, T-5.2 and T-6. These districts range from least urban to most urban. T-4.2B is characterized as the Traditional Neighborhood Development District or General Urban Zone.

### **How would T-4.2B affect my neighborhood?**

Building by form as regulated in T-4.2B will differ based on where you live and the existing neighborhood form. Most city lots are small and already built on, likely limiting additional development to infill housing

opportunities and freedom for property owners to add additional units or make improvements to existing homes. Each landowner can decide whether to make changes to their property based on the ordinances and the existing conditions. In general, this zoning opens opportunities for landowners to add value to their property.

**Would higher density in the city core make the traffic worse?** Adding more housing, though may add more vehicles to the road in the short term, will allow the city to fund projects to improve current road conditions, and invest in improving circulation patterns throughout the city. Increasing density will also make Auburn a more viable location to extend pedestrian and bicycle infrastructure, local public transit, and especially commuter transportation to and from nearby metro areas like Boston, Portland, and more.

Form based code encourages building closer to the street, creating the illusion of narrower roadways which are proven to slow down vehicles. This zoning encourages and supports safe pedestrian traffic, over time also decreasing reliance on vehicles.



### **More units will mean more kids who need education. Will T-4.2B make this worse for already strained educators?**

Applying form-based code could improve the state of Auburn's schools. Over the past several years, students enrolled in Auburn public schools have been stagnant and falling. Fairview can absorb another 100 students, Walton can absorb another 150, and East Auburn is close to capacity but could absorb about 20 more students. Altogether, the district could absorb up to 500-600 more students.

A reliable marker for determining enrollment trends in schools is the rate of preschool enrollment. Superintendent, Dr. Connie Brown, noted in 2022 that preschool enrollment has been decreasing over the past several years resulting in needing to close Walton Preschool and reducing the hours of East Auburn preschool. She noted that there are other schools that may need to close if they cannot increase enrollment.

The school district can, and in some cases will need to absorb more students, though it is also struggling with attracting and retaining teachers. The recommended monthly house payment is 28% of a person's income. The entry level pay for a teacher is \$42,000.00, a firefighter starting wage is \$45,000.00 plus average OT is \$10,000 for a total of \$55,000.00, and a police officer with OT is \$65,000.00. The average price of an existing, entry level home is \$267,500.00 and the average cost of a new entry level home is \$318,000. Based on the 28% recommendation, a person would need to make \$87,450.00/ year to afford an existing entry level home, and 104,6000.000/year to afford a new entry-level home. People working the above noted jobs, which are critical to some of the most important city services could not afford to build or purchase a home in the city that they work in. A teacher and fireperson living together still could not afford a single-family home in the city where they work. Dr. Brown stated that her number-one reason for teacher resignations is that they found another job closer to where they live. Housing options need to reflect different families and individuals' lifestyles and incomes.

### **How might new zoning affect the housing crisis?**

In his article, "3 Zoning changes that Make Residential Neighborhoods More Affordable", Founder and Director of the Urban Sustainability Accelerator and Institute for Sustainable Solutions at Portland State University, Robert Liberty, identified eliminating single-family-residential-only zoning as an important factor to make residential neighborhoods more affordable. Multifamily housing is outlawed in about 75% of the country which poses a significant barrier for low to middle income residents by reinforcing housing segregation and increasing reliance on cars.

### **Form-based code allows mixed uses and businesses among homes. What does this mean?**

#### **What can I expect?**

T-4.2B will allow uses other than single family including small businesses with a residential unit on the same parcel. Businesses shall not be over 1,500 square feet. Drive-through restaurants are not allowed in T-4.2B and cannabis shops are also prohibited. There are some businesses that

will be prohibited, and most will require Special Exception Approval from the Planning Board, with Public Notice and Hearing, depending on the size and type.

### **WHY CONSIDER APPLYING FORM BASED CODE TO THESE FIVE AREAS:**

1. The proposed zone change will **increase housing opportunity** for more people by lowering barriers to finding housing. Auburn's housing supply is limited and is not increasing fast enough to accommodate both current residents and those who want to call Auburn home. Housing scarcity drives up prices and increasing the supply of housing will lower the cost overtime.
2. The proposed zoning will **allow a wider variety of housing**. Offering choice in housing to residents will allow more residents the freedom to live as they want and not pay more than they can afford. Financial institutions recommend not spending more than 28% of household gross income on housing. Single family homes are outside of the price range and may not meet the lifestyle needs of many people, especially young adults, young families, empty nesters, older adults and many in between. The current zoning essentially renders housing that is not single-family or two-family illegal effectively barring those who cannot afford the high price of a single-family home to live with their neighbors. Allowing mixed use housing gives residents of all backgrounds and financial capacities options and promotes community by allowing neighbors to live close to and among each other.
3. Current traditional zoning laws tend to separate where we live from where we work, learn, and shop and force us to center roads over all other aspects of city design. These roads, as they are today, are dangerous to pedestrians and cyclists. We have an over-reliance on cars and Auburn's form-based code is meant to provide an alternative. T-4.2B **encourages walkability** by allowing uses that are not exclusively residential in moderately dense urban environments. There will not be walkability if there is nowhere to walk to. Encouraging infill and small business growth encourages walkability by giving folks spaces to walk to. Suburban sprawl as it exists limits transportation to folks who have a car and assumes that there will be little to no walking. It champions cars and roads over people and centralized communities.

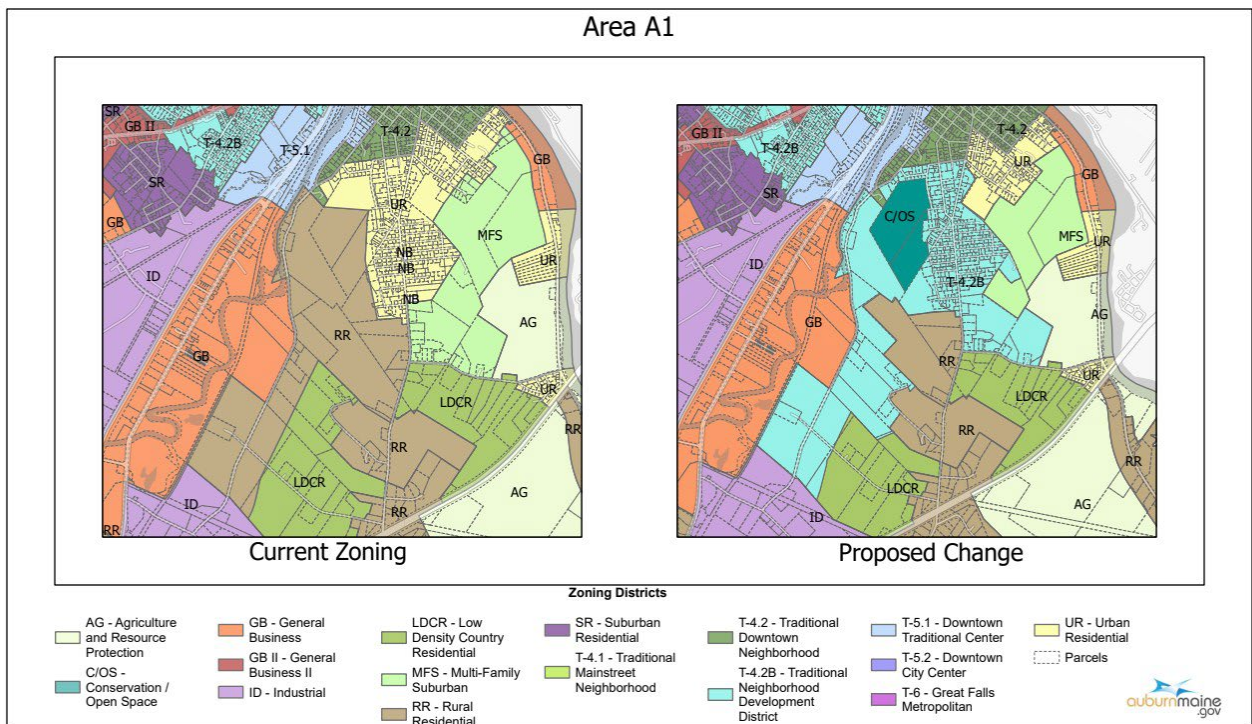


# City Council Ordinance

## IN CITY COUNCIL

**TITLE:** Zoning Map Amendment changing UR, MFS, NB, RR, and LDCR zoning to T-4.2B in Area A1

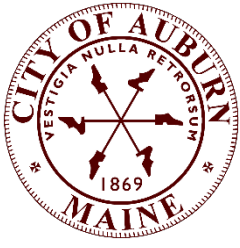
**Be it ordained,** That the Auburn City Council amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence, Multifamily Suburban, Neighborhood Business zoning, Low Density Rural Residence zoning, and Low-Density Country Residence zoning districts to the Traditional Neighborhood Form Based Code T-4.2B zoning district and Conservation/Open Space district as shown on the attached map.



**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 18, 2023

**Ordinance:** 14-09052023

**Author:** Office of Planning and Permitting

**Subject:** Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area A2".

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**Information:**

On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area A2, generally located near South Main, Loring, Mary Carroll and Seventh Street, from the Urban Residence and Multifamily Suburban zoning districts to the Traditional Neighborhood Form Based Code T-4.2B and Conservation/Open Space zoning districts. Area A2 is part of Area A, which was presented to the Planning Board on July 11, 2023. Area A was divided into Area A1 and Area A2 for the August 8 Planning Board meeting so Planning Board and City Council could consider how the proposed zone, T-4.2B, would apply to different parts of this land area, and consider the zone change incrementally. A1 and A2 meet near Loring Ave and South Main St.

After conducting a public hearing, Planning Board is recommending that City Council vote to amend area A2 as described, in the attached motion and staff report, and shown on the attached map and the vote failed 3/4. The Board followed up with a motion to not recommend approval and the motion passed 4/3.

**City Budgetary Impacts:** None

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**Staff Recommended Action:**

Public hearing and first reading on 9/5/2023.

---

**Previous Meetings and History:**

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

August 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas. City Council Public hearing and first reading on 9/5/2023.

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**City Manager Comments:**

*Phillip Crowell Jr.*

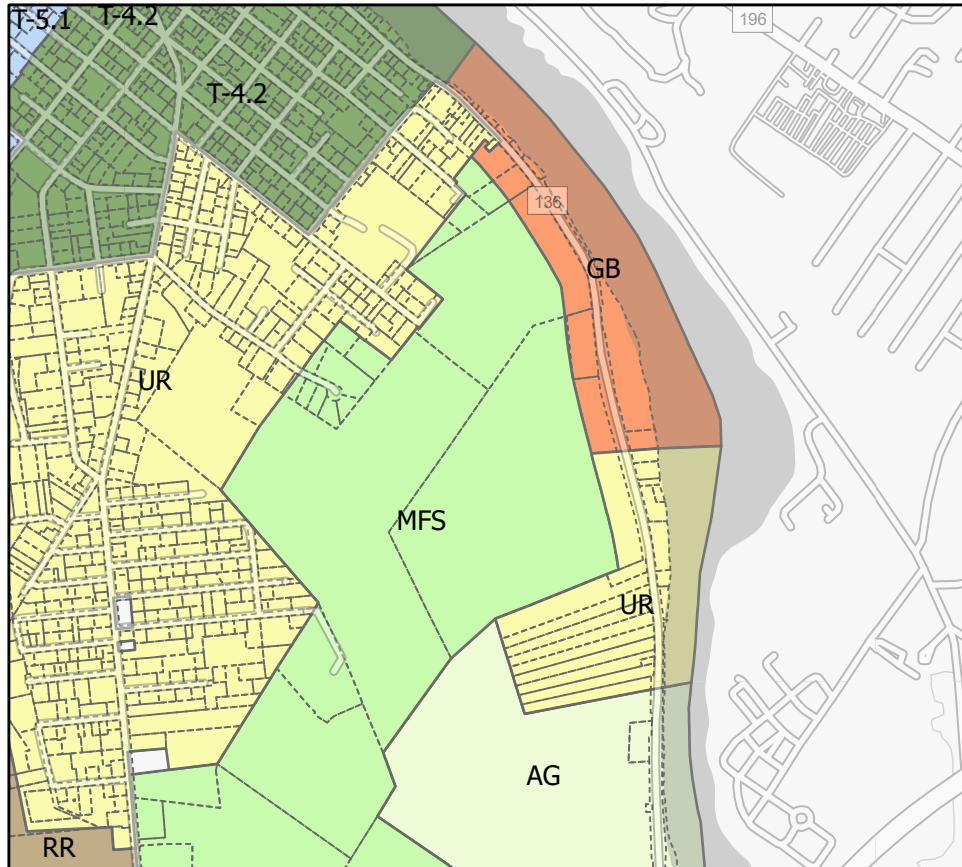
I concur with the recommendation. Signature:

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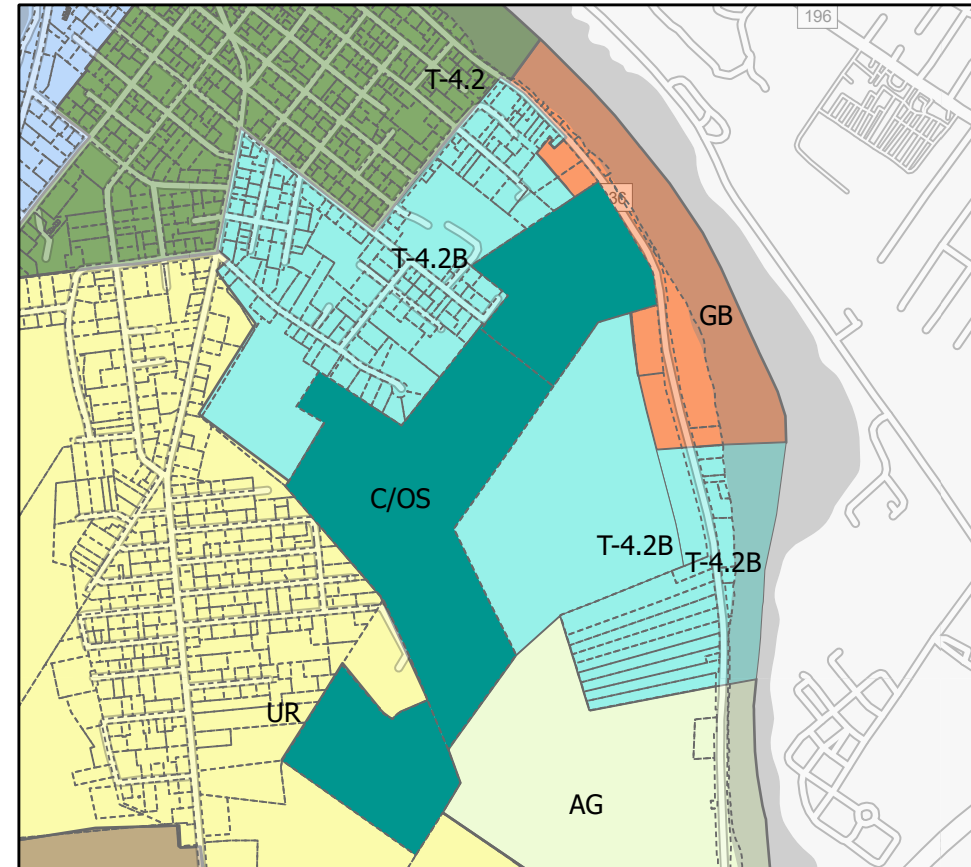
**Attachments:**

Planning Board recommendation to City Council, 08/08/2023 staff report, proposed map amendment, Ordinance 14-09052023.

# Area A2



Current Zoning



Proposed Change

## Zoning Districts

- |  |                             |  |   |  |                                     |                        |
|--|-----------------------------|--|---|--|-------------------------------------|------------------------|
| AG - Agriculture and Resource Protection | GB - General Business       | LDCR - Low Density Country Residential | SR - Suburban Residential                   | T-4.2 - Traditional Downtown Neighborhood              | T-5.1 - Downtown Traditional Center | UR - Urban Residential |
| C/OS - Conservation / Open Space         | GB II - General Business II | MFS - Multi-Family Suburban            | T-4.1 - Traditional Mainstreet Neighborhood | T-4.2B - Traditional Neighborhood Development District | T-5.2 - Downtown City Center        | Parcels                |
|  | ID - Industrial             | RR - Rural Residential                 |   |  | T-6 - Great Falls Metropolitan      |                        |



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

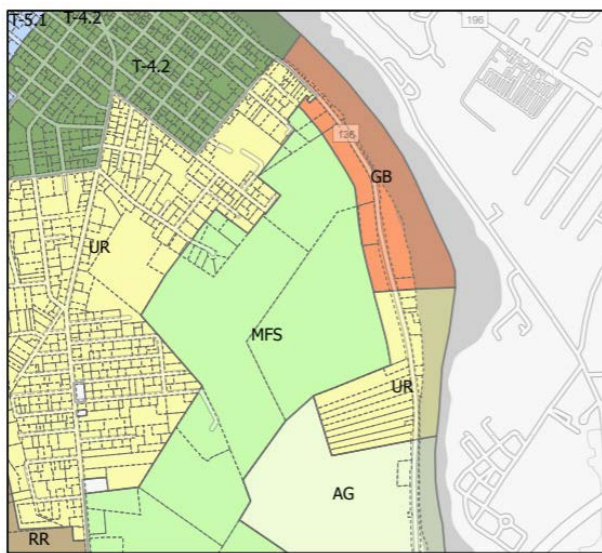
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

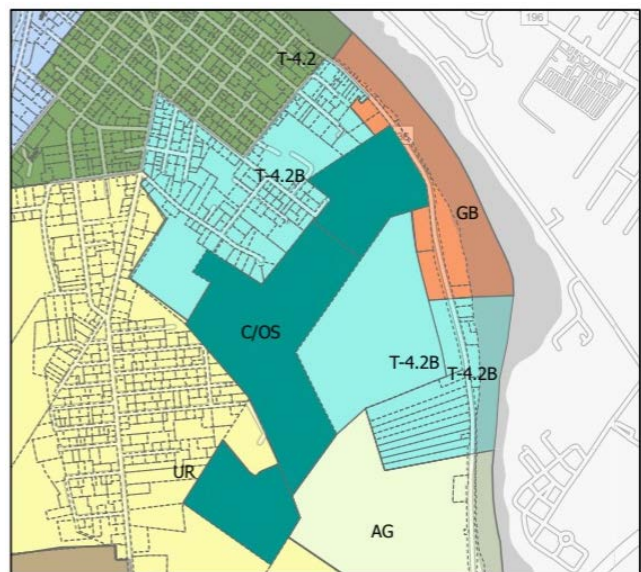
Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area A2

Date: August 8, 2023

- I. Public Hearing/ Zoning Map Amendment/ T-4.2B Area A2:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets.



Current Zoning



Proposed Change

- II. Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city. The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of

the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11<sup>th</sup> meeting:

1. “Area A” as presented on July 11 has been divided into ‘Area A1” and “Area A2”.
2. Area A2 is located near Mary Carroll St., Seventh St., to South Main St., and Loring Ave., where area A2 and A1 meet.
3. The proposed map reflects the existing colors in Auburn’s official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
4. Three parcels, Huston Field, and the adjacent parcel owned by Androscoggin Land Trust, and Oak Hill Cemetery are proposed to be rezoned to Conservation Open Space to reflect their public/neighborhood use.

**III. Traditional Neighborhood Development District:** *Description-* The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

*Objective* – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

*Allowed Uses* – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

*Development Standards* – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

**IV. Transportation Goals:** *See Appendix A.*



V. **Suggested Reasons, Findings and Staff Recommendation:** Forward a positive recommendation to City Council to rezone Area A1 to T-4.2B with the following suggested findings:

1. The 2021 Comprehensive Plan recommends expanding the Form Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals (see above item IV).
3. The city's transportation goals identified in the Comprehensive Plan will require infill between New Auburn and Broad Street. As the City is planning for a highway interchange, (Appendix A) creating higher density in this area will bring the City closer to this goal.
4. The Comprehensive Plan supports growth in the "city core" which includes Area A2. Developing within the city core means more efficient, cost-effective city services to support growth.
5. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
6. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
7. Limit the need for new city-maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
8. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. Many existing homes in Area A2 are nonconforming because the traditional building pattern set homes close to the road, not in alignment with current zoning standards. The nonconforming buildings meeting this description can remain where they are if unchanged, but nonconformance drastically limits the improvements or repairs a homeowner can make. Reducing the setbacks alleviates this challenge.
9. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
10. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003, and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.

VI. **Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning

district, and the Conservation/Open Space zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map.



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area A2.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets.

**MOTION:** Evan Cyr; **SECOND:** Darren Paul Jacques.

“I make a to recommend amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map.” **VOTE:** 3-4-0 motion fails.

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**MOTION** David Trask; **SECOND:** Toni Ferraro.

“I make a motion to not recommend amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district as shown on

the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department. This area is generally located near South Main, Loring, Mary Carroll and Seventh Streets as shown on the attached map." **VOTE:** 4-3-0 motion passes.

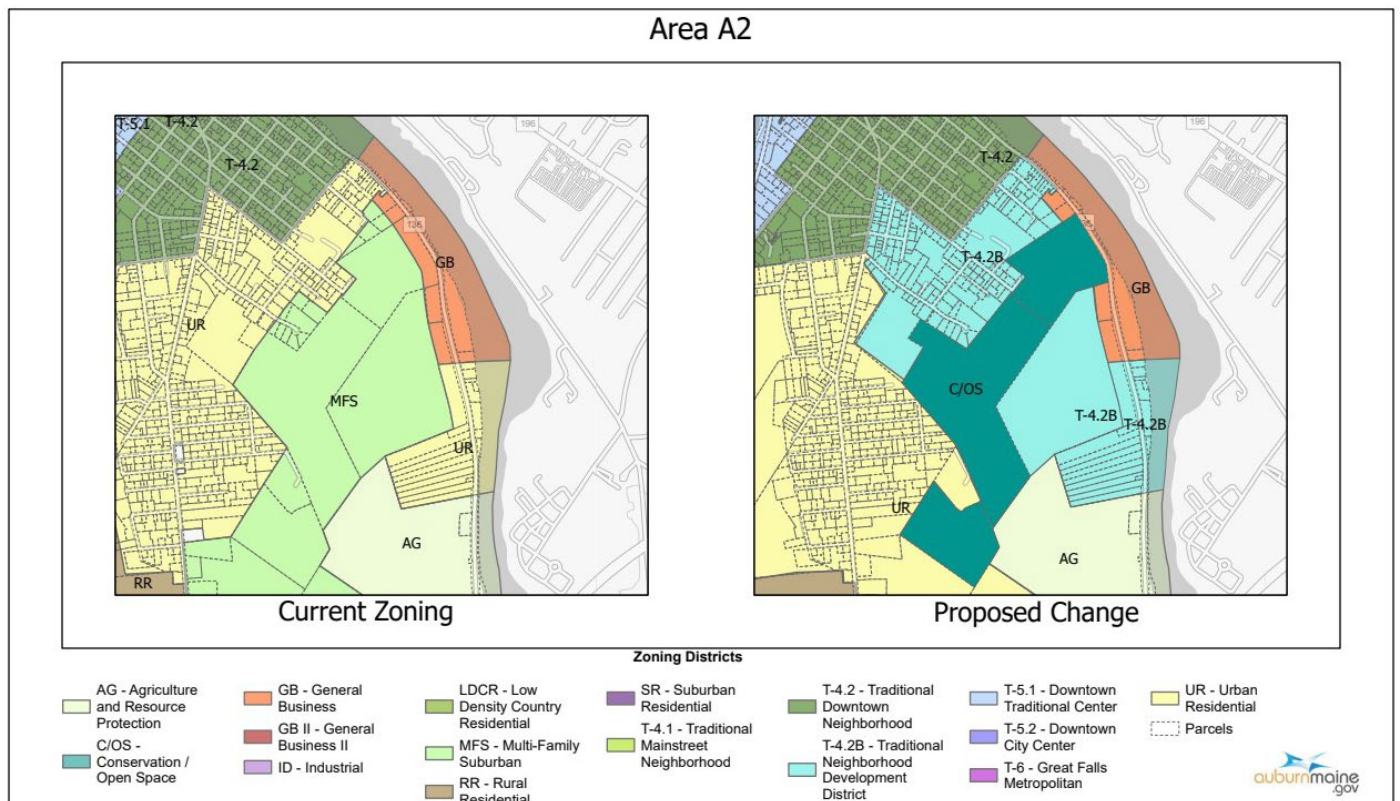


# City Council Ordinance

## IN CITY COUNCIL

**TITLE:** Zoning Map Amendment changing UR and MFS zoning to T-4.2B in Area A2

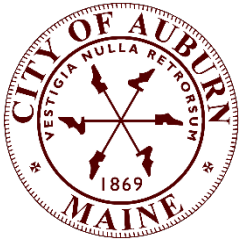
**Be it ordained,** That the Auburn City Council amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district, and the Conservation/Open Space zoning district. as shown on the attached map.



**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date: September 18, 2023**

**Ordinance: 15-09052023**

**Author:** Office of Planning and Permitting

**Subject:** Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area C".

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**Information:**

On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area C, generally located near Poland, Rodman, Manley and Hotel Roads, from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. After conducting a public hearing, Planning Board is recommending that City Council vote to amend area C as described, in the attached motion and staff report, and shown on the attached map.

**City Budgetary Impacts:** None

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**Staff Recommended Action:**

Review the Planning Board's findings, discuss, hold a public hearing on Area C as presented and vote on first reading.

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**Previous Meetings and History:**

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

August 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas. Public hearing and first reading on 9/5/2023.

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**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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**Attachments:**

Planning Board recommendation to City Council, proposed map amendment, 08/08/2023 staff report, Ordinance 15-09052023.



## City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area C.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near Poland, Rodman, Manley and Hotel Roads.

**MOTION:** Evan Cyr; **SECOND:** Riley Bergeron.

“I make a to recommend amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Poland, Rodman, Manley and Hotel Roads and is shown on attached map Area C.” **VOTE:** 7-0-0 motion passes.

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# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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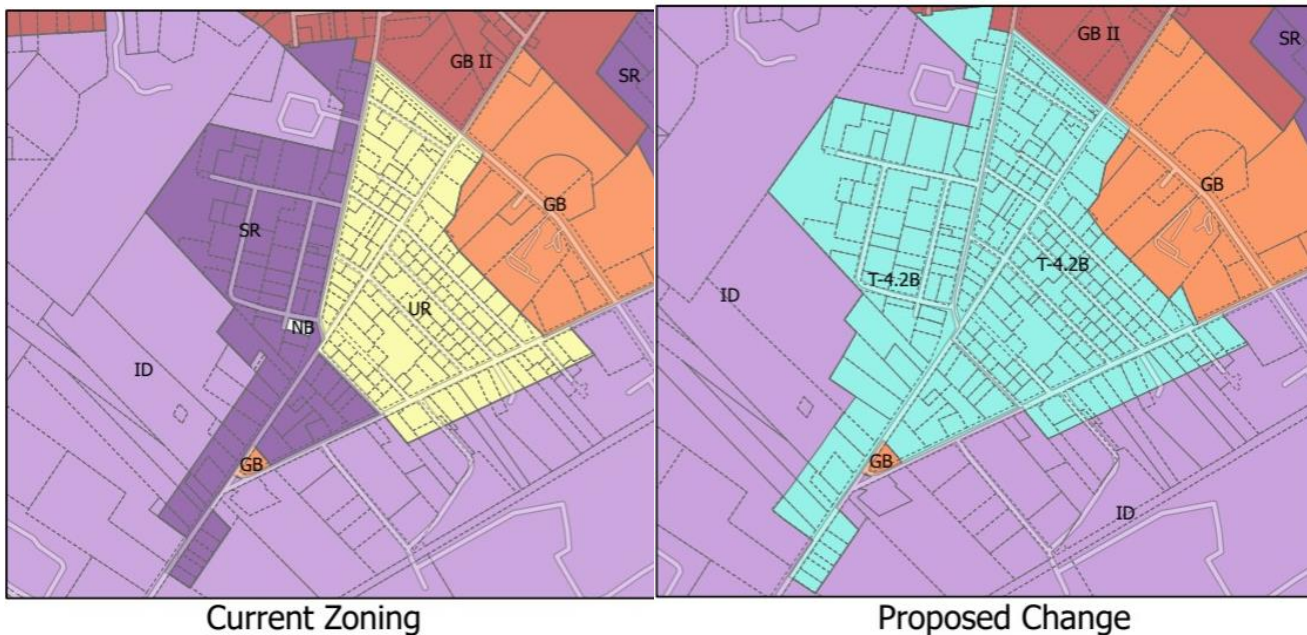
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area C

Date: August 8, 2023

- I. Public Hearing/ Zoning Map Amendments/ T-4.2B Area C:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near Poland, Rodman, Manley and Hotel Roads as shown on the attached map.



- II. Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city.

The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council. Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11<sup>th</sup> meeting:

1. The proposed map reflects the existing colors in Auburn's official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
2. The new zone boundaries were slightly cleaned up from last year's map so that zoning boundaries more frequently follow parcel lines rather than splitting smaller parcels between zoning districts.

**III. Traditional Neighborhood Development District:** *Description-* The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

*Objective* – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

*Allowed Uses* – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

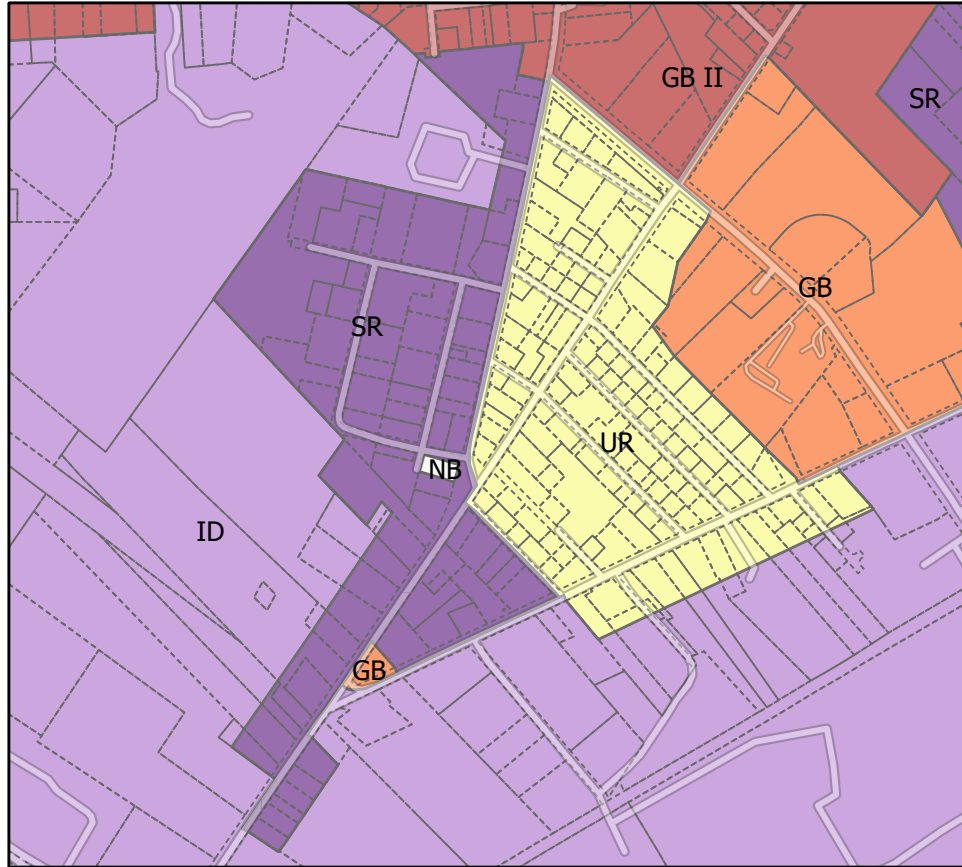
- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

*Development Standards* – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

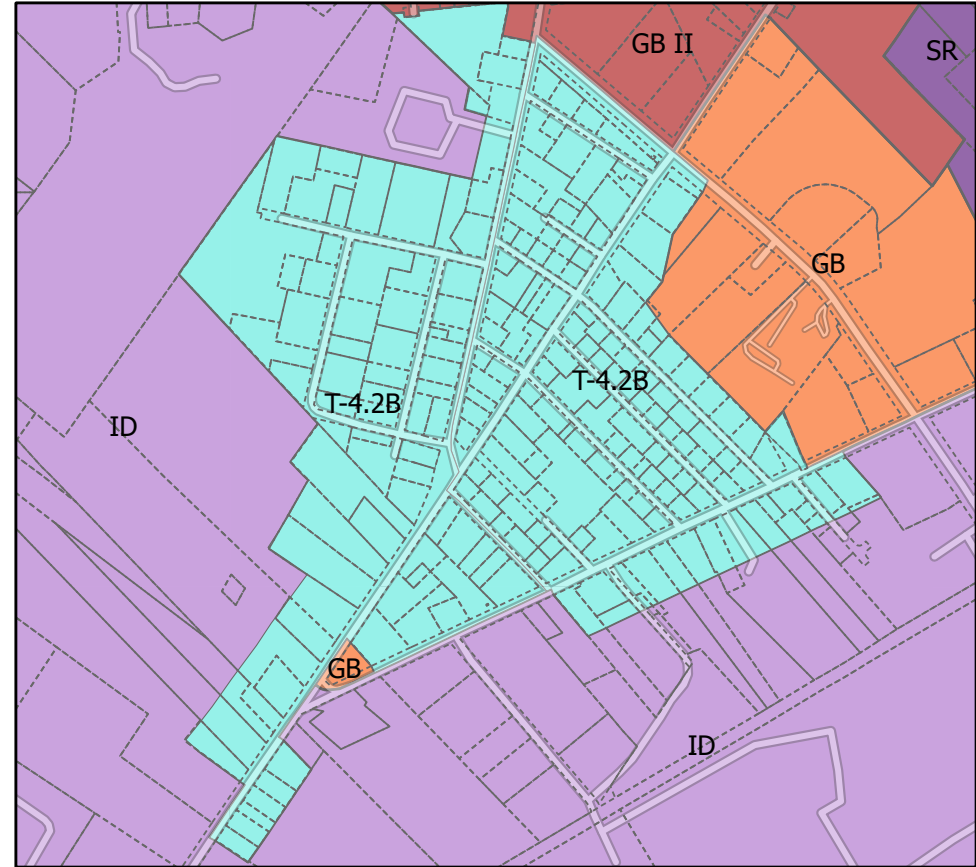
**IV. Suggested Findings and Staff Recommendation:** Forward a positive recommendation to City Council to rezone Area C to T-4.2B with the following suggested findings:

1. The 2021 Comprehensive Plan recommends expanding the Form Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.
  2. This proposed change is consistent with and supports the Comprehensive Plan's transportation goals and will be integrated into the Washington Street Corridor roadway and pedestrian connectivity plans.
  3. The Comprehensive Plan supports growth in the "city core" which includes Area C. Developing within the city core means more efficient, cost-effective city services to support growth.
  4. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
  5. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
  6. Limit the need for new city-maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
  7. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for many. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
  8. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.
- I. **Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Poland, Rodman, Manley and Hotel Roads and is shown on attached map Area C.

# Area C



Current Zoning



Proposed Change

## Zoning Districts

- |  |                             |  |   |  |                                     |                        |
|--|-----------------------------|--|---|--|-------------------------------------|------------------------|
| AG - Agriculture and Resource Protection | GB - General Business       | LDCR - Low Density Country Residential | SR - Suburban Residential                   | T-4.2 - Traditional Downtown Neighborhood              | T-5.1 - Downtown Traditional Center | UR - Urban Residential |
| C/OS - Conservation / Open Space         | GB II - General Business II | MFS - Multi-Family Suburban            | T-4.1 - Traditional Mainstreet Neighborhood | T-4.2B - Traditional Neighborhood Development District | T-5.2 - Downtown City Center        | Parcels                |
|  | ID - Industrial             | RR - Rural Residential                 |   |  | T-6 - Great Falls Metropolitan      |                        |

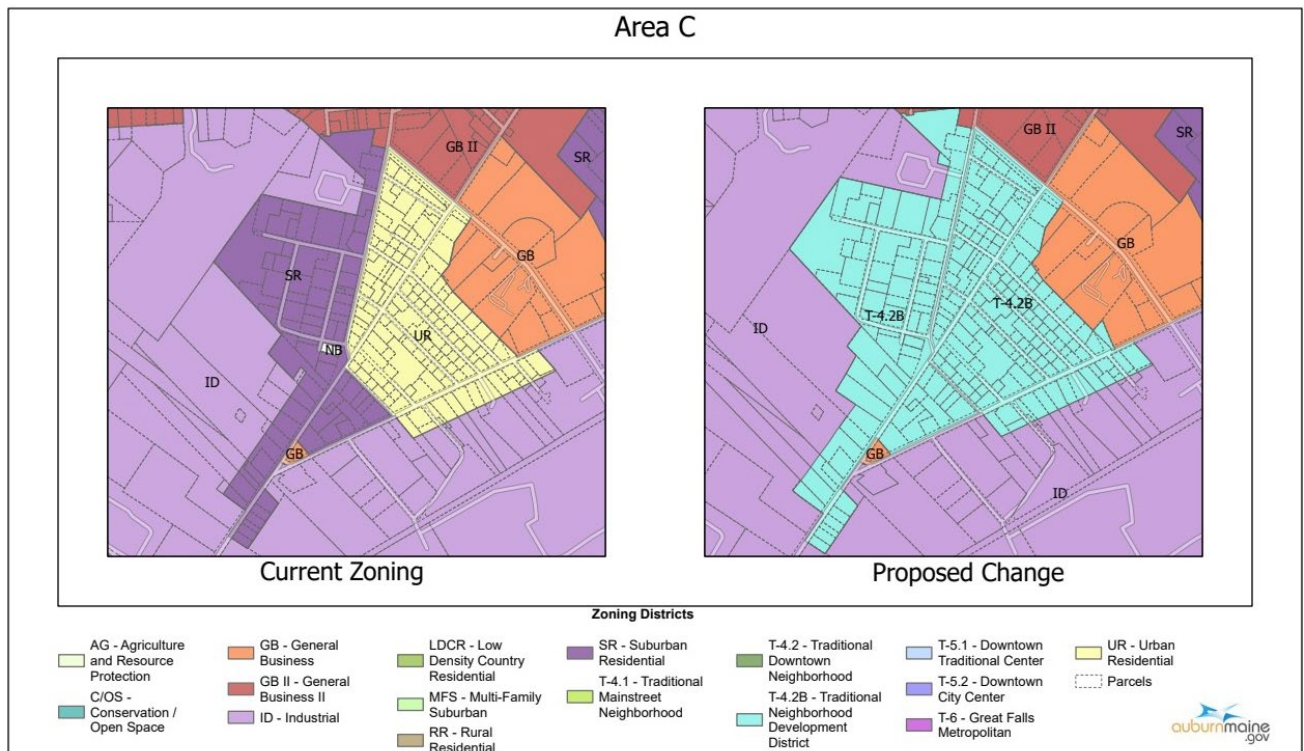


# City Council Ordinance

## IN CITY COUNCIL

**TITLE:** Zoning Map Amendment changing UR, SR, ID, GB, and NB zoning to T-4.2B in Area C

**Be it ordained,** That the Auburn City Council amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district, Suburban Residence zoning district, Industrial zoning district, General Business zoning district, and Neighborhood Business zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map.



**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 18, 2023

**Ordinance:** 16-09052023

**Author:** Office of Planning and Permitting

**Subject:** Public Hearing on Map Amendment to apply Form Based Code T-4.2B to "Area D".

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**Information:**

On August 8, 2023, Auburn Planning board held a public hearing on amending the zoning map for Area D, generally located near Northern Avenue, North River Road, and Bradman Streets, from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. After conducting a public hearing, Planning Board is recommending that City Council vote to amend area D as described, in the attached motion and staff report, and shown on the attached map.

**City Budgetary Impacts:** None

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**Staff Recommended Action:**

Review the Planning Board's findings, discuss, hold a public hearing on Area D as presented and vote to approve first reading.

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**Previous Meetings and History:**

Summer 2022: City Council and Planning Board held workshops and public hearings on Area A, B, C, and D. No action was taken.

July 11, 2023: Planning Board holds a public hearing on rezoning Areas A, B, C, and D, and voted to table each area to integrate feedback into a new map.

August 8, 2023: Planning Board holds a public hearing on rezoning Areas A1, A2, B1 & B2, C, and D. They made a recommendation on all areas except for Area B, which they tabled.

August 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the four areas.

Public hearing and first reading held on 9/05/2023.

---

**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

---

**Attachments:**

Planning Board recommendation to City Council, proposed map amendment, 08/08/2023 staff report, and Ordinance 16-09052023.



## City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on map amendment applying T-4.2B to Area D.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near Northern Avenue, North River Road, and Bradman Streets.

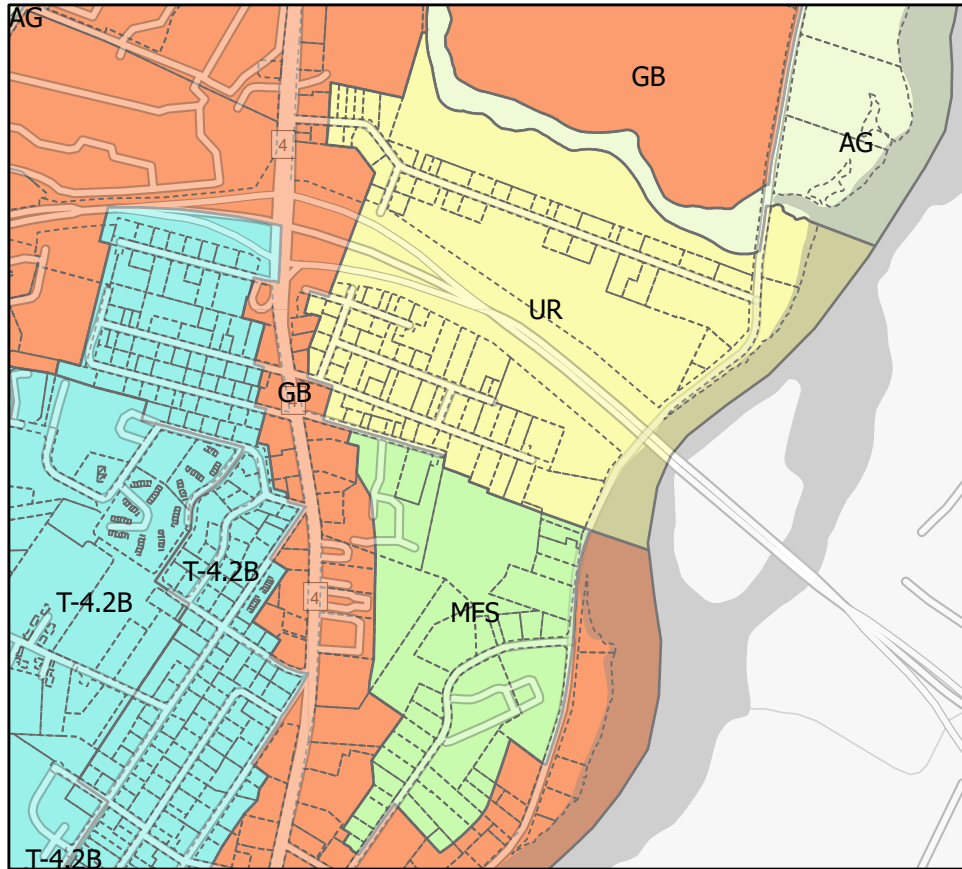
**MOTION:** Evan Cyr; **SECOND:** Paul Jacques.

“I make a to recommend amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Northern Avenue, North River Road and Bradman Streets shown on attached map D.’ **VOTE:** 7-0-0.

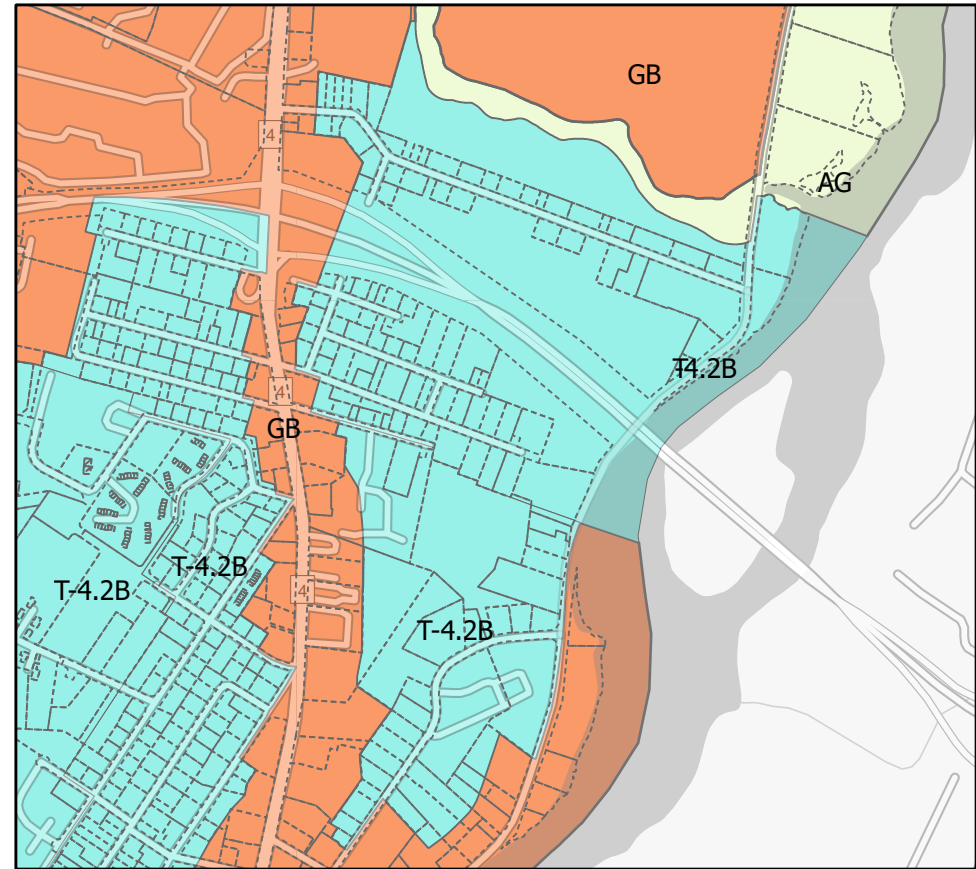
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# Area D



Current Zoning



Proposed Change

## Zoning Districts

- |  |                             |  |   |  |                                     |                        |
|--|-----------------------------|--|---|--|-------------------------------------|------------------------|
| AG - Agriculture and Resource Protection | GB - General Business       | LDCR - Low Density Country Residential | SR - Suburban Residential                   | T-4.2 - Traditional Downtown Neighborhood              | T-5.1 - Downtown Traditional Center | UR - Urban Residential |
| C/OS - Conservation / Open Space         | GB II - General Business II | MFS - Multi-Family Suburban            | T-4.1 - Traditional Mainstreet Neighborhood | T-4.2B - Traditional Neighborhood Development District | T-5.2 - Downtown City Center        | Parcels                |
|  | ID - Industrial             | RR - Rural Residential                 |   |  | T-6 - Great Falls Metropolitan      |                        |

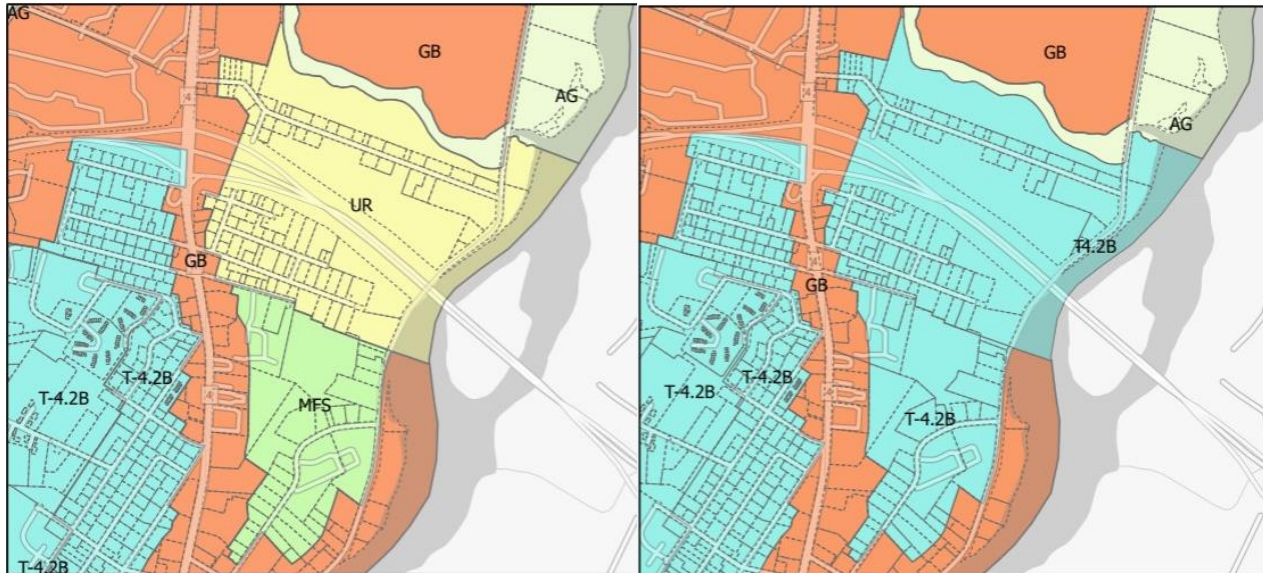
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Zoning Map Amendment Considering Applying T-4.2B to Area D

Date: August 8, 2023

- I. Public Hearing/ Zoning Map Amendment/ T-4.2B Area D:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department. This area is generally located near Northern Avenue, North River Road and Bradman Streets.



- II. Background:** Last summer, 2022, the Planning Board held Workshops and Public Hearings considering applying the Traditional Neighborhood T-4.2 or T4.2B zoning district to four areas, A-D, across the city.

The July 11, 2023, meeting was used to gather feedback on appropriate changes to finalize the proposed zoning map for a public hearing before the board makes a recommendation to Council.

Staff presented a new map for public review at a Community Conversation on August 1, 2023 with the changes from the Planning Board. Some Members of the Board, 2 City Councilors and 30+ residents were present, and many participated in the Community Conversation. The proposed zoning maps include the following five changes since the July 11<sup>th</sup> meeting:

1. The proposed map reflects the existing colors in Auburn’s official zoning map, with T-4.2B shown as a bright teal, and the Conservation Open Space zoning district shown as a dark teal.
2. The previous map showed a 100 ft. strip along North River Road to be changed to T-4.2B. The Planning Board gave feedback that they were not comfortable with this strip, and asked instead to show the map without the area north of Bobbin Mill Brook, reducing the acreage considered for Area D.

**III. Traditional Neighborhood Development District T-4.2B:** *Description-* The Traditional Downtown Neighborhood district is characterized by a small to medium sized buildings with smaller front yards and stoops in a more compact urban environment and includes and traditional neighborhood sized storefronts. The smaller minimum and maximum building setbacks form a moderately dense street-wall pattern, diverse architectural styles and pedestrian friendly streets and sidewalks (Sec. 60.549).

*Objective* – Allow for the development of a wide range of residential and community uses at a density of up to 16 units per acre, as specified in the Comprehensive Plan in areas that are served or can be served by public/community sewerage and public/community water (see Figures 2.3, 2.4 and 2.6). New development should be designed to minimize the number of vehicular access points to existing collector or other through roads.

*Allowed Uses* – The Traditional Neighborhood Development District generally follows the boundaries of the Urban Residential Zoning District, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed within the Traditional Neighborhood Development District:

- Low and High-Density Residential Dwellings
- Home Occupations
- Plant/Crop-Based Agriculture
- Community Services and Government Uses
- Small Offices and Mixed-Use Buildings
- Small commercial operations that do not exceed the average lot size of the neighborhood (or more than two times the average size of the home).

*Development Standards* – Residential uses should be allowed at a density of up to 16 units per acre with no minimum road frontage required, shared driveways are encouraged. The areas within the Traditional Neighborhood designation are served by public/community sewer and water. In general, the minimum front setback should be 15 feet max. Side and rear setbacks should be 5-10 feet or 25% of the average depth of the lot to establish dimensional standards that relate to the size and width of the lot with up to 70% lot coverage. Minimum building height 1 story with maximum of 3 stories (excluding an attic story).

**IV. Suggested Findings and Staff Recommendation:** Forward a positive recommendation to City Council to rezone Area D to T-4.2B with the following suggested findings:

1. The 2021 Comprehensive Plan recommends expanding the Form Based Zoning in this area as shown on the above map introducing a new Form-Based Zone T-4.2B.

2. Form Based Code creates opportunity for small-scale business enterprises and investment into existing neighborhoods. These business uses will require a residence to be connected to the building, encouraging owner occupied small business creation.
3. Auburn has a goal of providing opportunity for new homes. Form based code zoning allows for smaller lot sizes, setbacks, and mixed-use housing, thereby decreasing the amount of land a person would need to build housing.
4. Limit the need for new city- maintained roads by encouraging infill development with shared accessways within the identified growth areas in 2020 Comprehensive Plan.
5. Form based code allows for five-foot front and side setbacks in contrast with the current twenty-five-foot setbacks from the front of the lot. It discards the obsolete zoning construct that requires more land than needed for supporting residences.
6. Form based code allows single-family homes, duplexes, and multifamily homes in the same neighborhoods, creating options for people who want to live in Auburn but cannot obtain a single-family home. Mortgages and rents are presently unattainable for most. Folks who are not already settled in a home have few options to settle in Auburn due to not only the high prices, but also the low housing stock and the restrictive land use ordinances which limit new housing creation.
7. LD 2003, now adopted as law in the State of Maine, will require zoning in this area to allow four-unit multifamily homes. The State recognizes and therefore is mandating that municipalities allow diverse housing options at higher densities to address the statewide housing supply issue. Form based code is consistent with LD 2003 and allows Auburn to comply with this law while maintaining a traditional building form, consistent with the existing Auburn neighborhoods.
8. Form based code is appropriate for this area considering the existing Urban Residential, Multifamily, and General Business zoning.

**V. Suggested Motion:** I make a motion to recommend amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map. This item is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances. This area is generally located near Northern Avenue, North River Road and Bradman Streets shown on attached map D.

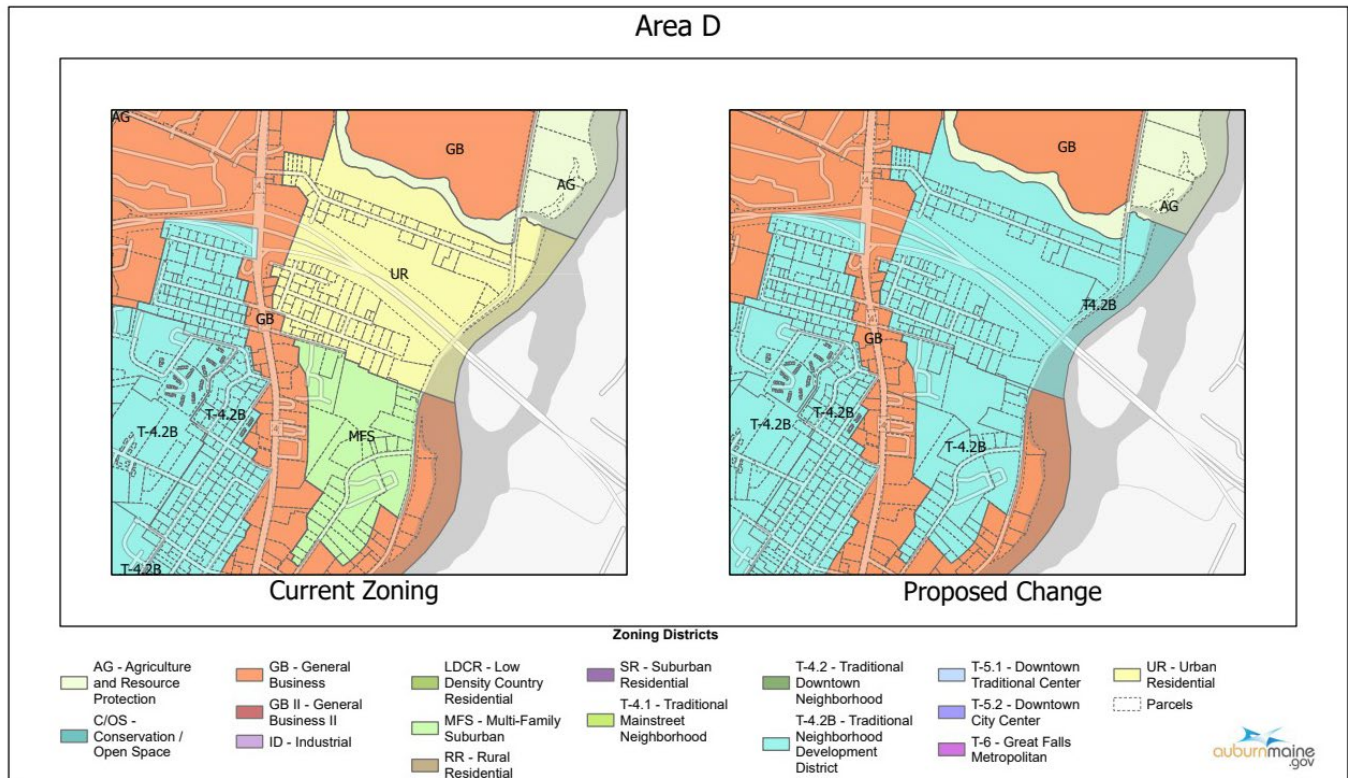


# City Council Ordinance

## IN CITY COUNCIL

**TITLE:** Zoning Map Amendment changing UR and MFS zoning to T-4.2B in Area D

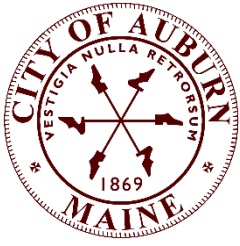
**Be it ordained,** That the Auburn City Council Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and Multifamily Suburban zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map.



**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date: September 18, 2023**

**Ordinance: 17-09052023**

**Author:** Office of Planning and Permitting

**Subject:** Public Hearing on Zoning Ordinance Text Amendment (B1)– Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.

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**Information:**

On August 8, 2023, Auburn Planning board held a public hearing on amending the Zoning Ordinance Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.

After conducting a public hearing, Planning Board is recommending that City Council vote to amend the ordinance as follows:

“I make a to recommend approval of the text amendment #1-5 and 7-8 as numbered on the staff report to chapter 60 article 14 article 4 division 2 agriculture resource protection district the text amendments were proposed at the June 6, 2023, planning board meeting and follow the passage of ordinance number 10-0620203 on July 10th, 2023, the proposed text changes are attached.” VOTE: 7-0-0 motion passes

Amendment 6 that the Planning Board recommended excluding reads as follows: Front. There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot or 400 feet, whichever is less.

Amendment 8: No amendment needed. 10-acre conservation cemetery allowance was already adopted by Council and was corrected in the attached ordinance text as adopted.

**City Budgetary Impacts:** None

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**Staff Recommended Action:**

Review the Planning Board’s recommendation, discuss, hold a public hearing on the text amendment as presented and vote to approve first reading with any exclusions that the Council determines are appropriate. The Changes are summarized and numbered in the Ordinance so they can re referenced as amendments if the Council chooses to approve some and exclude others. Public hearing and first reading on 9/5/2023.

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**Previous Meetings and History:**

July 10, 2023: Referred BB recommended changes to PB for Public Hearing.

August 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the AGRP Text Amendments.

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**City Manager Comments:**



I concur with the recommendation. Signature:

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**Attachments:**

Planning Board recommendation to City Council, 08/08/2023 staff report, proposed text amendment and Ordinance 17-09052023.



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B-1 with Planning Board Clarification Amendments #1-8

Date: August 8, 2023

**I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B1) Planning Board Proposed Changes Numbers One Through Eight:** Consider zoning text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

**II. Background:** On June 6, 2023, the Planning Board voted to recommend approving “Proposal B” with amendments replacing the income standard. On July 10, City Council voted to approve proposal B without the amendments offered in the Planning Board recommendation to City Council on AGRP Zone Proposals A and B (included in this packet) and issued an Order that Planning Board hold a public hearing on the proposed amendments that they delivered as part of their recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes.

The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B-1 with Planning Board Clarification Amendments #1-8 are complimentary to the existing language and function of adopted Proposal B, and do not seem to impose significant change from the previously approved Proposal B. Proposal B-1 with Planning Board Clarification Amendments #1-8 is summarized below and references each motion from 6/6/2023 prompting the text change (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).

**III. Proposal B-1 with Planning Board Clarification Amendments #1-8**

1. Add “or two acres, whichever is less” after the word coverage in Sec. 60-145(a)(1)(a). (Motion 1)

*Amendment 1 is intended to concentrate the residential development to a smaller percent of each lot and avoid disrupting more land than is needed.*

2. Add “agriculture.” in Sec. 60-145(a)(1)(b)(ii) (a, b, and c), after the words, farm, farming, and farm. (Motion 2\*)



*Amendment 2 broadens the uses that would allow for a residential unit to include agriculture uses in addition to farming, natural resource, or recreation.*

3. Add “**and Sec. 60-145(a)(1)(b)(ii)**” in Sec. 60-145(a)(1)(c) after the reference to “Sec. 60-145(a)(1)(a)”. (Motion 4)  
*Amendment 3 adds the requirement that a bona fide farm plan be presented to staff who will determine whether the proposal meets the ordinance before a certificate of occupancy is granted for a dwelling. In addition to the criteria that residential structures are limited to a footprint of 20% of the lot area or 2 acres, whichever is less.*
4. Add “**and Sec. 60-145(a)(1)(b)(ii)**” in Sec. 60-145 (a)(1)(d) after the reference to “Sec. 60-145(a)(1)(a)”. (Motion 5\*)  
*Amendment 4 adds specification that in order for a dwelling to continue existing, it must continually meet the requirements of a bona fide farm, in addition to keeping the residential footprint to 20% of the lot area or 2 acres, whichever is less.*
5. Add “**along a publicly accepted street**” to 60-146(1) after the word “frontage” (Motion 6).  
*Amendment 5 specifies that private ways may not be used as road frontage. This is intended to reduce the possibility of creating new roads for the purposes of developing housing, and generally limits the area able to be developed in the AGRP zone.*
6. Add “**or 400 feet, whichever is less**” to Sec. 60-146(3)(c) after the word “lot”.  
*Amendment 6 limits the maximum development depth on particularly large lots, thereby reducing land fragmentation and disturbing less earth for the construction.*
7. Add “**firewood processing, Christmas tree cultivation**” to Sec. 145(a)(3) after the word “sugaring”.  
*Amendment 7 is meant to recognize other common natural resources and timber harvesting practices besides agriculture and forestry. It expands the uses for which a home can be accessory.*
8. The updated proposal draft includes Sec. 60-145(b)(8)(c), recognizing that 10 acres is the minimum size for conservation cemeteries. This was previously adopted by the council so it is not shown as a change in this proposed text amendment.  
*Number 8 recognizes that the motion was made to include 10-acre conservation cemeteries in the AGRP ordinance, by showing the adopted AGRP text that includes this as condition C.*

**IV. Staff Recommendation:** Staff recommend the Planning Board recommend approval of all amendments in proposal B1, with the finding that they are in alignment with or strengthen the existing language and are true to the intent of the AGRP zone based on the Comprehensive Plan and existing Zoning.

**V. Suggested Motion:** I make a motion to recommend approval of the text amendments one through eight to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and follow the passage of Ordinance #10-062023 on July 10, 2023. The proposed text change is attached.

# Proposal B-1 with PI Bd Clarification Amendments #1-8

Prepared for August 8, 2023 Planning Board Meeting

Draft 7/20/2023

Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

## ARTICLE IV. - DISTRICT REGULATIONS

• • •

### *DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION DISTRICT*

#### **Sec. 60-144. Purpose.**

• • •

#### **Sec. 60-145. Use regulations.**

- (a) *Permitted uses.* The following uses are permitted:
- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:
    - a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage or two acres, whichever is less of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:
      - (i) Residential structures; and
      - (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and
      - (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and
      - (iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and
      - (v) Structures accessory to the residential use; and
      - (vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.

- b. New one-family detached dwellings shall:
    - (i) Not be built within the Lake Auburn Watershed Overlay District; and
    - (ii) Provide a farm, agricultural, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:
      - a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, agricultural, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.
      - b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, agricultural, recreational or natural resource use.
      - c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and
    - (iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
    - (iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
    - (v) Avoid being sited on wetlands; and
    - (vi) Avoid being sited on slopes greater than 25%; and
    - (vii) Not be sited on any portion of a parcel that is classified as being:
      - a. Currently enrolled in the State of Maine Farmland Tax Program; or
      - b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or
      - c. Currently enrolled in the State of Maine Open Space Tax Program.
  - c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.
  - d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a) and Sec. 60-145(a)(1)(b)(ii).
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns silos, storage buildings and farm automobile garages.
  - (3) Forest products raised for harvest, including, but not limited to, maple sugaring, firewood processing, Christmas tree cultivation, or mushroom cultivation.
  - (4) Field crop farms.
  - (5) Row crop farms.
  - (6) Orchard farms.
  - (7) Truck gardens.
  - (8) Plant and tree nurseries.

- (9) Greenhouses.
  - (10) Handling, storage or processing and sale of forestry products or agricultural products.
  - (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
  - (12) Wayside stands.
  - (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
  - (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.
  - (15) Marijuana manufacturing accessory to a licensed cultivation site.
  - (16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in Sec. 60-1501.
  - (17) Natural resource uses.
  - (18) Small-scale recreational uses of land designed or intended for public use.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
    - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
    - a. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
    - b. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
  - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
  - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
  - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
  - (5) Non-small scale recreational uses of land intended or designed for public use subject to the following conditions:
    - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
    - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
  - (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
    - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
    - b. In cases where no minimum setback is established by division 5 of article XII of this chapter

an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.

- (7) Rifle, pistol, skeet or trap shooting ranges, public or private.
- (8) Cemeteries, subject to the following conditions:
  - a. At least 20 acres in area
  - b. Not located in any environmental overlay district or over any known aquifer.
  - c. At least 10 acres if designated a conservation cemetery.
- (9) Municipal sanitary landfills, subject to the following conditions:
  - a. Not located in any environmental overlay district or over any known aquifer.
  - b. Provisions shall be made to avoid surface water and groundwater pollution.
  - c. Provisions shall be made for frequent covering of deposited wastes with earth to counteract vermin, insects, odors, and windblown debris.
- (10) Radio, radar, television and radio telephone transmitting or broadcasting towers, but not studios or offices for such transmitting or broadcasting, provided that:
  - a. Every such tower shall be installed in a location and manner that ensures its safe operation and the safety of the surrounding residents, building occupants, land uses and properties.
  - b. In no case shall such tower be located less than one and one-half times its height from the nearest property line.
- (11) Wholesale nurseries, subject to the following conditions:
  - a. At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner.
  - b. The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.
- (12) Processing and storage of compost and bulking agents from the municipal wastewater sewerage sludge facilities provided that:
  - a. All compost and amendments are to be stored undercover or screened from the public way and abutting property as determined by the planning board.
  - b. All federal, state and local ordinances and laws relating to the processing and storage of waste are complied with.
  - c. An end-use plan must be filed as part of the planning board process.
- (13) Licensed hospice care facility provided that it shall be licensed by the state as a Medicare certificate hospice.
- (14) Slaughterhouse, stockyard, abattoir, dressing plant in compliance with state and federal regulations subject to the following conditions:
  - a. The facility shall not be located within the Lake Auburn Watershed Overlay District, the watershed of Taylor Pond, the shoreland overlay district or the floodplain overlay district.
  - b. The proposed use shall not occupy more than 10,000 square feet of building area.
  - c. The number of employees shall be limited to not more than 15.
  - d. Accessory retail sales shall be limited to 10 percent of building area or 1,000 square feet, whichever is smaller.
  - e. Hours of operation shall limited to between 6:00 a.m. and 8:00 p.m.
- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
  - a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
  - b. Provisions shall be made to avoid surface and groundwater pollution.
  - c. Provisions shall be made to counteract vermin, insects and odors.
  - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
  - e. Shall not be located within the Lake Auburn Watershed Overlay District.

- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
  - a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
  - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
  - c. The recreational or agricultural use is located on the parcel for which the special exception is
- (18) [RESERVED]
- (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in Sec. 60-1501, subject to the following conditions:
  - a. Must comply with the provisions of article XVIII under this chapter;
  - b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
    - 1. *Rear.* There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
    - 2. *Side.* There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
    - 3. *Front.* There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
  - c. Lot coverage shall not exceed 30 percent, as defined under Sec. 60-1506(a)(2).
  - d. *Total land area.* Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on this subsection 60-145(b)(19)(d); by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.
  - e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.
  - f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:
    - 1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
    - 2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
    - 3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state

department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.

4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:
  1. Non-prime farmland is not reasonably available on the subject property.
- h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
  1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
  2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
  3. To the extent possible, infrastructure shall not be located on steep slopes; and
  4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.
- i. All operations and maintenance plans shall also include:
  1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
  2. A plan that provides habitat for native plants and animals and native pollinators.

## **Sec. 60-146. Dimensional regulations.**

All structures in this district, except as noted shall be subject to the following dimensional regulations:

- (1) *Minimum lot area, width and depth.* No lot shall be created after October 1, 2017 containing less than ten acres, exclusive of any bodies of water having a surface area of one-fourth of an acre or more and measuring less than 250 feet in width at the street frontage along a publicly accepted street, and 200 feet in depth. No building shall be erected on a lot containing less than ten acres, except as allowed in this section, exclusive of any bodies of water having a surface area of one-fourth of an acre or more, and measuring not less than 250 feet in width at the street frontage, and 200 feet in depth.
  - a. A building may be erected on a lot containing not less than 50,000 square feet and possessing the required minimum frontage width provided it is contiguous with other lots or parcels of land in the same ownership containing an aggregate of not less than ten acres; notwithstanding the separation of the said other lots or parcels of land by a road, stream, private right-of-way or other natural boundary from the lot on which the building is to be constructed. This section shall not be construed to prevent the construction of nonresidential accessory farm buildings on any such lot.
  - b. On legally existing nonconforming undersized lots, the keeping of horses, mules, cows, goats, sheep, hogs, and similar sized animals for domestic use of the residents of the lot is permitted provided that the land area required per animal unit conforms to the definition of farm, livestock contained in Sec. 60-2.
  - c. A dwelling may be constructed on lots lawfully existing as of October 1, 2017 and containing less than ten acres, only if approved pursuant to Sec. 60-145(a)(1).
- (2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per ten acres, unless approved pursuant to subsection (1)(c) above.
- (3) *Yard requirements.*
  - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet.

- b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line.
  - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less, and having a maximum depth of 30% of the average depth of the lot or 400 feet, whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to two and one-half stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.





## City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP text Amendment (Proposal B1)  
Planning Board Proposed Changes #1-8.

Date: 09/05/2023

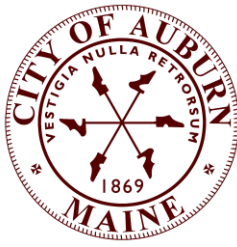
This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Consider zoning text amendments one through eight to Chapter 60, Article IV, Division 2- Agriculture and Resource Protection District. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

**MOTION:** Evan Cyr; **SECOND** Riley Bergeron.

“I make a to recommend approval of the text amendment #1-5 and 7-8 as numbered on the staff report to chapter 60 article 14 article 4 division 2 agriculture resource protection district the text amendments were proposed at the June 6, 2023, planning board meeting and follow the passage of ordinance number 10-0620203 on July 10th, 2023, the proposed text changes are attached.” **VOTE:** 7-0-0 motion passes.

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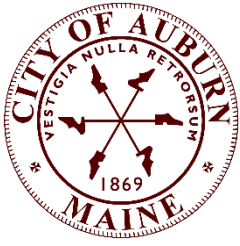


# City Council Ordinance

## IN CITY COUNCIL

**Be it ordained**, that the Auburn City Council amend certain sections of Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District as shown on the attached Ordinance, including:

1. Add “or two acres, whichever is less” after the word coverage in Sec. 60-145(a)(1)(a).
2. Add “agriculture,” in Sec. 60-145(a)(1)(b)(ii) (a, b, and c), after the words, farm, farming, and farm.
3. Add “and Sec. 60-145(a)(1)(b)(ii)” in Sec. 60-145(a)(1)(c) after the reference to “Sec. 60-145(a)(1)(a)”.
4. Add “and Sec. 60-145(a)(1)(b)(ii)” in Sec. 60-145 (a)(1)(d) after the reference to “Sec. 60-145(a)(1)(a)”.
5. Add “along a publicly accepted street” to 60-146(1) after the word “frontage”
- ~~6. Add “or 400 feet, whichever is less” to Sec. 60-146(3)(c) after the word “lot”. (Not Recommended by PB)~~
7. Add “firewood processing, Christmas tree cultivation” to Sec. 145(a)(3) after the word “sugaring”.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date: September 18, 2023**

**Ordinance: 18-09052023**

**Author:** Office of Planning and Permitting

**Subject:** Public Hearing on Zoning Ordinance Text Amendment (B3)– Amend Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT. AGRP text Amendment (Proposal B3) Planning Board Proposed Change #10 concerning prohibiting housing in the AGRP zone in the Taylor Pond watershed.

---

**Information:**

On August 8, 2023, Auburn Planning board held a public hearing on amending the Zoning Ordinance Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.

After conducting a public hearing, Planning Board is recommending that City Council vote to **not** amend the ordinance as follows:

“I make a motion to recommend that the City Council should not approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting, and follow the City Council’s passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.” VOTE: 6-1-0 motion passes.

AMEND MOTION Evan Cyr; SECOND: Riley Bergeron. “I make a motion to include the discussion under number 4 staff recommendation on the staff report to constitute the findings in recommending now” VOTE: 6-1-0 motion passes.

**City Budgetary Impacts:** None

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**Staff Recommended Action:**

Review the Planning Board’s recommendation, discuss, hold a public hearing on the text amendment as presented and vote **not in favor of** approval of first reading. Public hearing and first reading on 9/5/2023.

---

**Previous Meetings and History:**

July 10, 2023: Referred BB recommended changes to PB for Public Hearing.

August 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the AGRP Text Amendments.

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**City Manager Comments:**



I concur with the recommendation. Signature:

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**Attachments:**

Planning Board recommendation to City Council, 08/08/2023 staff report, proposed text amendment and Ordinance 18-09052023.

**Proposal B-3 with PI Bd Taylor Pond Watershed Amendment**

Prepared for August 8, 2023 Planning Board Meeting

**Draft 7/20/2023**

Amend Sec. 60-145 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

• • •

*DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION  
DISTRICT*

**Sec. 60-144. Purpose.**

• • •

**Sec. 60-145. Use regulations.**

- (a) *Permitted uses.* The following uses are permitted:
- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:
    - a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:
      - (i) Residential structures; and
      - (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and
      - (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and
      - (iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and
      - (v) Structures accessory to the residential use; and
      - (vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.
    - b. New one-family detached dwellings shall:

- (i) Not be built within the Lake Auburn Watershed Overlay District or the Taylor Pond [watershed as defined on the Taylor Pond Watershed Map](#); and
  - (ii) Provide a farm, recreational or natural resource use business or land use plan that has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:
    - a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.
    - b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.
    - c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and
  - (iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
  - (iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
  - (v) Avoid being sited on wetlands; and
  - (vi) Avoid being sited on slopes greater than 25%; and
  - (vii) Not be sited on any portion of a parcel that is classified as being:
    - a. Currently enrolled in the State of Maine Farmland Tax Program; or
    - b. Currently enrolled in the State of Maine Tree Growth Tax Law Program; or
    - c. Currently enrolled in the State of Maine Open Space Tax Program.
- c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.
- d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

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

Date: August 8, 2023

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

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

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

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

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





# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP text Amendment (Proposal B3) Planning Board Proposed Change #10 concerning prohibiting housing in the AGRP zone in the Taylor Pond watershed.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Consider a zoning text amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing and agriculture operations in the AGRP zone and the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

**MOTION:** Riley Bergeron; **SECOND** Paul Jacques.

“I make a motion to recommend that the City Council should not approve the amendment to Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District to prohibit new housing in the AGRP zone when also located in the Taylor Pond watershed. The text amendments were proposed at the June 6, 2023, Planning Board meeting, and follow the City Council’s passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.” **VOTE:** 6-1-0 motion passes.

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**AMEND MOTION** Evan Cyr; **SECOND:** Riley Bergeron.

“I make a motion to include the discussion under number 4 staff recommendation on the staff report to constitute the findings in recommending now” **VOTE:** 6-1-0 motion passes.

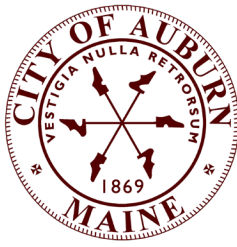
**Findings/ Reasons as listed in staff report refenced in the motion:**

Staff Recommendation: We do not recommend this amendment because it restricts a large land area that would have much less impact on the Pond than the existing small lot development around the Pond, the existing protections (Phosphorus Control) are adequate in

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

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**VOTE** on amended motion: 6-1-0 motion passes.



# City Council Ordinance

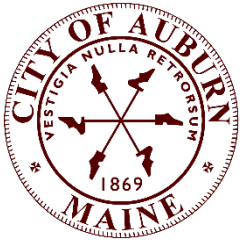
## IN CITY COUNCIL

**Be it ordained**, that the Auburn City Council amend certain sections of Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District as shown on the attached Ordinance and below:

Sec. 60-145. Use regulations.

b. New one-family detached dwellings shall:

(i) Not be built within the Lake Auburn Watershed Overlay District or the Taylor Pond watershed as defined on the Taylor Pond Watershed Map; and



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date: September 18, 2023**

**Ordinance: 19-09052023**

**Author:** Office of Planning and Permitting

**Subject:** Public Hearing on AGRP Text Amendment (Proposal B2) Planning Board Proposed Change Number Ten zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use tax programs within the last five years.

---

**Information:**

On August 8, 2023, Auburn Planning board held a public hearing on amending the Zoning Ordinance Sec. 60-145 and Sec. 60-146 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, AGRICULTURE AND RESOURCE PROTECTION DISTRICT.

After conducting a public hearing, Planning Board is recommending that City Council vote to **not** amend the ordinance as follows:

"I make this motion based on the findings that the language in this motion disparately affects landowners and disadvantages landowners who are already choosing to use land in the way it was intended to be used in the zone: VOTE: 7-0-0 motion passes.

**City Budgetary Impacts:** None

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**Staff Recommended Action:**

Review the Planning Board's recommendation, discuss, hold a public hearing on the text amendment as presented and vote **not in favor of** approval of first reading. Public hearing and first reading on 9/5/2023.

---

**Previous Meetings and History:**

July 10, 2023: Referred BB recommended changes to PB for Public Hearing.

August 21, 2023: City Council held a workshop to receive updates on the Planning Board's recommendations, including the AGRP Text Amendments.

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**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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**Attachments:**

Planning Board recommendation to City Council, 08/08/2023 staff report, proposed text amendment and Ordinance 19-09052023.



## City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on AGRP text Amendment (Proposal B2)  
Planning Board Proposed Change #10 concerning tax incentive programs.

Date: 09/05/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on August 8, 2023, the Planning Board forwards this report to the City Council.

**Proposal:** Consider zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. The text amendments were proposed at the June 6, 2023, Planning Board meeting and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is available in the Planning & Permitting Department in City Hall.

**MOTION:** Evan Cyr; **SECOND:** Riley Bergeron.

“I make this motion based on the findings that the language in this motion disparately affects landowners and disadvantages landowners who are already choosing to use land in the way it was intended to be used in the zone: **VOTE:** 7-0-0 motion passes.



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

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

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on Proposal B2 with Planning Board Proposed Tax Program 5YR Amendment.

Date: August 8, 2023

- I. Proposal: Public Hearing/ AGRP Text Amendment (Proposal B2) Planning Board Proposed Change Number Ten:** Consider zoning text amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use tax programs within the last five years. The text amendments were proposed at the June 9, 2023 Planning Board meeting, and were followed by City Council's passage of Ordinance #10-062023 on July 10, 2023. The proposed text is available in this packet.
- II. Background:** On June 6, 2023, the Planning Board voted to recommend approving "Proposal B" with amendments replacing the income standard. On July 10, City Council voted to approve Proposal B without the amendments offered in the Planning Board recommendation (included in this packet) and issued an Order that Planning Board hold an additional public hearing on the proposed amendments that they delivered as part of their recommendation. The purpose of the public hearing is to provide appropriate notice for the public to review the amendments and to be heard regarding the advertised changes. The amendments before Planning Board are presented as three distinct items for individual review, comment, and action. Proposal B2 with the Planning Board recommended Tax Program 5YR Amendment has been proposed as separate text and hearing because it is a substantive amendment. The Amendment is summarized below and references the motion from the 6/6/2023 Planning Board Recommendation prompting the text change (see Planning Board recommendation to City Council on AGRP Zone Proposals A and B).
- III. Proposal B2 - Planning Board recommended Tax Program 5YR Amendment.**
  1. Remove "~~Currently~~" before "enrolled", capitalize the "E" in "enrolled" and add "within the last five years" after the word "Program" in Sec. 60-145(b)(vii)(a, b, c). *This is referred to as proposed change number 10, because it was the 10<sup>th</sup> amendment recommended by the Board in the 6/6/23 recommendations.*
- IV. Staff Recommendation:** This proposal was initiated to prevent Auburn landowners who have been utilizing the State of Maine Farmland Tax Program, the State of Maine Tree Growth Tax Program, and the State of Maine Open Space tax Program from removing land from this protection in order to build housing. We do not recommend this amendment because a result of this change may mean that someone who has been using the AGRP district as prescribed and intended could be penalized for deciding to build on this land. This

also has the potential to create a disadvantage to existing farmers and rural landowners who have used the land as the AGRP zone intended, in comparison to new landowners or those that have not used the land for agriculture, forestry or public recreation. Under this amendment, someone who has held land in any of the tax programs may not build on their land for five years, even if they meet the other requirements of the AGRP zoning district. In the absence of a five-year moratorium, landowners still need to provide a bona fide plan for farming, agricultural, recreational, or natural resource use before any residential development could occur.

- V. **Suggested Motion:** I make a motion to not recommend the amendment to Sec. 60-145(a)(1)(b)(vii) prohibiting housing to be sited on land that has been enrolled in certain State of Maine current use programs within the last five years. The text amendments were proposed at the June 9, 2023, Planning Board meeting, and follow the passage of Ordinance #10-06202023 on July 10, 2023. The proposed text is attached.



**Proposal B-2 with PI Bd Tax Program 5 YR Amendment**

Prepared for August 8, 2023 Planning Board Meeting

**Draft 7/20/2023**

Amend Sec. 60-145 of ARTICLE IV, DISTRICT REGULATIONS, DIVISION 2, *AGRICULTURE AND RESOURCE PROTECTION DISTRICT*, as follows (additions are underlined; deletions are ~~struck out~~):

ARTICLE IV. - DISTRICT REGULATIONS

• • •

*DIVISION 2. AGRICULTURE AND RESOURCE PROTECTION  
DISTRICT*

**Sec. 60-144. Purpose.**

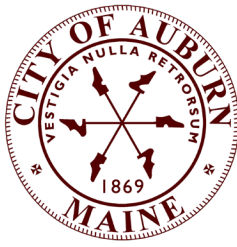
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**Sec. 60-145. Use regulations.**

- (a) *Permitted uses.* The following uses are permitted:
- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of Sec. 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming or agricultural operations, recreational uses or natural resource uses and subject to all of the following restrictions:
    - a. The footprint of residential development associated with the one-family detached dwelling shall comprise no more than 20% of the land coverage of the lot upon which the dwelling is to be constructed. For purposes of this subsection, "residential development" shall include the following:
      - (i) Residential structures; and
      - (ii) Impervious and non-vegetated areas accessory to the residential use, such as driveways, parking areas, walkways and patios (areas created using waffle pavers and other semi-impervious surfaces shall be considered non-vegetated surfaces, even if the surface is covered by grass or other similar vegetation); and
      - (iii) Areas on, over or beneath the surface of the earth devoted to the transmission of water, electricity, telephone or gas to the residential use by pipes, poles, wires, lines, conduits, cables or other devices; and
      - (iv) Areas on, over or beneath the surface of the earth devoted to the disposal of waste or wastewater generated by the residential use, including, but not limited to, septic tanks, disposal fields, holding tanks, pretreatment filters, and piping; and
      - (v) Structures accessory to the residential use; and
      - (vi) Uses of the land accessory to the residential use, but not accessory to other allowed uses within the zone.
    - b. New one-family detached dwellings shall:
      - (i) Not be built within the Lake Auburn Watershed Overlay District; and
      - (ii) Provide a farm, recreational or natural resource use business or land use plan that

has been approved by the Planning and Permitting Director or their designee. The Planning and Permitting Director or their designee must make the following written findings prior to approval of the business plan or land use plan and prior to the issuance of a building permit:

- a. The business or proposed land use is feasible, and, if implemented will constitute a bona fide farming, recreational or natural resource use allowed under either subsection (a) [permitted uses] or subsection (b) [special exception uses] of this Sec. 60-145.
  - b. The parcel can reasonably accommodate an enterprise of the size and scope proposed. Parcel size or other lot limitations often restrict potential uses, and the plan must provide for utilization of the parcel's available potential for a farm, recreational or natural resource use.
  - c. The parcel lawfully existed as of October 1, 2017, or meets the dimensional standards of Sec. 60-146, and otherwise meets the requirements of this chapter; and
- (iii) Avoid being sited on soils of state significance or prime farmland as defined by the United States Department of Agriculture (USDA) unless it can be demonstrated to the Code Enforcement Officer that non-prime farmland is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
  - (iv) Avoid being sited on land determined to be essential habitat, as defined by the State of Maine Department of Inland Fisheries and Wildlife unless it can be demonstrated to the Code Enforcement Officer that non-essential habitat is not available within the building envelope, as determined pursuant to Sec. 60-146 of this chapter, on the subject property; and
  - (v) Avoid being sited on wetlands; and
  - (vi) Avoid being sited on slopes greater than 25%; and
  - (vii) Not be sited on any portion of a parcel that is classified as being:
    - a. ~~Currently e~~Enrolled in the State of Maine Farmland Tax Program [within the last five years](#); or
    - b. ~~Currently e~~Enrolled in the State of Maine Tree Growth Tax Law Program [within the last five years](#); or
    - c. ~~Currently e~~Enrolled in the State of Maine Open Space Tax Program [within the last five years](#).
- c. No certificate of occupancy shall be issued for any such residence until satisfactory evidence that the requirement of Sec. 60-145(a)(1)(a) has been met is presented to the municipal official charged with authority to issue the certificate of occupancy.
  - d. In no case shall any residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the lot upon which the residence is constructed fails to meet the requirements set forth in Sec. 60-145(a)(1)(a).



# City Council Ordinance

## IN CITY COUNCIL

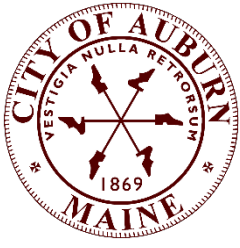
**Be it ordained,** that the Auburn City Council amend certain sections of Chapter 60, Article IV, Division 2-Agriculture and Resource Protection District as shown on the attached Ordinance and below:

Sec. 60-145. Use regulations.

b. New one-family detached dwellings shall:

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

- a. ~~Currently e~~Enrolled in the State of Maine Farmland Tax Program within the last five years; or
- b. ~~Currently e~~Enrolled in the State of Maine Tree Growth Tax Law Program within the last five years; or
- c. ~~Currently e~~Enrolled in the State of Maine Open Space Tax Program within the last five years.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 18, 2023

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Public hearing on Public Safety Building Referendum

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**Information:** On 9/5/2023, Council voted in favor of authorizing the Public Safety Building proposal to be placed on a referendum ballot and submitted to the voters of Auburn at the November 7, 2023, Election.

Title 30-A, Sec. 2528 (5) states *the Municipal Officers must “order” or approve the referendum and final wording of the referendum question at least 60 days before the date of the election. A public hearing would have to be held at least 10 days before the election and provide notice at least 7 days before the hearing.*

The public notice was published on Saturday, September 9, 2023.

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**City Budgetary Impacts:**

**Financial Statement:** The issuance of bonds by the City of Auburn is one of the ways in which the City borrows money for certain purposes. The following is a summary of the bonded indebtedness of the City of Auburn as of November 7, 2023:

Principal of Bonds to be Issued if Approved by Voters:	\$45,000,000
Estimate of Interest on Bonds to be Issued if Approved:	<u>\$37,800,000</u>
Total Debt to be Issued if Approved by Voters:	\$82,800,000

When money is borrowed by issuing bonds, the City must repay not only the principal amount of the bonds but also interest on that amount as well. Principal on the bonds will be repaid in approximately equal annual installments over a period not to exceed 30 years, along with interest, which will be paid semi-annually. The amount of interest to be paid will vary depending on the rate of interest and the years of maturity at the time of issuance, which is expected to be no sooner than 2024. An estimate of the total interest that may reasonably be expected to be paid on the issue submitted herewith for authorization is \$37,800,000, based on an interest rate of 4.00%. The total principal and interest to be paid over the life of the bonds on the issue submitted herewith, if authorized, is thus estimated to be \$82,800,000.

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**Staff Recommended Action:** Hear public comment

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**Previous Meetings and History:** 9/5/2023 City Council meeting

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**City Manager Comments:**

*Phillip Crowell Jr.*

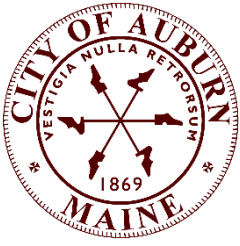
I concur with the recommendation. Signature:

---

**Attachments:**

**CITY OF AUBURN  
PUBLIC NOTICE**

Notice is hereby given that the Auburn City Council will hold a public hearing on September 18, 2023 beginning at 7:00 P.M. or as soon as possible thereafter in the Council Chambers of Auburn Hall, 60 Court Street, Auburn, Maine. The purpose of the public hearing is to receive public comment on a proposed referendum question authorizing the issuance of general obligation bonds or notes in anticipation of such bonds in the principal amount not to exceed \$45,000,000 and appropriate the proceeds of such bonds, together with investment earnings, if any, to fund the construction of a new public safety facility at 550 Minot Avenue in Auburn to house the headquarters of the City's Police Department and Fire Department. This will go before Auburn voters at the November 7, 2023 Election. All interested parties are invited to attend the public hearing and will be given an opportunity to be heard at that time.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 18, 2023

**Ordinance:** 20-09182023

**Author:** Jamie Longley, General Assistance Manager-Health & Social Services

**Subject:** Adoption of Appendices for General Assistance, Effective 10/01/2023 through 9/30/2024

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**Information:** I am seeking approval of the new General Assistance maximums. They Are: Appendix A (The GA overall maximums), Appendix B (the food maximums), Appendix C (Lewiston/Auburn MSA rental maximums), and Recovery Residences.

These maximums are established as a matter of State law based on certain federal and HUD fair market values. These appendices are filed with the Department of Health and Human Services (DHHS) in compliance with title 22 M.R.S.A § 4305(4).

**\*\*By adopting the new appendices A-C, the program will be in compliance and receive the 70% reimbursement from the State\*\***

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**City Budgetary Impacts:** The overall maximums (Appendix A) are an average increase of \$33.51 per person/household per month. The food maximums (Appendix B) are an average increase of \$8.72 per individual per month. The housing maximums (Appendix C) are an average increase of \$93.40 per unit per month. *There are no changes in appendices D-H.*

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**Staff Recommended Action:** Approval of changes to the General Assistance Appendices A-C, and Recovery Residences as required by State statute and ordinance. First reading: 9/18/2023. Second reading: 10/02/2023.

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**Previous Meetings and History:** This is a yearly approval needed by the council when changes are made to the appendices. Recommend passage.

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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:** Health & Social Services FY 23/24  
Appendix A, Overall Maximums  
Appendix B, Food Maximums  
Appendix C, Housing Maximums  
Recovery Residences  
Ordinance & Adoption form for 23/24

## 2023-2024 GA Overall Maximums

### Metropolitan Areas

#### Persons in Household

COUNTY	1	2	3	4	5*
<b>Bangor HMFA:</b> Bangor, Brewer, Eddington, Glenburn, Hampden, Hermon, Holden, Kenduskeag, Milford, Old Town, Orono, Orrington, Penobscot Indian Island Reservation, Veazie	886	1,029	1,316	1,638	2,241
<b>Cumberland County HMFA:</b> Baldwin, Bridgton, Brunswick, Harpswell, Harrison, Naples, New Gloucester, Pownal, Sebago	1,103	1,235	1,626	2,049	2,215
<b>Lewiston/Auburn MSA:</b> Auburn, Durham, Greene, Leeds, Lewiston, Lisbon, Livermore, Livermore Falls, Mechanic Falls, Minot, Poland, Sabattus, Turner, Wales	853	925	1,186	1,543	1,870
<b>Penobscot County HMFA:</b> Alton, Argyle UT, Bradford, Bradley, Burlington, Carmel, Carroll plantation, Charleston, Chester, Clifton, Corinna, Corinth, Dexter, Dixmont, Drew plantation, East Central Penobscot UT, East Millinocket, Edinburg, Enfield, Etna, Exeter, Garland, Greenbush, Howland, Hudson, Kingman UT, Lagrange, Lakeville, Lee, Levant, Lincoln, Lowell town, Mattawamkeag, Maxfield, Medway, Millinocket, Mount Chase, Newburgh Newport, North Penobscot UT, Passadumkeag, Patten, Plymouth, Prentiss UT, Seboeis plantation, Springfield, Stacyville, Stetson, Twombly UT, Webster plantation, Whitney UT, Winn, Woodville	846	853	1,126	1,408	1,537
<b>Portland HMFA:</b> Cape Elizabeth, Casco, Chebeague Island, Cumberland, Falmouth, Freeport, Frye Island, Gorham, Gray, Long Island, North Yarmouth, Portland, Raymond, Scarborough, South Portland, Standish, Westbrook, Windham, Yarmouth; Buxton, Hollis, Limington, Old Orchard Beach	1,367	1,593	2,045	2,611	3,201
<b>Sagadahoc HMFA:</b> Arrowsic, Bath, Bowdoin, Bowdoinham, Georgetown, Perkins UT, Phippsburg, Richmond, Topsham, West Bath, Woolwich	938	1,118	1,360	1,857	2,219



## Appendix A

Effective: 10/01/23-09/30/24

COUNTY	1	2	3	4	5*
<b>York County HMFA:</b> Acton, Alfred, Arundel, Biddeford, Cornish, Dayton, Kennebunk, Kennebunkport, Lebanon, Limerick, Lyman, Newfield, North Berwick, Ogunquit, Parsonsfield, Saco, Sanford, Shapleigh, Waterboro, Wells	1,154	1,217	1,509	1,961	2,207
<b>York/Kittery/S.Berwick HMFA:</b> Berwick, Eliot, Kittery, South Berwick, York	1,327	1,393	1,834	2,489	3,175

\*Note: Add \$75 for each additional person.

### Non-Metropolitan Areas

#### Persons in Household

COUNTY	1	2	3	4	5*
<b>Aroostook County</b>	742	812	951	1,281	1,464
<b>Franklin County</b>	781	834	1,033	1,383	1,695
<b>Hancock County</b>	965	996	1,198	1,521	1,655
<b>Kennebec County</b>	879	899	1,120	1,470	1,587
<b>Knox County</b>	905	913	1,120	1,490	1,592
<b>Lincoln County</b>	1,004	1,013	1,282	1,582	2,069
<b>Oxford County</b>	873	878	1,072	1,514	1,761
<b>Piscataquis County</b>	752	810	1,000	1,326	1,598
<b>Somerset County</b>	810	851	1,098	1,430	1,532
<b>Waldo County</b>	1,041	1,047	1,256	1,558	2,132
<b>Washington County</b>	811	816	1,060	1,328	1,453

\* Please Note: Add \$75 for each additional person.

## Appendix B

Effective: 10/01/23 to 09/30/24

# 2023-2024 Food Maximums

Please Note: The maximum amounts allowed for food are established in accordance with the [U.S.D.A. Thrifty Food Plan](#). As of October 1, 2023, those amounts are:

<b>Number in Household</b>	<b>Weekly Maximum</b>	<b>Monthly Maximum</b>
1	\$ 67.67	\$ 291.00
2	124.42	535.00
3	178.14	766.00
4	226.28	973.00
5	268.60	1,155.00
6	322.33	1,386.00
7	356.28	1,532.00
8	407.21	1,751.00

**Note: For each additional person add \$219 per month.**

## 2023-2024 GA Housing Maximums (Heated & Unheated Rents)

**NOTE: NOT ALL MUNICIPALITIES SHOULD ADOPT THESE SUGGESTED HOUSING MAXIMUMS! ONLY consider adopting the following numbers if these figures are consistent with local rent values. If not, a market survey should be conducted, and the figures altered accordingly. The results of any such survey must be presented to DHHS prior to adoption. **Or, no housing maximums should be adopted and eligibility should be analyzed in terms of the Overall Maximum—Appendix A. (See Instruction Memo for further guidance.)****

### **Non-Metropolitan FMR Areas**

<b><u>Aroostook County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	134	577	169	726
1	139	598	185	794
2	156	672	216	929
3	218	940	292	1,256
4	243	1,044	333	1,434
<b><u>Franklin County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	143	616	178	765
1	144	620	190	816
2	175	754	235	1,011
3	242	1,042	316	1,358
4	296	1,275	387	1,665
<b><u>Hancock County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	191	821	221	950
1	191	821	228	979
2	222	956	274	1,177
3	285	1,227	348	1,496
4	301	1,293	378	1,625
<b><u>Kennebec County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	Weekly	Monthly	Weekly	Monthly
0	171	735	201	864
1	171	735	205	882
2	204	878	256	1,099
3	274	1,176	336	1,445
4	285	1,225	362	1,557

**Non-Metropolitan FMR Areas**

<b><u>Knox County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	177	761	207	890
1	177	761	208	896
2	204	878	256	1,099
3	278	1,196	341	1,465
4	286	1,230	363	1,562
<b><u>Lincoln County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	200	860	230	989
1	200	860	232	996
2	242	1,040	293	1,261
3	300	1,288	362	1,557
4	397	1,707	474	2,039
<b><u>Oxford County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	169	729	200	858
1	169	729	200	861
2	193	830	244	1,051
3	284	1,220	346	1,489
4	325	1,399	403	1,731
<b><u>Piscataquis County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	136	587	171	736
1	139	596	184	792
2	168	721	227	978
3	229	985	302	1,301
4	274	1,178	365	1,568
<b><u>Somerset County</u></b>				
	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	155	666	185	795
1	155	666	194	834
2	199	856	250	1,077
3	264	1,136	327	1,405
4	272	1,170	349	1,502

**Non-Metropolitan FMR Areas**

<b><u>Waldo County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	209	897	239	1,026
1	209	897	239	1,030
2	236	1,014	287	1,235
3	294	1,264	357	1,533
4	412	1,770	489	2,102

<b><u>Washington County</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	155	667	185	796
1	155	667	186	799
2	190	818	242	1,036
3	241	1,034	303	1,303
4	254	1,091	331	1,423

**Metropolitan FMR Areas**

<b><u>Bangor HMFA</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	172	742	203	871
1	196	841	235	1,012
2	250	1,074	301	1,295
3	313	1,344	375	1,613
4	437	1,879	514	2,211

<b><u>Cumberland Cty. HMFA</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	223	959	253	1,088
1	244	1,047	283	1,218
2	322	1,384	373	1,605
3	408	1,755	471	2,024
4	431	1,853	508	2,185

<b><u>Lewiston/Auburn MSA</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	165	709	195	838
1	171	737	211	908
2	220	944	271	1,165
3	291	1,249	353	1,518
4	351	1,508	428	1,840

**Metropolitan FMR Areas**

<b><u>Penobscot Cty. HMFA</u></b>	<b><u>Unheated</u></b>		<b><u>Heated</u></b>	
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	163	702	193	831
1	163	702	194	836
2	206	884	257	1,105
3	259	1,114	322	1,383
4	273	1,175	351	1,507
<b><u>Portland HMFA</u></b>				
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	284	1,223	314	1,352
1	327	1,405	366	1,576
2	419	1,803	471	2,024
3	539	2,317	601	2,586
4	660	2,839	738	3,171
<b><u>Sagadahoc Cty. HMFA</u></b>				
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	185	794	215	923
1	216	930	256	1,101
2	260	1,118	311	1,339
3	364	1,563	426	1,832
4	432	1,857	509	2,189
<b><u>York Cty. HMFA</u></b>				
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	235	1,010	265	1,139
1	239	1,029	279	1,200
2	295	1,267	346	1,488
3	388	1,667	450	1,936
4	429	1,845	506	2,177
<b><u>York/Kittery/S. Berwick HMFA</u></b>				
Bedrooms	<b>Weekly</b>	<b>Monthly</b>	<b>Weekly</b>	<b>Monthly</b>
0	275	1,183	305	1,312
1	280	1,205	320	1,376
2	370	1,592	422	1,813
3	511	2,195	573	2,464
4	654	2,813	731	3,145

## 2023-2024 GA MAXIMUMS SUMMARY SHEET

Note: The overall maximums found in *Appendices A, B, C, D, E, and F* are effective from **October 1, 2023 to September 30, 2024.**

### APPENDIX A - OVERALL MAXIMUMS

<u>County</u>	<u>Persons in Household</u>					
	1	2	3	4	5	6
<b>NOTE:</b> For each additional person add \$75 per month.						
<b>(The applicable figures from Appendix A, <i>once adopted</i>, should be inserted here.)</b>						

### APPENDIX B - FOOD MAXIMUMS

<u>Number in Household</u>	<u>Weekly Maximum</u>	<u>Monthly Maximum</u>
1	\$ 67.67	\$ 291.00
2	124.42	535.00
3	178.14	766.00
4	226.28	973.00
5	268.60	1,155.00
6	322.33	1,386.00
7	356.28	1,532.00
8	407.21	1,751.00

**NOTE:** For each additional person add \$219 per month.

### APPENDIX C - HOUSING MAXIMUMS

<b>Number of Bedrooms</b>	<u>Unheated</u>		<u>Heated</u>	
	Weekly	Monthly	Weekly	Monthly
0				
1				
2				
3				
4				

**(The applicable figures from Appendix C, *once adopted*, should be inserted here.)**

*FOR MUNICIPAL USE ONLY*

## APPENDIX D - UTILITIES

### ELECTRIC

**NOTE:** For an electrically heated dwelling also see “Heating Fuel” maximums below. But remember, an applicant is *not automatically* entitled to the “maximums” established—applicants must demonstrate need.

1) **Electricity Maximums for Households Without Electric Hot Water:** The maximum amounts allowed for utilities, for lights, cooking and other electric uses *excluding* electric hot water and heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$19.95	\$ 85.50
2	\$22.52	\$ 96.50
3	\$24.97	\$107.00
4	\$27.53	\$118.00
5	\$29.88	\$128.50
6	\$32.55	\$139.50

**NOTE:** For each additional person add \$10.50 per month.

2) **Electricity Maximums for Households With Electrically Heated Hot Water:** The maximum amounts allowed for utilities, hot water, for lights, cooking and other electric uses *excluding* heat:

<u>Number in Household</u>	<u>Weekly</u>	<u>Monthly</u>
1	\$29.63	\$127.00
2	\$34.07	\$146.00
3	\$39.67	\$170.00
4	\$46.32	\$198.50
5	\$55.65	\$238.50
6	\$58.68	\$251.50

**NOTE:** For each additional person add \$14.50 per month.

**NOTE:** For electrically heated households, the maximum amount allowed for electrical utilities per month shall be the sum of the appropriate maximum amount under this subsection and the appropriate maximum for heating fuel as provided below.

## APPENDIX E - HEATING FUEL

<u>Month</u>	<u>Gallons</u>	<u>Month</u>	<u>Gallons</u>
September	50	January	225
October	100	February	225
November	200	March	125
December	200	April	125
		May	50

*FOR MUNICIPAL USE ONLY*



**NOTE:** When the dwelling unit is heated electrically, the maximum amount allowed for heating purposes will be calculated by multiplying the number of gallons of fuel allowed for that month by the current price per gallon. When fuels such as wood, coal and/or natural gas are used for heating purposes, they will be budgeted at actual rates, if they are reasonable. No eligible applicant shall be considered to need more than 7 tons of coal per year, 8 cords of wood per year, 126,000 cubic feet of natural gas per year, or 1000 gallons of propane.

**APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES**

<u>Number in Household</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1-2	\$10.50	\$45.00
3-4	\$11.60	\$50.00
5-6	\$12.80	\$55.00
7-8	\$14.00	\$60.00

**NOTE:** For each additional person add \$1.25 per week or \$5.00 per month.

**SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5**

When an applicant can verify expenditures for the following items, a special supplement will be budgeted as necessary for households with children under 5 years of age for items such as cloth or disposable diapers, laundry powder, oil, shampoo, and ointment up to the following amounts:

<u>Number of Children</u>	<u>Weekly Amount</u>	<u>Monthly Amount</u>
1	\$12.80	\$55.00
2	\$17.40	\$75.00
3	\$23.30	\$100.00
4	\$27.90	\$120.00

## **2023-2024 Mileage Rate**

This municipality adopts the State of Maine travel expense reimbursement rate as set by the Office of the State Comptroller. The current rate for approved employment and necessary medical travel etc. is 46 cents (46¢) per mile.

Please refer to the Office of the State Controller for changes to this rate at 626-8420 or visit <http://www.state.me.us/osc/>

## **Funeral Maximums**

### **Burial Maximums**

The maximum amount of general assistance granted for the purpose of burial is **\$1,475**. The municipality's obligation to provide funds for burial purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable burial expenses are limited to:

- removal of the body from a local residence or institution
- a secured death certificate or obituary
- embalming
- a minimum casket
- a reasonable cost for necessary transportation
- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator, where there is an actual cost, for:

- the wholesale cost of a cement liner if the cemetery by-laws require one;
- the opening and closing of the grave site; and
- a lot in the least expensive section of the cemetery. If the municipality is able to provide a cemetery lot in a municipally owned cemetery or in a cemetery under municipal control, the cost of the cemetery lot in any other cemetery will not be paid by the municipality.

### **Cremation Maximums**

The maximum amount of assistance granted for a cremation shall be **\$1,025**.

The municipality's obligation to provide funds for cremation purposes is limited to a reasonable calculation of the funeral director's direct costs, not to exceed the maximum amounts of assistance described in this section. Allowable cremation expenses are limited to:

- removal and transportation of the body from a local residence or institution
- professional fees
- crematorium fees
- a secured death certificate or obituary

## **Appendix H**

**Effective: 10/01/23-9/30/24**

- other reasonable and necessary specified direct costs, as itemized by the funeral director and approved by the municipal administrator.

Additional costs may be allowed by the GA administrator where there is an actual cost, for:

- a cremation lot in the least expensive section of the cemetery
- a reasonable cost for a burial urn not to exceed \$55
- transportation costs borne by the funeral director at a reasonable rate per mile for transporting the remains to and from the cremation facility.

# 2023-2024 GA Housing Maximums

## Recovery Residences

The following Recovery Residence maximums are in effect from 10/1/2023- 9/30/2024

### Non-Metropolitan FMR Areas

<u>Aroostook County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	148.88	595.50

<u>Franklin County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	153.00	612.00

<u>Hancock County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	183.56	734.25

<u>Kennebec County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	165.38	661.50

<u>Knox County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	165.38	672.00

<u>Lincoln County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	186.75	747.00

<u>Oxford County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	161.44	645.75

<u>Piscataquis County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	148.50	594.00

<u>Somerset County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	156.38	599.25

<u>Waldo County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	193.13	772.50

<u>Washington County</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	149.81	599.25

### Metropolitan FMR Areas

<u>Bangor HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	189.75	759.00

<u>Cumberland Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	228.38	913.50

<u>Lewiston/Auburn MSA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	170.25	681.00

<u>Penobscot Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	156.75	627.00

<u>Portland HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	295.50	1182.00

<u>Sagadahoc Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	206.44	825.75

<u>York Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	225.00	900.00

<u>York/Kittery/S Berwick HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	258.00	1032.00



# City Council Ordinance

## IN CITY COUNCIL

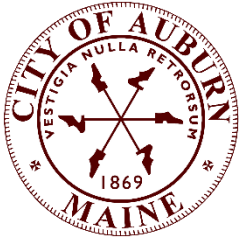
### **AMENDING CHAPTER 24, ARTICLE II, DIVISION 1, SEC. 24-23 OF THE GENERAL ASSISTANCE ORDINANCE ANNUAL ADJUSTMENT OF MAXIMUM BENEFITS.**

Be it Ordained, that the City Council hereby amends Chapter 24, Article II, Division 1, Sec. 24-23 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits to incorporate the following maximum levels of assistance to be effective on and after October 1, 2023 through September 30, 2024, as follows:

Sec. 24-23. - Annual adjustment of maximum benefits.

- (a) Each year the Maine Municipal Association provides the city three appendices providing maximum benefits applicable for the period beginning October 1 and ending September 30 as mandated by state law and based on certain federal values effective on October 1 of each year, as follows:
  - (1) Appendix A, a listing of overall maximum levels of general assistance relating to all Maine municipalities.
  - (2) Appendix B, a listing of maximum levels of assistance for food.
  - (3) Appendix C, a listing of maximum levels for heated and unheated housing.
- (b) The portion of these annual appendices applicable to the city, as adopted each year by the city council, are made a part of this chapter as though fully set forth herein and a copy thereof is available in the Office of the City Clerk.

**Editor's note**— The appendices referred to in this section are not codified but are available in the office of the city clerk.



**City of Auburn  
City Council Information Sheet**

**Council Meeting Date:** September 18, 2023

**Order:** 128-09182023

**Author:** John Blais

**Subject:** File order, discontinuance of 250+/- Chestnut Street as a city street per § 3026-A, (2) A, B, B-1, C and D

---

**Information:** Three step process once a recommendation is made by the Planning Board. 1. ) File order of discontinuance for notification of abutters. (9.19.23) 2. Public Hearing, notification to abutters (10. 2. 23). 3. Approval of order minimum 10 days after the public hearing (10.16.23).

Today the City Council meets to discuss proposed discontinuance and file order of discontinuance, signed by all council members to be mailed to abutters and for recording in the registry after approval. The municipal officers shall discuss a proposed discontinuance and file an order of discontinuance with the municipal clerk that specifies.

- A. The Location of the town way or public easement
  - B. The names of the abutting property owners
  - B-1. Location of Bridge (Not applicable)
  - C. The dollar amount of Damages, if any, determined by the municipal officers to be paid to each abutting property owner.
  - D. Whether or not a public easement is retained.
- 

**City Budgetary Impacts:** None known. City staff is working with abutters for waivers of cost.

---

**Staff Recommended Action:** Move the request through the review and filing order with municipal officials' signatures.

---

**Previous Meetings and History:** PB workshop August 10, 2023, PB Public Hearing September 12, 2023 City Council Workshop August 7, 2023.

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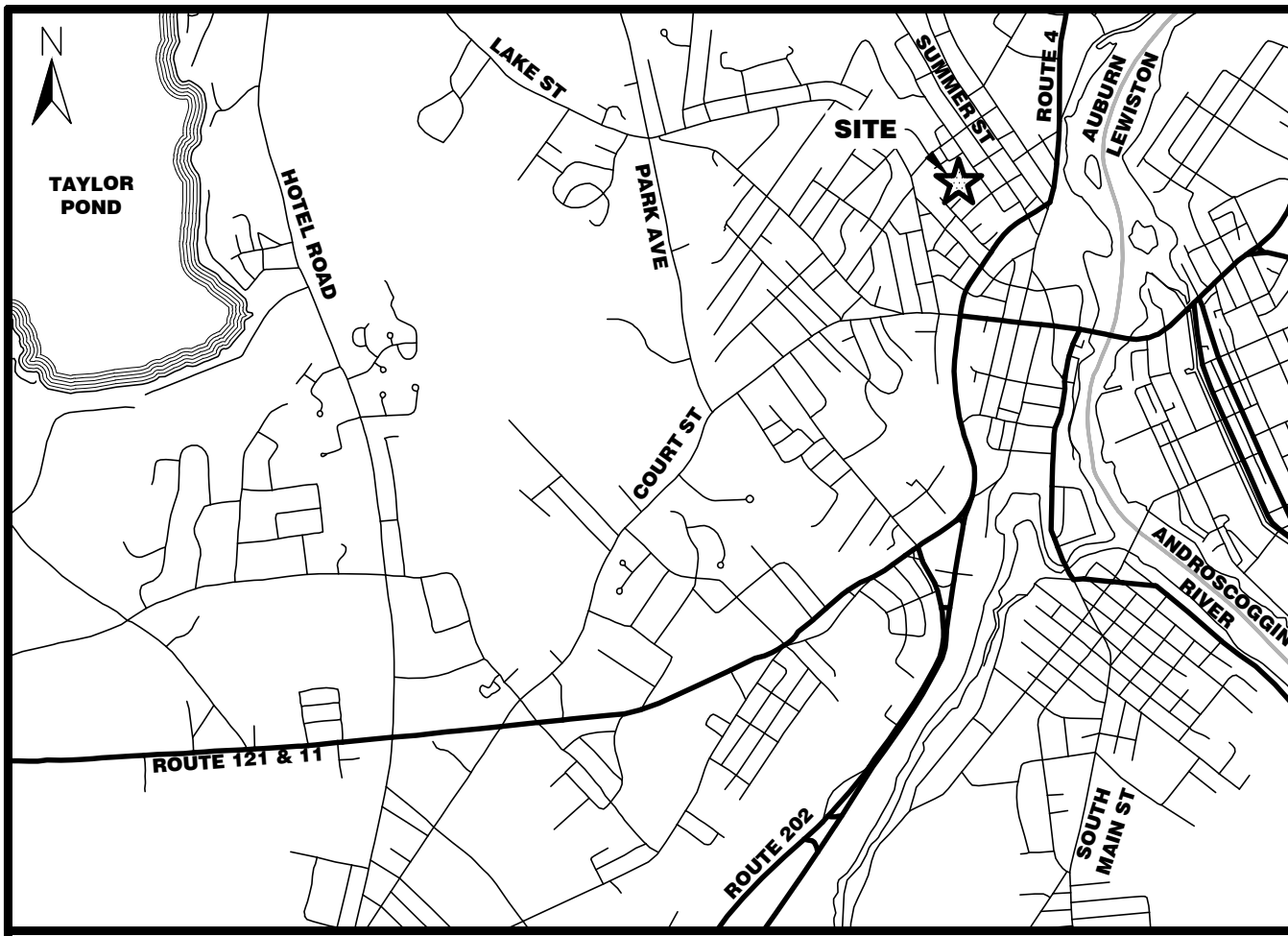
**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

---

**Attachments:** Order of Discontinuance (to be signed by Municipal Officials)



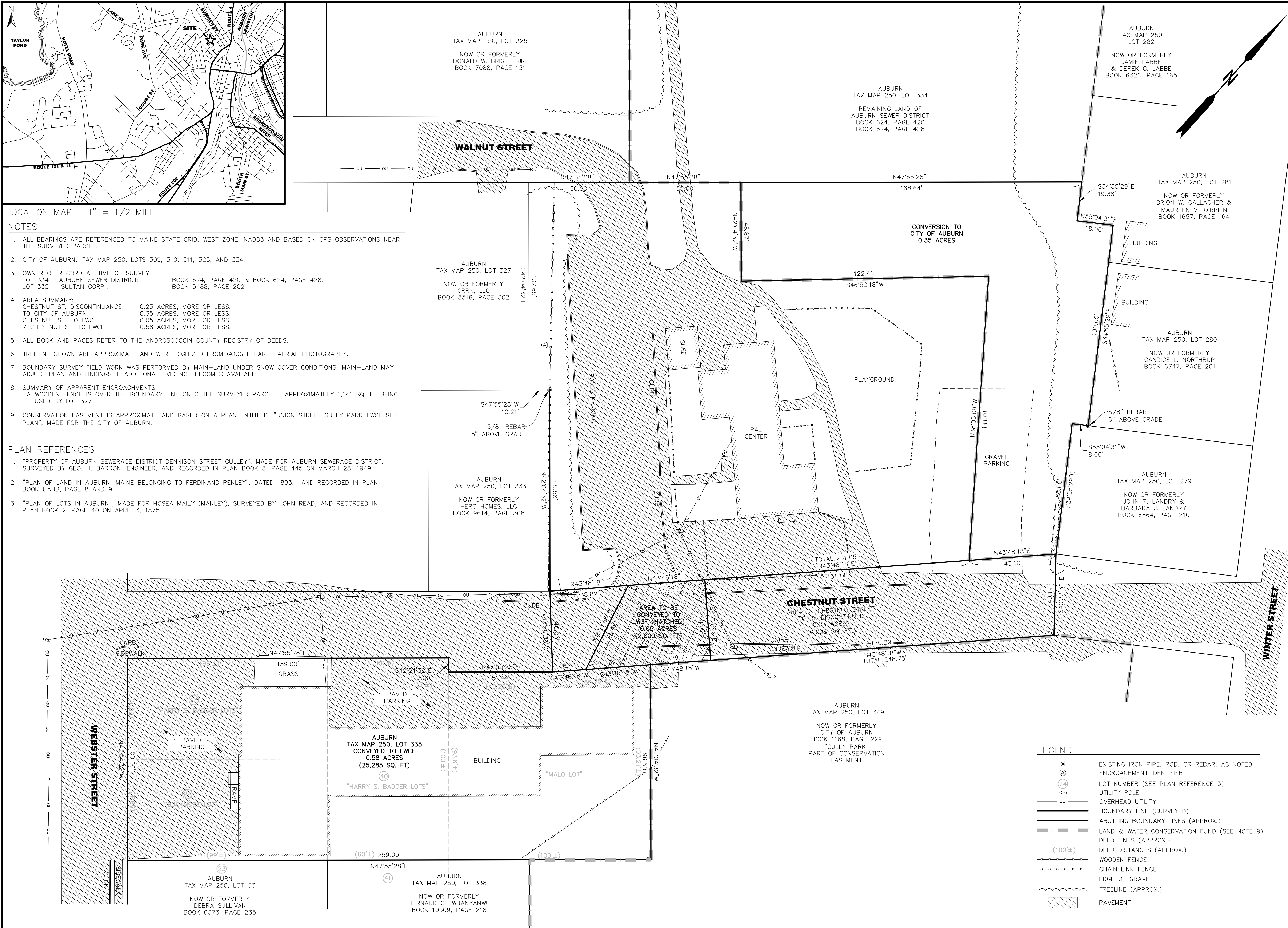
LOCATION MAP 1" = 1/2 MILE

**NOTES**

- ALL BEARINGS ARE REFERENCED TO MAINE STATE GRID, WEST ZONE, NAD83 AND BASED ON GPS OBSERVATIONS NEAR THE SURVEYED PARCEL.
- CITY OF AUBURN: TAX MAP 250, LOTS 309, 310, 311, 325, AND 334.
- OWNER OF RECORD AT TIME OF SURVEY  
LOT 334 - AUBURN SEWER DISTRICT: BOOK 624, PAGE 420 & BOOK 624, PAGE 428.  
LOT 335 - SULTAN CORP.: BOOK 5488, PAGE 202
- AREA SUMMARY:  
CHESTNUT ST. DISCONTINUANCE 0.23 ACRES, MORE OR LESS.  
TO CITY OF AUBURN 0.35 ACRES, MORE OR LESS.  
CHESTNUT ST. TO LWCF 0.05 ACRES, MORE OR LESS.  
7 CHESTNUT ST. TO LWCF 0.58 ACRES, MORE OR LESS.
- ALL BOOK AND PAGES REFER TO THE ANDROSCOGGIN COUNTY REGISTRY OF DEEDS.
- TREELINE SHOWN ARE APPROXIMATE AND WERE DIGITIZED FROM GOOGLE EARTH AERIAL PHOTOGRAPHY.
- BOUNDARY SURVEY FIELD WORK WAS PERFORMED BY MAIN-LAND UNDER SNOW COVER CONDITIONS. MAIN-LAND MAY ADJUST PLAN AND FINDINGS IF ADDITIONAL EVIDENCE BECOMES AVAILABLE.
- SUMMARY OF APPARENT ENCROACHMENTS:  
A WOODEN FENCE IS OVER THE BOUNDARY LINE ONTO THE SURVEYED PARCEL. APPROXIMATELY 1,141 SQ. FT BEING USED BY LOT 327.
- CONSERVATION EASEMENT IS APPROXIMATE AND BASED ON A PLAN ENTITLED, "UNION STREET GULLY PARK LWCF SITE PLAN", MADE FOR THE CITY OF AUBURN.

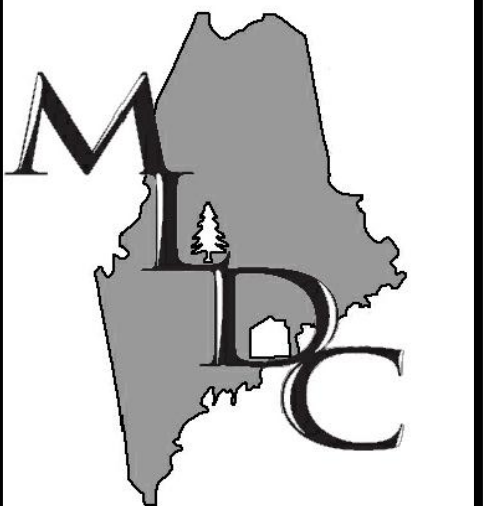
**PLAN REFERENCES**

- "PROPERTY OF AUBURN SEWERAGE DISTRICT DENNISON STREET GULLEY", MADE FOR AUBURN SEWERAGE DISTRICT, SURVEYED BY GEO. H. BARRON, ENGINEER, AND RECORDED IN PLAN BOOK 8, PAGE 445 ON MARCH 28, 1949.
- "PLAN OF LAND IN AUBURN, MAINE BELONGING TO FERDINAND PENLEY", DATED 1893, AND RECORDED IN PLAN BOOK UAUB, PAGE 8 AND 9.
- "PLAN OF LOTS IN AUBURN", MADE FOR HOSEA MAILY (MANLEY), SURVEYED BY JOHN READ, AND RECORDED IN PLAN BOOK 2, PAGE 40 ON APRIL 3, 1875.



**LEGEND**

●	EXISTING IRON PIPE, ROD, OR REBAR, AS NOTED
Ⓐ	ENCROACHMENT IDENTIFIER
②④	LOT NUMBER (SEE PLAN REFERENCE 3)
⊙	UTILITY POLE
—○—	OVERHEAD UTILITY
—	BOUNDARY LINE (SURVEYED)
---	ABUTTING BOUNDARY LINES (APPROX.)
▨	LAND & WATER CONSERVATION FUND (SEE NOTE 9)
- - -	DEED LINES (APPROX.)
(100'±)	DEED DISTANCES (APPROX.)
—○—○—	WOODEN FENCE
—○—○—	CHAIN LINK FENCE
- - -	EDGE OF GRAVEL
~~~~~	TREELINE (APPROX.)
▨	PAVEMENT



**MAIN-LAND**  
DEVELOPMENT  
CONSULTANTS, INC.

69 MAIN ST. LIVERMORE FALLS, MAINE  
367 US ROUTE 1 FALMOUTH, MAINE  
PH: (207) 897-6752 FAX: (207) 897-5404  
WWW.MAIN-LANDDCI.COM

**PLAN SHOWING**

**CONVEYANCES & PARTIAL DISCONTINUANCE OF CHESTNUT STREET**

CHESTNUT ST, WEBSTER ST, & WALNUT ST, CITY OF AUBURN, COUNTY OF ANDROSCOGGIN, STATE OF MAINE

**OWNER OF RECORD**

**CITY OF AUBURN**

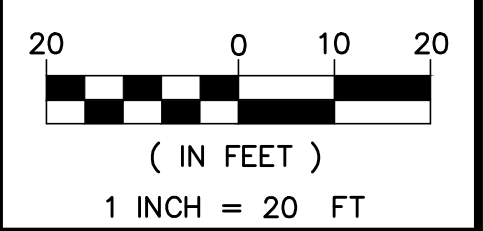
60 COURT STREET,  
AUBURN, MAINE 04210

**MADE FOR**

**CITY OF AUBURN**

C/O WOODARD & CURRAN  
41 HUTCHINSON DRIVE,  
PORTLAND, MAINE 04102

**DRAWING SCALE:**



**REVISION NOTES:**

PROJ. MGR:	CLB
DRAWN BY:	CLB
CHECKED BY:	TJC
REVISION NO.	N/A
SURVEY DATE:	2023-03-08
SUBMISSION DATE:	2023-08-31
SUBMITTED FOR:	REVIEW

PROJ. MGR:	CLB
DRAWN BY:	CLB
CHECKED BY:	TJC
REVISION NO.	N/A
SURVEY DATE:	2023-03-08
SUBMISSION DATE:	2023-08-31
SUBMITTED FOR:	REVIEW

**CONVEYANCES**

SEAL:

**DRAFT**

CHARLES L. BUKER PLS #2397  
DRAWING NO.

**S3.1**





**ORDER 128-09182023**

# City Council Order

## IN CITY COUNCIL

**ORDERED**, that Chestnut Street, as laid out on plan and titled “Conveyances & Partial Discontinuance of Chestnut Street”, as recommended by the Auburn Planning Board, and approved by the Auburn City Council and to be recorded at the Androscoggin County Registry of Deeds, is hereby discontinued 250’ +/- as a City Street as provided in Title 23 M.R.S.A § 3026-A, 1-6 et sequ:

### LOCATION:

Exhibit B  
0.23 Acre (9,996 sq. ft.) Discontinuance of a Portion of Chestnut Street  
City of Auburn, County of Androscoggin, State of Maine  
September 1, 2023

A portion of land of Chestnut Street, so-called, between Winter Street, so-called, and Webster Street, so-called, in the City of Auburn, County of Androscoggin, and State of Maine, being more particularly bounded and described as follows, to wit:

Beginning at a point on the northwesterly side of Chestnut Street at the southwesterly corner of land now or formerly of John R & Barbara J. Landry (Book 6864, Page 210), said point being in a general southwesterly direction, along the northwesterly side of Chestnut Street, a distance of 90 feet, more or less, from the westerly side of Winter Street;

Thence, from the Point of Beginning, South 40° 33’ 36” East, crossing said Chestnut Street, a distance of 40.19 feet to a point on the southeasterly side of Chestnut Street and the northwesterly side of land now or formerly of the City of Auburn (Book 1168, Page 229);

Thence, South 43° 48’ 18” West, along the said southeasterly side of Chestnut Street, said land now or formerly of the City of Auburn, and land now or formerly of Sultan Corp (Book 5488, Page 202), a distance of 248.75 feet to a point;

Thence, North 43° 50’ 03” West, crossing said Chestnut Street, a distance of 40.03 feet to a point on the said northwesterly side of Chestnut Street at the southeasterly corner of land now or formerly of Hero Homes, LLC (Book 9614, Page 308), said point being in a general northeasterly direction, along the northwesterly side of Chestnut Street, a distance of 209 feet, more or less, from the easterly side of Webster Street;

Thence, North 43° 48’ 18” East, along the said northwesterly side of Chestnut Street and land now or formerly of the City of Auburn (Book 1168, Page 229), a distance of 251.05 feet to the Point of Beginning.

The above-described parcel of land contains 0.23 acres, more or less (9,996 sq. ft, more or less).

---

**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager

All bearings are referenced to Maine State Grid, West Zone, NAD and based on a plan entitled, "Plan showing Conveyances & Partial Discontinuance of Chestnut Street", made for the City of Auburn, dated August 31, 2023, surveyed by Main-Land Development Consultants, Inc.

All Book and Pages refer to the Androscoggin County Registry of Deeds.

Meaning and intending to describe a portion, and only a portion, of Chestnut Street to be discontinued by the City of Auburn. All rights for public and private utilities are retained per § 3026-A, (6)

**ABUTTERS:**

John & Barbara Landry  
28 Winter Street  
Auburn, Maine 04210  
PID 250-279

Sultan Corp  
PO Box 7065  
Lewiston, Maine 04242  
PID 250-335

Hero Homes LLC  
19 Fae Lane  
Gorham, Maine 04038  
PID 250-333

**DAMAGES:**

Amount of Damages: \$0 The discontinuance does not affect any property owner in any way as access is not effected to the property.

**PUBLIC EASEMENT:** All rights for public and private utilities are retained per § 3026-A, (6)

\_\_\_\_\_  
Richard Whiting

\_\_\_\_\_  
Ryan Hawes

\_\_\_\_\_  
Stephen G. Milks

\_\_\_\_\_  
Joseph Morin

\_\_\_\_\_  
Leroy G. Walker

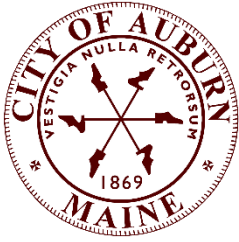
\_\_\_\_\_  
Dana Staples

\_\_\_\_\_  
Belinda A. Gerry

\_\_\_\_\_  
Jason J. Levesque

\_\_\_\_\_  
Phillip L. Crowell, Jr.

Vote Attested by City Clerk:



**City of Auburn  
City Council Information Sheet**

**Council Meeting Date:** September 18, 2023

**Order:** 129-09182023

**Author:** John Blais

**Subject:** File order, discontinuance of 90.94+/- Miller Street as a city street per § 3026-A, (2) A, B, B-1, C and D

---

**Information:** Three step process once a recommendation is made by the Planning Board. 1. ) File order of discontinuance for notification of abutters. (9.19.23) 2. Public Hearing, notification to abutters (10. 2. 23). 3. Approval of order minimum 10 days after the public hearing (10.16.23).

Today the City Council meets to discuss proposed discontinuance and file an order of discontinuance, signed by all council members to be mailed to abutters and for recording in the registry after approval. The municipal officers shall discuss a proposed discontinuance and file an order of discontinuance with the municipal clerk that specifies.

- A. The Location of the town way or public easement
  - B. The names of the abutting property owners
  - B-1. Location of Bridge (Not applicable)
  - C. The dollar amount of Damages, if any, determined by the municipal officers to be paid to each abutting property owner.
  - D. Whether or not a public easement is retained.
- 

**City Budgetary Impacts:** None known. City staff is working with abutters for waivers of cost.

---

**Staff Recommended Action:** Move the request through the review and filing order with City Council signatures.

---

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

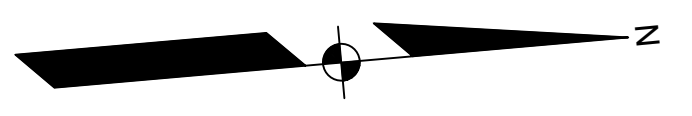
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**City Manager Comments:**

I concur with the recommendation. Signature:

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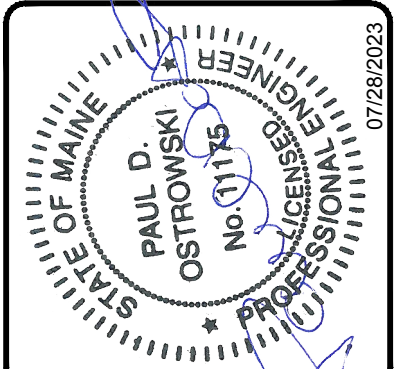
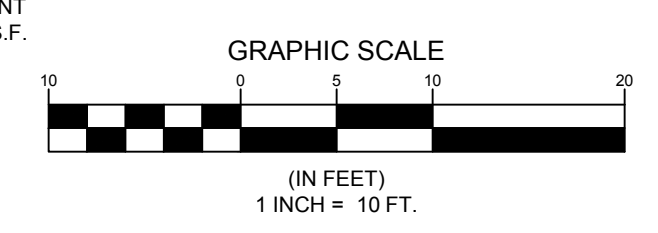
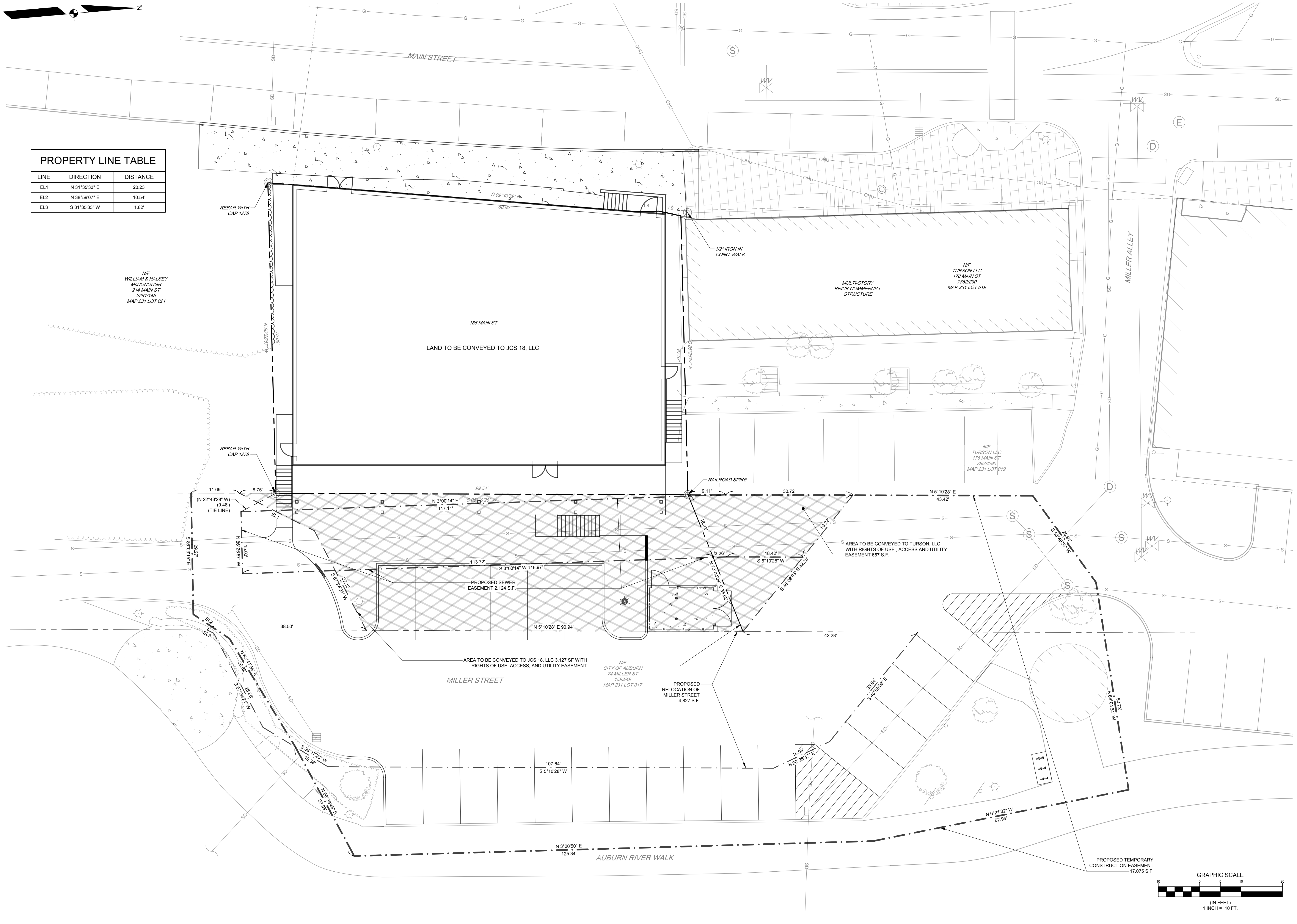
**Attachments:** Order of Discontinuance (to be signed by Council)



PROPERTY LINE TABLE

LINE	DIRECTION	DISTANCE
EL1	N 31°35'33" E	20.23'
EL2	N 38°59'07" E	10.54'
EL3	S 31°35'33" W	1.82'

NF  
WILLIAM & HALSEY  
MC DONOUGH  
214 MAIN ST  
2261/145  
MAP 231 LOT 021



REV.	BY	DATE	STATUS
H	PDO	07/29/2023	REVISED EASEMENT PLAN
G	PDO	06/05/2023	ISSUED FOR FLOOD HAZARD DEVELOPMENT & NRPA PBR
F	PDO	06/02/2023	REVISED EASEMENT PLAN
E	PDO	05/22/2023	REVISED EASEMENT PLAN
D	PDO	05/18/2023	REVISED & RESUBMITTED PER CITY OF AUBURN COMMENTS
C	PDO	05/05/2023	ISSUED TO CITY OF AUBURN FOR SITE PLAN SUBMISSION
B	ACH	01/27/2023	REVISED PER CLIENT AND CITY OF AUBURN COMMENTS

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

**SEBAGO**  
TECHNICS  
WWW.SEBAGOTECHNICS.COM  
75 John Roberts Rd.  
Sullivan, IA  
South Portland, ME 04106  
Tel. 207-200-2100

RECORD OWNER:  
CITY OF AUBURN  
60 COURT STREET  
AUBURN, ME 04210

EASEMENT PLAN  
OF:  
**186 MAIN STREET**  
186 MAIN STREET  
AUBURN, MAINE 04210  
FOR:  
**JCS 18, LLC**  
20 MECHANIC STREET  
GORHAM, MAINE 04038

DESIGNED	TFG
DRAWN	ABB
CHECKED	PDO
DATE	05/05/2023
SCALE	1" = 10'
PROJECT	220503-01

F:\Projects\220503\220503.DWG\Design\220503 EASEMENT PLAN.dwg - 7/28/2023 3:32 PM - TANNER F. GOODINE



# City Council Order

## IN CITY COUNCIL

**ORDERED**, that Miller Street, as laid out on plan and titled “Easement Plan”, as recommended by the Auburn Planning Board and approved by the Auburn City Council and to be recorded at the Androscoggin County Registry of Deeds, is hereby discontinued 90.94’ +/- as a City Street as provided in Title 23 M.R.S.A § 3026-A, 1-6 et sequ:

### LOCATION:

**Exhibit A**  
**Proposed Street Relocation**  
**Miller Street**

A certain lot or parcel of land with the improvements thereon on the easterly sideline of the current location of Miller Street in the City of Auburn, County of Androscoggin, and State of Maine depicted as “Proposed Relocation of Miller Street 4,827 S.F.” as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through July 28, 2023 (Sheet 3, Job #220503-01), and being more particularly bounded and described as follows:

**Commencing** at a railroad spike in pavement on the now or former westerly sideline of Miller Street at the northeasterly corner of land now or formerly of City of Auburn as described in a deed recorded in Book 3233, Page 1 and southeasterly corner of land now or formerly of Turson, LLC as described in a deed recorded in said Registry in Book 7852, Page 290, thence N 73°04’09” E across said Miller Street a distance of 35.62 feet to the northeasterly corner of “Proposed Discontinuation of Miller Street 3,784 S.F.” as shown on said Plan, and the now or former easterly sideline of said Miller Street, and the **Point of Beginning**;

1. Thence N 05°10’28” E by said easterly sideline of said Miller Street a distance of 42.28 feet;
2. Thence S 46°08’03” E through land of the Grantor a distance of 33.94 feet;
3. Thence S 20°28’47” E through said land of the Grantor a distance of 15.03 feet;
4. Thence S 05°10’28” W through said land of the Grantor a distance of 107.64 feet;
5. Thence S 36°17’25” W through said land of the Grantor a distance of 18.38 feet;
6. Thence S 67°24’21” W through said land of the Grantor a distance of 25.65 feet;
7. Thence S 31°35’33” W through said land of the Grantor a distance of 1.82 feet to the easterly sideline of said Miller Street;
8. Thence N 05°10’28” E by the now or former easterly sideline of said Miller Street a distance of 38.50 feet to the easterly side of said Proposed Discontinuation of Miller Street;
9. Thence N 05°10’28” E by said Proposed Discontinuation of Miller Street a distance of 90.94 feet to the **Point of Beginning**.

---

**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager

Meaning and intending to describe the area depicted as “Proposed Relocation of Miller Street 4,827 S.F.” as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through May 18, 2023 (Sheet 3, Job #220503-01).

**Subject to** a proposed Temporary Construction Easement as shown on said plan.

**Subject to and Together** with any easements or restrictions of record.

Bearings are referenced to Grid North, Maine State Plane Coordinate System, West Zone, NAD83.

July 28, 2023

JMS/mwe

**ABUTTERS:**

William T. Turner  
178 Main Street (physical address)  
368 Minot Avenue (mailing address)  
Auburn, Maine 04210  
PID: 231-019

William McDonough  
214 Main Street (physical address)  
61 Winter Street (mailing address)  
Auburn, Maine 04210  
PID: 231-021

**DAMAGES:**

Amount of Damages: \$0 The discontinuance does not affect any property owner in any way as access is not effected to the property.

**PUBLIC EASEMENT:** All rights for public and private utilities are retained per § 3026-A, (6)

\_\_\_\_\_  
Richard Whiting

\_\_\_\_\_  
Ryan Hawes

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Stephen G. Milks

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Joseph Morin

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Leroy G. Walker

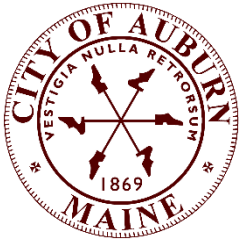
\_\_\_\_\_  
Dana Staples

\_\_\_\_\_  
Belinda A. Gerry

\_\_\_\_\_  
Jason J. Levesque

\_\_\_\_\_  
Phillip L. Crowell, Jr.

Vote Attested by City Clerk:



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 18, 2023

**Order:** 130-09182023

**Author:** Phil Crowell, City Manager

**Subject:** Recycling Program

**Information:**

Authorize the city manager to modify the solid waste agreement with Casella to initiate a pilot recycling program within designated areas within the city, by using the allocated funding authorized in the FY24 budget.

**BUDGET** FY24  
City of Auburn Municipal Budget

**City of Auburn  
Master List**

**Fiscal Year 2024  
Proposed 4.18.23  
Adopted**

Account Title	FY 2022 Actual	FY 2023 Approved	FY 2024 Manager Proposed	FY 2024 Council Adopted	Increase/ Decrease	%
<b>County Tax</b>						
County Tax	2,611,080	2,761,220	2,972,037	-	210,817	8%
<b>TOTAL</b>	<b>2,611,080</b>	<b>2,761,220</b>	<b>2,972,037</b>	<b>-</b>	<b>210,817</b>	<b>7.6%</b>
<b>Solid Waste</b>						
Solid Waste Disposal	372,257	430,000	451,500	-	21,500	5%
Solid Waste Collection	481,414	634,000	665,700	-	31,700	5%
Recycling Disposal	27,117	75,000	78,800	-	3,800	5%
Recycling Collection	135,675	180,000	189,000	-	9,000	5%
Advertising	278	1,000	1,000	-	-	0%
<b>TOTAL</b>	<b>1,016,741</b>	<b>1,320,000</b>	<b>1,386,000</b>	<b>-</b>	<b>66,000</b>	<b>5.0%</b>

The intent of the pilot program will be as follows:

1. Re-introduction of curbside recycling to select parts of the city, with a mix of urban and rural areas.
2. Consider Increasing frequency of collection.
3. In partnership with Casella, increased public education on what goes into recycling and how to prevent contamination.
4. Launch of a Casella mobile app to help participating households understand what should and should not be recycled.
5. Distribution of Auburn-specific direct mail educational pieces produced by Casella.
6. Periodic reporting of data collected by Casella, to include recycling program participation by household, and percentage of overall waste collected.
7. Retaining the centralized drop-off containers located at Public Works for those who are not part of the pilot program.

**City Budgetary Impacts:** None

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**Staff Recommended Action:** None

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**Previous Meetings and History:** September 5, 2023 council meeting

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**City Manager Comments:**

*Phillip Crowell, Jr.*

I concur with the recommendation. Signature:

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**Attachments:**





**ORDER 130-09182023**

# City Council Order

**IN CITY COUNCIL**

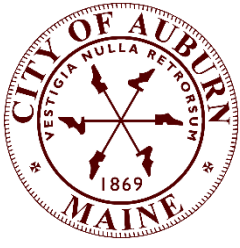
Ordered, that the City Council hereby authorizes the City Manager to modify the solid waste agreement with Casella to initiate a pilot recycling program within designated areas within the city, by using the allocated funding authorized in the FY24 budget.

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**Joseph Morin**, Ward Four  
**Belinda A. Gerry**, At Large

**Ryan Hawes**, Ward Two  
**Leroy G. Walker**, Ward Five  
**Jason J. Levesque**, Mayor

**Stephen G. Milks**, Ward Three  
**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** September 18, 2023

**Ordinance:** 21-09182023

**Author:** Sue Clements-Dallaire, City Clerk

**Subject:** Amending Chapter 14, Article XVIII Adult Use and Medical Marijuana Businesses

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**Information:** The proposed ordinance amendments provides the city clerk with the authority to issue marijuana licences and requires the applicant provide evidence of all State approvals or conditional approvals, evidence of all land use approvals or conditional land use approvals, and evidence of all other local approvals or conditional approvals required to operate a marijuana business at the subject premises, and also outlines the appeals process.

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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:** N/A

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**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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**Attachments:**



# City Council Ordinance

## IN CITY COUNCIL

### **Amending the Code of Ordinances, Chapter 14, Business Licenses and Permits, Article XVIII. Adult Use and Medical Marijuana Businesses**

**Be it ordained**, that the City Council hereby approves the amendment of Chapter 14, Business Licenses and Permits, of the Code of Ordinances as follows (additions are underlined; deletions are ~~struck through~~):

#### ARTICLE XVIII. ADULT USE AND MEDICAL MARIJUANA BUSINESSES

##### **Sec. 14-650. Title**

This article shall be known and cited as the "City of Auburn Adult Use and Medical Marijuana Businesses Ordinance" and will be referred to hereinafter as "this ordinance". This ordinance limits all subject adult use and medical marijuana businesses to the zoning districts specified under the auburn zoning ordinance, prescribes definitions of adult use and medical marijuana businesses, and provides for permitting/licensing and regulation of adult use and medical marijuana businesses, and provides performance standards for adult use and medical marijuana businesses.

##### **Sec. 14-651. Authority and applicability.**

WHEREAS, implementing a system for the regulation of stores, dispensaries, cultivation, manufacturing, and testing for the production and sale of marijuana, is a complex function with significant administrative demands on the City of Auburn; and

WHEREAS, ensuring that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a medical marijuana patient card, is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of marijuana; and

WHEREAS, the City of Auburn believes that any production, processing, or selling of Adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to adult use and medical use of marijuana throughout the City of Auburn; and

NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. § 101 et seq.; the Maine Medical Use of Marijuana Act, 22 M.R.S. § 2421 et seq.; and the city's home rule

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



## City Council Ordinance

authority under Article VIII, Part 2, Section 1 of the Maine Constitution 30-A M.R.S. § 3001 et seq., and 30-A M.R.S. § 4301 et seq.

### **Sec. 14-652. Purpose.**

It is the purpose of this ordinance to regulate adult use and medical marijuana businesses in order to promote the health, safety, and general welfare of the citizens of Auburn, and to establish reasonable and uniform regulations for the appropriate location of adult use and medical marijuana businesses in Auburn.

Persons or entities wishing to establish an adult use or a medical marijuana business within the City of Auburn shall first obtain a license from the Auburn City ~~Council~~Clerk (hereinafter "~~the city council~~") and shall be subject to the provisions of this ordinance.

This ordinance may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

### **Sec. 14-654. Effective date; applicability date.**

The effective date of this ordinance [from which this article derived], and the business licensing thereunder, shall be the date of adoption by the city council. Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the amendments to this Article evidenced by Ordinance 21-09182023, when enacted, shall govern any proposed license application for which an application has not been submitted to and finally acted upon by the City prior to July 1, 2023.

### **Sec. 14-657. License required.**

No person may establish, operate or maintain a marijuana business without first obtaining a license from the ~~city council~~clerk.

It is a violation of this ordinance for any person to operate a marijuana business without a valid marijuana business license issued by the ~~city~~ clerk pursuant to this ordinance.

Pursuant to 28-B M.R.S.A. § 402, an applicant seeking to operate an adult use marijuana business may not submit an application for a license unless the applicant has been issued a conditional license by the ~~s~~State of ~~m~~Maine to operate the adult use marijuana business.

Marijuana business licenses shall be administered on a first come, first served basis based upon the date the application is deemed complete.

Registered caregivers operating out of their residence shall apply for and obtain a permit for a home occupation in accordance with article IX of the Auburn Zoning Ordinance and shall comply with all standards set forth in the article. Registered caregivers who cultivate medical marijuana only for themselves and/or members of their household are exempt from this requirement and are not required to obtain a permit or license.

The cultivation, manufacturing, testing or sale of adult use marijuana from a residence is prohibited, unless it is for personal use in accordance with 28-A M.R.S.A. § 1502. Home cultivation of adult use marijuana for personal use is

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## City Council Ordinance

exempt from the licensing requirements of this ordinance. Provided, however, that outdoor cultivation of adult use marijuana for personal use is prohibited, unless the residence is located in an agricultural zoning district.

### **Sec. 14-658. Application procedure.**

- (a) *An application for a license must be made on a form provided by the city.*
- (b) *All applicants must be qualified according to the provisions of this ordinance. Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this ordinance.*
- (c) *Application to establish a marijuana business.*
  - (1) If the applicant who wishes to operate a marijuana business is a single individual, this person must sign the application for a license. If the applicant who wishes to operate a marijuana business is more than one individual, each person who has an interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.
  - (2) The completed application for a marijuana business license shall contain the following information and shall be accompanied by the following documents:
    - a. If the applicant is an individual means the individual shall state their legal name and any aliases, and submit proof that they are at least 21 years of age.
    - b. If the applicant is a partnership. The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least 21 years of age.
    - c. If the applicant is a corporation. The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least 21 years of age.
    - d. If the applicant is a limited liability company (LLC). The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least 21 years of age.
    - e. If the applicant intends to operate the marijuana business under a name other than that of the applicant, they must state the marijuana business' name and submit the required registration documents.
    - f. If the applicant, an officer, member or employee has been convicted of criminal activity under state and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.
    - g. If the applicant has had a previous license under this ordinance or other similar marijuana business license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the marijuana business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must

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## City Council Ordinance

list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the marijuana business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.

- h. If the applicant holds any other permits/licenses under this ordinance or other similar marijuana business license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.
- i. The type of marijuana business for which the applicant is seeking a license.
- j. The location of the proposed marijuana business, including a legal description of the property, street address, and telephone number.
- k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the marijuana business pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.
- l. The applicant's mailing address and residential address.
- m. Recent passport-style photograph(s) of the applicant(s).
- n. The applicant's driver's license.
- o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floorspace to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.
- p. A copy of a city tax map depicting: The subject property lines and the property lines of other properties containing any existing marijuana businesses within 1,000 feet of the subject property; and the property lines of any public or preexisting private school within 750 feet of the subject property, measured in accordance with section 14-659.
- q. Evidence of all State approvals or conditional approvals required to operate a marijuana business at the subject premises.
- r. Evidence of all land use approvals or conditional land use approvals required to operate a marijuana business pursuant to the Code of Ordinances, including, but not limited to, a building permit, site plan approval, change of use permit or certificate of occupancy for the subject premises.
- s. Evidence of all other local approvals or conditional approvals required to operate a marijuana business pursuant to the Code of Ordinances, including, but not limited to, food service establishment licenses.

All applications for a marijuana business license shall be kept confidential by the city.

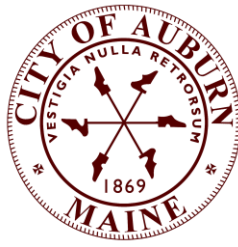
- (4) All applicants, including all individuals, officers, directors, managers, members, and partners, for any medical marijuana business license must be residents of the state, as defined in 22 M.R.S.A. § 2422.
- (5) If an applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and

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## City Council Ordinance

managing partner must be a person who is a resident, and a majority of shares, partnership interests, and membership interests, or other equity interests must be held or owned by persons who are residents. This residency requirement does not apply to applicants for testing facility licenses.

- (e) *Application and license fees.* All applications must be submitted with a \$500.00 fee. If an application is approved, the following license fees must be paid before the city will issue a license:

*Marijuana store.* Annual operation license fee: \$5,000.00.

*Marijuana manufacturing facility.* Annual operation license fee: \$2,500.00.

*Marijuana testing facility.* Annual operation license fee: \$2,500.00.

*Adult use marijuana cultivation:*

*Tier 1.* 0—500 square feet of plant canopy—Annual permit/licensing fee: \$1,000.00.

*Tier 2.* 501—2,000 square feet of mature plant canopy—Annual license fee: \$1,500.00.

*Tier 3.* 2,001—7,000 square feet of mature plant canopy—Annual license fee: \$2,500.00.

*Tier 4.* Greater than 7,000 square feet of mature plant canopy—Annual license fee: \$5,000.00.

*Medical marijuana cultivation.* Annual operation license fee: \$1,000.00.

*Adult use marijuana nursery cultivation.* Annual license fee: \$1,000.00 (Plant canopies of individual nursery cultivations are permanently capped at 1,000 square feet.)

Renewal applicants for adult use marijuana cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section.

Applicants for adult use marijuana cultivation licenses may not hold more than three such licenses or a total combined plant canopy in excess of 30,000 square feet.

- (f) *Complete application.* In the event that the city clerk determines that a submitted application is not complete, the city clerk shall notify the applicant that the application is not complete and shall inform the applicant of the additional information required to process the application.

### **Sec. 14-662. Appeals.**

- (a) Any parties aggrieved by a decision of the city clerk under this ordinance may bring the following appeals to the city council:

(1) Appeal by the applicant of the city clerk's denial of an application;

(2) Appeal by the applicant of any license granted by the city clerk with conditions to which the applicant/licensee objects; and

(3) Appeal by any aggrieved party having legal standing of any decision by the city clerk to grant a license under this ordinance.

- (b) Appeals must be filed in writing with the office of the city clerk or designee within 30 days of the date of the decision subject to appeal.

- (c) The city council shall hold a *de novo* hearing on an appeal within 30 days of the date the appeal is received by the city, unless all parties consent to an enlargement of that time period. It shall be the duty of the city clerk

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## City Council Ordinance

or designee to notify such parties of the time and place of the hearing. At the hearing, the city council will receive evidence on the application. Following the hearing, the city council shall issue a written decision on the appeal with its findings of fact and conclusions of law.

(d) The city council may approve any application previously denied by the city clerk only upon the affirmative vote of five or more members of the city council.

(e) An appeal from any final decision of the city council may be taken by any party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

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# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services

**TO: Phillip Crowell, City Manager**  
**FROM: Jill Eastman, Finance Director**  
**REF: August 2023 Financial Report**  
**DATE: September 18, 2023**

The following is a discussion regarding the significant variances found in the City's August financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its second month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 16.66% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

### Revenues

Revenues, for the City, collected through August 31st were \$9,857,961, or 9.21%, of the budget, which is higher than last year at this time by 0.86%. The accounts listed below are noteworthy.

- A. Property tax revenue of \$3,774,584 a decrease over last year of \$2,235,916. This is due to the timing of sending out the tax bills. This year we were about two weeks later than last fiscal year.
- B. State Revenue Sharing for the month of August is 13.72% or \$618,813. This is a decrease from last year of \$489,529. This is due to the timing of posting the August payment. It has been posted now and the amount was \$491,969, which brings this account equal to last year at this time.

### Expenditures

City expenditures through August 31st were \$6,372,442, or 8.09%, of the budget as compared to last year at \$5,395,895 or 10.51%.

In the current fiscal year, the percentage of expenditures is higher than last year by 1.27% or \$979,547 difference.

**Investments**

This section contains an investment schedule as of August 31<sup>st</sup> with a comparison to July 31<sup>st</sup>. Currently the City's funds are earning an average interest rate of 4.12% compared to 0.41% last year.

Respectfully submitted,

A handwritten signature in black ink that reads "Jill M. Eastman". The signature is written in a cursive, flowing style.

Jill M. Eastman  
Finance Director

**CITY OF AUBURN, MAINE**  
**BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND**  
**AS of August 2023, July 2023, and June 2023**

	August 31 2023	July 31 2023	Increase (Decrease)	Unaudited JUNE 30 2023
<b>ASSETS</b>				
CASH	\$ 37,004,201	\$ 31,087,448	\$ 5,916,753	\$ 43,592,529
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	658,389	907,112	(248,723)	2,703,976
TAXES RECEIVABLE-CURRENT	47,282,178	51,177,557	(3,895,379)	949,747
DELINQUENT TAXES	668,420	661,935	6,485	442,839
TAX LIENS	945,322	956,493	(11,171)	430,056
NET DUE TO/FROM OTHER FUNDS	(3,614,798)	(398,740)	(3,216,058)	(11,595,819)
	<hr/>			
<b>TOTAL ASSETS</b>	<b>\$ 82,943,712</b>	<b>\$ 84,391,805</b>	<b>\$ (1,448,093)</b>	<b>\$ 36,523,328</b>
 <b>LIABILITIES &amp; FUND BALANCES</b>				
ACCOUNTS PAYABLE	\$ 136,238	\$ (491,160)	\$ 627,398	\$ 901,846
PAYROLL LIABILITIES	(1,398,593)	(340,184)	(1,058,409)	(350,435)
ACCRUED PAYROLL	(3,872,012)	(3,872,012)	(0)	(570,829)
STATE FEES PAYABLE	(175,666)	(146,465)	(29,201)	(129,140)
ESCROWED AMOUNTS	(31,062)	(32,511)	1,449	(32,462)
DEFERRED REVENUE	(48,872,119)	(52,772,177)	3,900,058	(1,798,833)
DUE TO OTHER FUNDS	-	-	-	-
	<hr/>			
<b>TOTAL LIABILITIES</b>	<b>\$ (54,213,213)</b>	<b>\$ (57,654,509)</b>	<b>\$ 3,441,296</b>	<b>\$ (1,979,853)</b>
FUND BALANCE - UNASSIGNED/ASSIGNED	\$ (25,731,683)	\$ (23,738,479)	\$ (1,993,204)	\$ (31,544,658)
FUND BALANCE - RESTRICTED	(2,309,553)	(2,309,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,263)	-	(689,263)
	<hr/>			
<b>TOTAL FUND BALANCE</b>	<b>\$ (28,730,499)</b>	<b>\$ (26,737,295)</b>	<b>\$ (1,993,204)</b>	<b>\$ (34,543,474)</b>
	<hr/>			
<b>TOTAL LIABILITIES AND FUND BALANCE</b>	<b>\$ (82,943,712)</b>	<b>\$ (84,391,804)</b>	<b>\$ 1,448,092</b>	<b>\$ (36,523,327)</b>

**CITY OF AUBURN, MAINE**  
**REVENUES - GENERAL FUND COMPARATIVE**  
**THROUGH August 31, 2023 VS August 31, 2022**

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU AUG 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU AUG 2022	% OF BUDGET	VARIANCE
<b>TAXES</b>							
PROPERTY TAX REVENUE-	\$ 52,463,320	\$ 3,774,584	7.19%	\$ 52,463,320	\$ 6,010,500	11.46%	\$ (2,235,916)
PRIOR YEAR TAX REVENUE	\$ -	\$ 187,560		\$ -	\$ 27,139		\$ 160,421
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 1,770,000	\$ 1,320,847	74.62%	\$ 1,770,000	\$ 417,888	23.61%	\$ 902,959
EXCISE	\$ 4,435,000	\$ 817,498	18.43%	\$ 4,435,000	\$ 815,854	18.40%	\$ 1,644
PENALTIES & INTEREST	\$ 120,000	\$ 14,692	12.24%	\$ 120,000	\$ 4,420	3.68%	\$ 10,272
<b>TOTAL TAXES</b>	<b>\$ 58,788,320</b>	<b>\$ 6,115,181</b>	<b>10.40%</b>	<b>\$ 58,788,320</b>	<b>\$ 7,275,801</b>	<b>12.38%</b>	<b>\$ (1,160,620)</b>
<b>LICENSES AND PERMITS</b>							
BUSINESS	\$ 190,000	\$ 41,813	22.01%	\$ 190,000	\$ 44,066	23.19%	\$ (2,253)
NON-BUSINESS	\$ 195,250	\$ 42,044	21.53%	\$ 195,250	\$ 88,282	45.21%	\$ (46,239)
<b>TOTAL LICENSES</b>	<b>\$ 385,250</b>	<b>\$ 83,857</b>	<b>21.77%</b>	<b>\$ 385,250</b>	<b>\$ 132,348</b>	<b>34.35%</b>	<b>\$ (48,492)</b>
<b>INTERGOVERNMENTAL ASSISTANCE</b>							
STATE-LOCAL ROAD ASSISTANCE	\$ 400,000	\$ -	0.00%	\$ 400,000	\$ -	0.00%	\$ -
STATE REVENUE SHARING	\$ 4,504,100	\$ 618,813	13.74%	\$ 4,504,100	\$ 1,108,342	24.61%	\$ (489,529)
WELFARE REIMBURSEMENT	\$ 83,912	\$ 29,448	35.09%	\$ 83,912	\$ 36,248	43.20%	\$ (6,800)
OTHER STATE AID	\$ 32,000	\$ -	0.00%	\$ 32,000	\$ -	0.00%	\$ -
CITY OF LEWISTON	\$ 182,000	\$ -	0.00%	\$ 182,000	\$ -	0.00%	\$ -
<b>TOTAL INTERGOVERNMENTAL ASSISTANCE</b>	<b>\$ 5,202,012</b>	<b>\$ 648,260</b>	<b>12.46%</b>	<b>\$ 5,202,012</b>	<b>\$ 1,144,590</b>	<b>22.00%</b>	<b>\$ (496,330)</b>
<b>CHARGE FOR SERVICES</b>							
GENERAL GOVERNMENT	\$ 361,400	\$ 33,895	9.38%	\$ 361,400	\$ 41,861	11.58%	\$ (7,966)
PUBLIC SAFETY	\$ 30,800	\$ 4,225	13.72%	\$ 30,800	\$ 13,377	43.43%	\$ (9,152)
EMS TRANSPORT	\$ 1,350,000	\$ 167,767	12.43%	\$ 1,350,000	\$ 253,875	18.81%	\$ (86,108)
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 1,742,200</b>	<b>\$ 205,887</b>	<b>11.82%</b>	<b>\$ 1,742,200</b>	<b>\$ 309,113</b>	<b>17.74%</b>	<b>\$ (103,226)</b>
<b>FINES</b>							
PARKING TICKETS & MISC FINES	\$ 28,000	\$ 4,225	15.09%	\$ 28,000	\$ 4,332	15.47%	\$ (107)
<b>MISCELLANEOUS</b>							
INVESTMENT INCOME	\$ 30,000	\$ 56,319	187.73%	\$ 30,000	\$ 3,306	11.02%	\$ 53,013
RENTS	\$ 75,000	\$ 2,809	3.74%	\$ 75,000	\$ 4,524	6.03%	\$ (1,716)
UNCLASSIFIED	\$ 20,000	\$ 11,696	58.48%	\$ 20,000	\$ 13,749	68.75%	\$ (2,053)
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 12,961		\$ -	\$ 12,881		\$ 80
SALE OF PROPERTY	\$ 100,000	\$ 130,309	130.31%	\$ 100,000	\$ 102	0.10%	\$ 130,207
MMWAC HOST FEES	\$ 240,000	\$ 38,685	16.12%	\$ 240,000	\$ 38,685	16.12%	\$ 0
TRANSFER IN: TIF	\$ 1,140,000	\$ -	0.00%	\$ 1,140,000	\$ -	0.00%	\$ -
TRANSFER IN: Other Funds	\$ 619,000	\$ -	0.00%	\$ 619,000	\$ -	0.00%	\$ -
ENERGY EFFICIENCY							\$ -
SPONSORSHIPS - ECONOMIC DEVELOPMENT		\$ -		\$ -			\$ -
CDBG	\$ 588,154	\$ -	0.00%	\$ 588,154	\$ -	0.00%	\$ -
UTILITY REIMBURSEMENT	\$ 20,000	\$ -	0.00%	\$ 20,000	\$ -	0.00%	\$ -
CITY FUND BALANCE CONTRIBUTION	\$ 1,500,000	\$ -	0.00%	\$ 1,500,000	\$ -	0.00%	\$ -
<b>TOTAL MISCELLANEOUS</b>	<b>\$ 4,332,154</b>	<b>\$ 252,777</b>	<b>5.83%</b>	<b>\$ 4,332,154</b>	<b>\$ 73,247</b>	<b>1.69%</b>	<b>\$ 179,530</b>
<b>TOTAL GENERAL FUND REVENUES</b>	<b>\$ 70,477,936</b>	<b>\$ 7,310,188</b>	<b>10.37%</b>	<b>\$ 70,477,936</b>	<b>\$ 8,939,431</b>	<b>12.68%</b>	<b>\$ (1,629,243)</b>
<b>SCHOOL REVENUES</b>							
EDUCATION SUBSIDY	\$ 34,826,024	\$ 2,542,416	7.30%	\$ 34,826,024	\$ -	0.00%	\$ 2,542,416
EDUCATION	\$ 489,465	\$ 5,357	1.09%	\$ 489,465	\$ -	0.00%	\$ 5,357
SCHOOL FUND BALANCE CONTRIBUTION	\$ 1,251,726	\$ -	0.00%	\$ 1,251,726	\$ -	0.00%	\$ -
<b>TOTAL SCHOOL</b>	<b>\$ 36,567,215</b>	<b>\$ 2,547,773</b>	<b>6.97%</b>	<b>\$ 36,567,215</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ 2,547,773</b>
<b>GRAND TOTAL REVENUES</b>	<b>\$ 107,045,151</b>	<b>\$ 9,857,961</b>	<b>9.21%</b>	<b>\$ 107,045,151</b>	<b>\$ 8,939,431</b>	<b>8.35%</b>	<b>\$ 918,530</b>

**CITY OF AUBURN, MAINE**  
**EXPENDITURES - GENERAL FUND COMPARATIVE**  
**THROUGH August 31, 2023 VS August 31, 2022**

DEPARTMENT	FY 2024 BUDGET	EXP THRU AUG 2023	% OF BUDGET	FY 2023 BUDGET	EXP THRU AUG 2022	% OF BUDGET	VARIANCE
<b>ADMINISTRATION</b>							
MAYOR AND COUNCIL	\$ 171,750	\$ 39,178	22.81%	\$ 170,500	\$ 9,024	5.29%	\$ 30,154
CITY MANAGER	\$ 695,009	\$ 83,396	12.00%	\$ 510,978	\$ 73,635	14.41%	\$ 9,761
COMMUNICATIONS & ENGAGEMENT	\$ 356,522	\$ 76,849	21.56%	\$ 218,746	\$ 25,176	11.51%	\$ 51,673
CITY CLERK	\$ 290,268	\$ 41,964	14.46%	\$ 257,506	\$ 37,165	14.43%	\$ 4,799
FINANCE	\$ 1,228,112	\$ 302,745	24.65%	\$ 1,138,802	\$ 261,449	22.96%	\$ 41,296
HUMAN RESOURCES	\$ 246,260	\$ 40,680	16.52%	\$ 222,099	\$ 30,689	13.82%	\$ 9,991
INFORMATION TECHNOLOGY	\$ 917,487	\$ 347,782	37.91%	\$ 827,000	\$ 290,216	35.09%	\$ 57,566
<b>TOTAL ADMINISTRATION</b>	<b>\$ 3,905,408</b>	<b>\$ 932,594</b>	<b>23.88%</b>	<b>\$ 3,345,631</b>	<b>\$ 727,354</b>	<b>21.74%</b>	<b>\$ 205,240</b>
<b>COMMUNITY SERVICES</b>							
PLANNING & PERMITTING	\$ 682,189	\$ 113,805	16.68%	\$ 666,629	\$ 115,958	17.39%	\$ (2,153)
ECONOMIC DEVELOPMENT	\$ 123,893	\$ 32,243	26.02%	\$ 286,598	\$ 60,827	21.22%	\$ (28,584)
BUSINESS & COMMUNITY DEVELOPMENT	\$ 710,692	\$ 59,740	8.41%	\$ 671,411	\$ 42,612	6.35%	\$ 17,128
HEALTH & SOCIAL SERVICES	\$ 180,825	\$ 87,815	48.56%	\$ 119,875	\$ 9,582	7.99%	\$ 78,233
RECREATION & SPORTS TOURISM	\$ 722,416	\$ 106,490	14.74%	\$ 762,440	\$ 87,925	11.53%	\$ 18,565
PUBLIC LIBRARY	\$ 1,138,659	\$ 299,154	26.27%	\$ 1,084,437	\$ 271,110	25.00%	\$ 28,044
<b>TOTAL COMMUNITY SERVICES</b>	<b>\$ 3,558,674</b>	<b>\$ 699,247</b>	<b>19.65%</b>	<b>\$ 3,591,390</b>	<b>\$ 588,014</b>	<b>16.37%</b>	<b>\$ 111,233</b>
<b>FISCAL SERVICES</b>							
DEBT SERVICE	\$ 8,334,544	\$ 90,807	1.09%	\$ 8,361,254	\$ 90,807	1.09%	\$ -
CAPITAL INVESTMENT & PURCHASING	\$ 783,252	\$ 102,123	13.04%	\$ 672,473	\$ 62,299	9.26%	\$ 39,824
WORKERS COMPENSATION	\$ 715,400	\$ -	0.00%	\$ 698,000	\$ -	0.00%	\$ -
WAGES & BENEFITS	\$ 8,257,879	\$ 1,171,449	14.19%	\$ 7,876,393	\$ 1,081,762	13.73%	\$ 89,687
EMERGENCY RESERVE (10108062-670000)	\$ 550,000	\$ -	0.00%	\$ 461,230	\$ -	0.00%	\$ -
<b>TOTAL FISCAL SERVICES</b>	<b>\$ 18,641,075</b>	<b>\$ 1,364,379</b>	<b>7.32%</b>	<b>\$ 18,069,350</b>	<b>\$ 1,234,868</b>	<b>6.83%</b>	<b>\$ 129,511</b>
<b>PUBLIC SAFETY</b>							
FIRE & EMS DEPARTMENT	\$ 6,304,713	\$ 1,010,409	16.03%	\$ 5,693,284	\$ 777,552	13.66%	\$ 232,857
POLICE DEPARTMENT	\$ 5,207,160	\$ 767,048	14.73%	\$ 4,945,034	\$ 631,059	12.76%	\$ 135,989
<b>TOTAL PUBLIC SAFETY</b>	<b>\$ 11,511,873</b>	<b>\$ 1,777,457</b>	<b>15.44%</b>	<b>\$ 10,638,318</b>	<b>\$ 1,408,611</b>	<b>13.24%</b>	<b>\$ 368,846</b>
<b>PUBLIC WORKS</b>							
PUBLIC WORKS DEPARTMENT	\$ 6,108,837	\$ 1,018,797	16.68%	\$ 5,600,109	\$ 627,998	11.21%	\$ 390,799
SOLID WASTE DISPOSAL*	\$ 1,386,000	\$ 127,259	9.18%	\$ 1,320,000	\$ 96,528	7.31%	\$ 30,731
WATER AND SEWER	\$ 792,716	\$ 195,301	24.64%	\$ 792,716	\$ 195,301	24.64%	\$ -
<b>TOTAL PUBLIC WORKS</b>	<b>\$ 8,287,553</b>	<b>\$ 1,341,357</b>	<b>16.19%</b>	<b>\$ 7,712,825</b>	<b>\$ 919,827</b>	<b>11.93%</b>	<b>\$ 421,530</b>
<b>INTERGOVERNMENTAL PROGRAMS</b>							
AUBURN-LEWISTON AIRPORT	\$ 205,000	\$ 205,742	100.36%	\$ 205,000	\$ 202,293	98.68%	\$ 3,449
E911 COMMUNICATION CENTER	\$ 1,287,401	\$ 39,166	3.04%	\$ 1,217,713	\$ 304,428	25.00%	\$ (265,262)
LATC-PUBLIC TRANSIT	\$ 400,079	\$ -	0.00%	\$ 431,811	\$ -	0.00%	\$ -
LA ARTS	\$ 20,000	\$ 12,500	62.50%	\$ 30,000	\$ 7,500	25.00%	\$ -
TAX SHARING	\$ 260,000	\$ -	0.00%	\$ 260,000	\$ -	0.00%	\$ -
<b>TOTAL INTERGOVERNMENTAL</b>	<b>\$ 2,172,480</b>	<b>\$ 257,408</b>	<b>11.85%</b>	<b>\$ 2,144,524</b>	<b>\$ 514,221</b>	<b>23.98%</b>	<b>\$ (256,813)</b>
<b>COUNTY TAX</b>							
TIF (10108058-580000)	\$ 2,972,037	\$ -	0.00%	\$ 2,761,220	\$ -	0.00%	\$ -
OVERLAY	\$ 3,049,803	\$ -	0.00%	\$ 3,049,803	\$ -	0.00%	\$ -
	\$ -	\$ -	-	\$ -	\$ -	-	\$ -
<b>TOTAL CITY DEPARTMENTS</b>	<b>\$ 54,098,903</b>	<b>\$ 6,372,442</b>	<b>11.78%</b>	<b>\$ 51,313,061</b>	<b>\$ 5,392,895</b>	<b>10.51%</b>	<b>\$ 979,547</b>
<b>EDUCATION DEPARTMENT</b>	<b>\$ 59,071,289</b>	<b>\$ 2,782,876</b>	<b>4.71%</b>	<b>\$ 55,732,090</b>	<b>\$ -</b>	<b>0.00%</b>	<b>\$ 2,782,876</b>
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b>\$ 113,170,192</b>	<b>\$ 9,155,318</b>	<b>8.09%</b>	<b>\$ 107,045,151</b>	<b>\$ 5,392,895</b>	<b>5.04%</b>	<b>\$ 3,762,423</b>

**CITY OF AUBURN, MAINE  
INVESTMENT SCHEDULE  
AS OF August 31, 2023**

INVESTMENT		FUND	BALANCE August 31, 2023	BALANCE July 31, 2023	INTEREST RATE
ANDROSCOGGIN BANK	449	CAPITAL PROJECTS	\$ 3,353,624.99	\$ 9,915,857.58	2.00%
ANDROSCOGGIN BANK	502	SR-TIF	\$ 1,054,627.51	\$ 1,054,628.17	2.00%
ANDROSCOGGIN BANK	836	GENERAL FUND	\$ 5,754,460.17	\$ 7,740,025.87	2.00%
ANDROSCOGGIN BANK	801	WORKERS COMP	\$ 53,360.12	\$ 53,258.30	2.00%
ANDROSCOGGIN BANK	684	EMS CAPITAL RESERVE	\$ 345,010.72	\$ 344,352.11	2.00%
ANDROSCOGGIN BANK	414	INGERSOLL TURF FACILITY	\$ 229,925.69	\$ 229,925.69	2.00%
ANDROSCOGGIN BANK	0888	ELHS FUNDRAISING	\$ 472,866.14	\$ 472,866.14	2.00%
ANDROSCOGGIN BANK		ELHS CONSTRUCTION	\$ 4,841,158.34	\$ 4,101,031.39	2.00%
NOMURA 2		ELHS Bond Proceeds	\$ 18,564,969.00	\$ 22,824,544.00	2.08%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.25%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	3.95%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.50%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.60%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.85%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.70%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.45%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.50%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.85%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.00%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.40%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.20%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.15%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.30%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.10%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.15%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.15%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.25%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.30%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.30%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.35%
Northern Capital Securities	CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.30%
<b>GRAND TOTAL</b>			<b>\$ 40,420,002.68</b>	<b>\$ 51,486,489.25</b>	<b>4.12%</b>

**EMS BILLING**  
**SUMMARY OF ACTIVITY**  
**July 1, 2023 - June 30, 2024**  
**Report as of August 31, 2023**

	Beginning	August 2023					Ending
	Balance 8/1/2023	New Charges	Payments	Refunds	Adjustments	Write-Offs	Balance 8/31/2023
<b>Bluecross</b>	\$ 21,328.89	\$ 17,050.40	\$ (7,813.31)		\$ (1,253.52)		\$ 29,312.46
<b>Intercept</b>	\$ 200.00	\$ (969.20)	\$ -				\$ (769.20)
<b>Medicare</b>	\$ 213,299.04	\$ 176,422.00	\$ (51,107.18)		\$ (72,815.57)		\$ 265,798.29
<b>Medicaid</b>	\$ 18,343.55	\$ 82,884.40	\$ (42,668.03)		\$ (37,090.88)		\$ 21,469.04
<b>Other/Commercial</b>	\$ 96,111.58	\$ 36,749.40	\$ (19,539.76)		\$ (1,807.37)		\$ 111,513.85
<b>Patient</b>	\$ 109,581.27	\$ 16,885.60	\$ (15,186.34)	\$ 1,043.20	\$ 0.60	\$ (21,553.38)	\$ 90,770.95
<b>Worker's Comp</b>	\$ (7,271.78)						\$ (7,271.78)
<b>TOTAL</b>	\$ 451,592.55	\$ 329,022.60	\$ (136,314.62)	\$ 1,043.20	\$ (112,966.74)	\$ (21,553.38)	\$ 510,823.61

**EMS BILLING**  
**BREAKDOWN -TOTAL CHARGES**  
**July 1, 2023 - June 30, 2024**  
**Report as of July 31, 2023**

	July 2023	August 2023	Totals	% of Total
Bluecross	\$ 12,163.20	\$ 17,050.40	\$ 29,213.60	5.06%
Intercept	\$ -	\$ (969.20)	\$ (969.20)	-0.17%
Medicare	\$ 144,760.40	\$ 176,422.00	\$ 321,182.40	55.63%
Medicaid	\$ 61,035.00	\$ 82,884.40	\$ 143,919.40	24.93%
Other/Commercial	\$ 17,128.40	\$ 36,769.30	\$ 53,897.70	9.33%
Patient	\$ 13,258.80	\$ 16,885.60	\$ 30,144.40	5.22%
Worker's Comp			\$ -	0.00%
<b>TOTAL</b>	<b>\$ 248,345.80</b>	<b>\$ 329,042.50</b>	<b>\$ 577,388.30</b>	<b>100.00%</b>

**EMS BILLING**  
**BREAKDOWN -TOTAL COUNT**  
**July 1, 2023 - June 30, 2024**  
**Report as of July 31, 2023**

	July 2023	August 2023	Totals	% of Total
Bluecross	12	27	39	5.16%
Intercept	0	3	3	0.40%
Medicare	178	236	414	54.76%
Medicaid	72	112	184	24.34%
Other/Commercial	17	63	80	10.58%
Patient	16	20	36	4.76%
Worker's Comp			0	0.00%
<b>TOTAL</b>	<b>295</b>	<b>461</b>	<b>756</b>	<b>100.00%</b>



CITY OF AUBURN  
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES  
As of August 31, 2023

	1902 Riverwatch	1910 Community Service	1914 Oak Hill Cemeteries	1917 Wellness Grant	1928 Vending	2003 Byrne JAG	2005 MDOT	2008 Homeland Security	2009 PD Evidence Money Deposits	2010 State Drug Money	2011 PD Capital Reserve	2014 Speed Grant	2015 AARP Walkability Grant	2016 Pedestrian Safety	2018 Nat Opioid Settlement	2019 Law Enforcement Training		
Fund Balance 7/1/23	\$ 419,018.01	\$ 7,337.93	\$ 37,205.06	\$ 7,041.18	\$ -	\$ 2,808.57	\$ (862,167.55)	\$ (101,432.52)	\$ 212,779.28	\$ 8,224.66	\$ 31,585.83	\$ 5,736.24	\$ -	\$ 545.31	\$ 212,510.51	\$ (8,205.29)	\$ (27,012.78)	
Revenues FY24	\$ 18,769.28	\$ 28.00	\$ 502.46				\$ -		\$ 2,301.00			\$ 721.36			\$ 41,251.49		\$ 63,573.59	
Expenditures FY24				\$ 560.17			\$ 740,125.67		\$ (2,250.00)	\$ 5,312.74		\$ 2,090.55					\$ 745,839.13	
<b>Fund Balance 8/31/2023</b>	<b>\$ 437,787.29</b>	<b>\$ 7,365.93</b>	<b>\$ 37,707.52</b>	<b>\$ 6,481.01</b>	<b>\$ -</b>	<b>\$ 2,808.57</b>	<b>\$ (1,602,293.22)</b>	<b>\$ (101,432.52)</b>	<b>\$ 217,330.28</b>	<b>\$ 2,911.92</b>	<b>\$ 31,585.83</b>	<b>\$ 4,367.05</b>	<b>\$ -</b>	<b>\$ 545.31</b>	<b>\$ 253,762.00</b>	<b>\$ (8,205.29)</b>	<b>\$ (709,278.32)</b>	
	2020 CDBG	2025 Community Cords	2026 State Grant Non-GA Heat Asst	2030 Parking	2037 Bulletproof Vests	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2047 American Firefighter Grant	2048 TD Tree Days	2051 Project Canopy	2054 EMS Transport Capital Reserve	2059 Distracted Driving	2068 Northern Borders Grant			
Fund Balance 7/1/23	\$ 1,207,031.43	\$ 30,379.80	\$ 25,064.37	\$ 40,215.76	\$ 3,374.73	\$ 20,536.23	\$ 21,618.18	\$ -	\$ 110,525.79	\$ (1,695.00)	\$ 2,213.05	\$ (1,522.60)	\$ 288,581.46	\$ 802.57	\$ 178,046.71	\$ 1,925,172.48		
Revenues FY24	\$ 95,745.31			\$ 39,728.50									\$ 657.34			\$ 136,131.15		
Expenditures FY24	\$ 206,715.15		\$ 4,510.13	\$ 741.33	\$ 1,291.00		\$ 100.00		\$ 13,748.56							\$ 227,106.17		
<b>Fund Balance 8/31/2023</b>	<b>\$ 1,096,061.59</b>	<b>\$ 30,379.80</b>	<b>\$ 20,554.24</b>	<b>\$ 79,202.93</b>	<b>\$ 2,083.73</b>	<b>\$ 20,536.23</b>	<b>\$ 21,518.18</b>	<b>\$ -</b>	<b>\$ 96,777.23</b>	<b>\$ (1,695.00)</b>	<b>\$ 2,213.05</b>	<b>\$ (1,522.60)</b>	<b>\$ 289,238.80</b>	<b>\$ 802.57</b>	<b>\$ 178,046.71</b>	<b>\$ 1,834,197.46</b>		
	2071 Com Engage Spec Events	2080 Futsal Court Project	2085 Edna Hodakin Crowley Park	2300 ARPA Grant	2400 NRPA Youth Mentoring	2405 Elmina B Sewall Grant	2500 Parks & Recreation											
Fund Balance 7/1/23	\$ 48,854.00	\$ 25,353.61	\$ 6,053.02	\$ 11,279,077.49	\$ 482.09	\$ 82,000.00	\$ 228,248.69											\$ 11,670,068.90
Revenues FY24				\$ 15,821.35			\$ 82,343.37											\$ 98,164.72
Expenditures FY24				\$ 512,860.67	\$ 2,726.47		\$ 194,635.23											\$ 710,222.37
<b>Fund Balance 8/31/2023</b>	<b>\$ 48,854.00</b>	<b>\$ 25,353.61</b>	<b>\$ 6,053.02</b>	<b>\$ 10,782,038.17</b>	<b>\$ (2,244.38)</b>	<b>\$ 82,000.00</b>	<b>\$ 115,956.83</b>											<b>\$ 11,058,011.25</b>
	2600 Tambrands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt Transport TIF 19	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	Total Special Revenues	TIF Totals	
Fund Balance 7/1/23	\$ 126,694.39	\$ 806,274.01	\$ 786,690.71	\$ (627,211.49)	\$ 623,092.36	\$ (662,615.38)	\$ 19,435.74	\$ 27,952.81	\$ 1,120.91	\$ 74,350.62	\$ 132,062.18	\$ (28,481.47)	\$ 13,914.35	\$ (76,544.08)	\$ 59,527.65	\$ 14,844,491.91	\$ 1,276,263.31	
Revenues FY24																\$ 434,000.61	\$ -	
Expenditures FY24		\$ -													\$ 561.26	\$ 1,683,728.93	\$ 561.26	
<b>Fund Balance 8/31/2023</b>	<b>\$ 126,694.39</b>	<b>\$ 806,274.01</b>	<b>\$ 786,690.71</b>	<b>\$ (627,211.49)</b>	<b>\$ 623,092.36</b>	<b>\$ (662,615.38)</b>	<b>\$ 19,435.74</b>	<b>\$ 27,952.81</b>	<b>\$ 1,120.91</b>	<b>\$ 74,350.62</b>	<b>\$ 132,062.18</b>	<b>\$ (28,481.47)</b>	<b>\$ 13,914.35</b>	<b>\$ (76,544.08)</b>	<b>\$ 58,966.39</b>	<b>\$ 13,458,632.44</b>	<b>\$ 1,275,702.05</b>	

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services

To: Phillip Crowell, City Manager  
From: Jill Eastman, Finance Director  
Re: Financial Reports for August 31, 2023



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of August 31, 2023.

### **INGERSOLL TURF FACILITY**

#### **Statement of Net Assets:**

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of August 31, 2023.

#### **Current Assets:**

As of the end of August 2023 the total current assets of Ingersoll Turf Facility were \$359,191. This consisted of cash and cash equivalents of \$229,926 and an interfund receivable of \$129,265.

#### **Noncurrent Assets:**

Ingersoll's noncurrent assets are the building and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of August 31, 2023, were \$34,044.

#### **Liabilities:**

Ingersoll had accounts payable of \$160, as of August 31, 2023.

#### **Statement of Activities:**

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Ingersoll Turf Facility through August 2023 are \$10,943. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through August 2023 were \$277. These expenses include program costs and capital purchases. All other operating costs are now budgeted in the Recreation Budget in the General Fund with a revenue transfer in to offset these expenses.

As of August 31, 2023, Ingersoll has an operating gain of \$11,105.

As of August 31, 2023, Ingersoll has a increase in net assets of \$11,105.

The budget to actual reports for revenue and expenditures, show the revenue and expenditures for FY24 compared to the same period in FY23.

**Statement of Net Assets**  
**Ingersoll Turf Facility**  
**August 31, 2023**  
**Business-type Activities - Enterprise Fund**

	August 31 2023	July 31 2023	Increase/ (Decrease)
<b>ASSETS</b>			
Current assets:			
Cash and cash equivalents	\$ 229,926	\$ 227,016	\$ 2,910
Interfund receivables/payables	\$ 129,265	\$ -	129,265
Accounts receivable	-	-	-
Total current assets	359,191	227,016	132,175
Noncurrent assets:			
Capital assets:			
Buildings	672,279	672,279	-
Equipment	119,673	119,673	-
Land improvements	18,584	18,584	-
Less accumulated depreciation	(776,492)	(748,757)	(27,735)
Total noncurrent assets	34,044	61,779	(27,735)
Total assets	393,235	288,795	104,440
<b>LIABILITIES</b>			
Accounts payable	\$ 160	\$ 186	(26)
Interfund payable	\$ -	\$ 25,094	(25,094)
Total liabilities	160	25,280	(25,120)
<b>NET ASSETS</b>			
Invested in capital assets	\$ 34,044	\$ 61,779	\$ (27,735)
Unrestricted	\$ 359,031	\$ 205,059	\$ 153,972
Total net assets	\$ 393,075	\$ 266,838	\$ 126,237

**CITY OF AUBURN, MAINE**  
**Statement of Revenues, Expenses and Changes in Net Assets**  
**Ingersoll Turf Facility**  
**Business-type Activities - Enterprise Funds**  
**Statement of Activities**  
**August 31, 2023**

	<b>Ingersoll Turf Facility</b>
Operating revenues:	
Charges for services	\$ 10,943
Operating expenses:	
Personnel	-
Supplies	-
Utilities	117
Repairs and maintenance	
Rent	-
Depreciation	-
Capital expenses	-
Other expenses	160
<b>Total operating expenses</b>	<b>277</b>
<b>Operating gain (loss)</b>	<b>10,666</b>
Nonoperating revenue (expense):	
Interest income	439
Interest expense (debt service)	-
<b>Total nonoperating expense</b>	<b>439</b>
Gain (Loss) before transfer	11,105
Transfers out	-
Change in net assets	11,105
Total net assets, July 1	381,970
<b>Total net assets, August 31, 2022</b>	<b>\$ 393,075</b>

**CITY OF AUBURN, MAINE**  
**REVENUES - INGERSOLL TURF FACILITY**  
Through August 31, 2023 compared to August 31, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU AUG 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU AUG 2022	% OF BUDGET
<b>CHARGE FOR SERVICES</b>						
Sponsorship		\$ 2,000			\$ 1,000	
Batting Cages		\$ 2,678			\$ 750	
Programs		\$ 458			\$ 250	
Rental Income		\$ 5,808			\$ 8,680	
<b>TOTAL CHARGE FOR SERVICES</b>	\$ -	\$ 10,943		\$ -	\$ 10,680	
<b>INTEREST ON INVESTMENTS</b>	\$ -	\$ 439		\$ -	\$ 87	
<b>GRAND TOTAL REVENUES</b>	<b>\$ -</b>	<b>\$ 11,382</b>		<b>\$ -</b>	<b>\$ 10,767</b>	

**CITY OF AUBURN, MAINE**  
**EXPENDITURES - INGERSOLL TURF FACILITY**  
**Through August 31, 2022 compared to August 31, 2021**

DESCRIPTION	ACTUAL			ACTUAL			Difference
	FY 2024 BUDGET	EXPENDITURES THRU AUG 2023	% OF BUDGET	FY 2023 BUDGET	EXPENDITURES THRU AUG 2022	% OF BUDGET	
Salaries & Benefits	See Recreation Budget			See Recreation Budget			\$ -
Purchased Services							\$ -
Programs		\$ 260			\$ 3,362		\$ (3,102)
Supplies							\$ -
Utilities		\$ 117					\$ 117
Insurance Premiums	\$ -			\$ -	\$ -		
Capital Outlay	\$ -			\$ -	\$ 4,371		\$ (4,371)
	\$ -	\$ 377		\$ -	\$ 7,733		\$ (7,356)
<b>GRAND TOTAL EXPENDITURES</b>	<b>\$ -</b>	<b>\$ 377</b>		<b>\$ -</b>	<b>\$ 7,733</b>		<b>\$ (7,356)</b>

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services

To: Phillip Crowell, City Manager  
From: Jill Eastman, Finance Director  
Re: Arena Financial Reports for August 31, 2023

Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of August 31, 2023.

The Norway Savings Bank Arena report now includes a budget to actual comparison with last fiscal year for both revenues and expenditures.

### **NORWAY SAVINGS BANK ARENA**

#### **Statement of Net Assets:**

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, July 31, 2023.

#### **Current Assets:**

As of the end of August 2023 the total current assets of Norway Savings Bank Arena were (\$959,455). These consisted of cash and cash equivalents of \$281,103, accounts receivable of \$68,725, and an interfund payable of \$1309.283, which means that Norway owes the General Fund \$1,309.283 at the end of August.

#### **Noncurrent Assets:**

Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of August 31, 2023 was \$102,173.

#### **Liabilities:**

NSB Arena had accounts payable of \$2,345, and a net pension liability of \$52,355 as of August 31, 2023.

#### **Statement of Activities:**

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through August 2023 are \$97,764. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through August 2023 were \$198,973. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of August 2023, Norway Arena has an operating loss of \$101,209 compared to the August 2022 operating gain of \$26,614.

As of August 31, 2023, Norway Arena has a decrease in net assets of \$101,209.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY24 is \$28,799 less in FY23 and expenditures in FY24 are \$92,897 more than last year in August.

**CITY OF AUBURN, MAINE**  
**Statement of Net Assets**  
**Norway Savings Bank Arena**  
**August 31, 2023**  
**Business-type Activities - Enterprise Fund**

	August 31 2023	July 31 2023	Increase/ (Decrease)
<b>ASSETS</b>			
Current assets:			
Cash and cash equivalents	\$ 281,103	\$ 281,103	\$ -
Interfund receivables	\$ (1,309,283)	\$ (1,336,544)	\$ 27,261
Prepaid Rent			\$ -
Accounts receivable	68,725	89,685	\$ (20,960)
Total current assets	(959,455)	(965,756)	6,301
Noncurrent assets:			
Capital assets:			
Buildings	58,223	58,223	-
Equipment	517,049	517,049	-
Land improvements	-	-	-
Less accumulated depreciation	(473,099)	(473,099)	-
Total noncurrent assets	102,173	102,173	-
Total assets	(857,282)	(863,583)	6,301
<b>LIABILITIES</b>			
Accounts payable	\$ 2,345	\$ 573	\$ 1,772
Net OPEB liability	\$ 64,614	\$ 64,614	\$ -
Net pension liability	(52,355)	(52,355)	-
Total liabilities	14,604	12,832	1,772
<b>NET ASSETS</b>			
Invested in capital assets	\$ 102,173	\$ 102,173	\$ -
Unrestricted	\$ (974,059)	\$ (978,588)	\$ 4,529
Total net assets	\$ (871,886)	\$ (876,415)	\$ 4,529



**CITY OF AUBURN, MAINE**  
**Statement of Revenues, Expenses and Changes in Net Assets**  
**Norway Savings Bank Arena**  
**Business-type Activities - Enterprise Funds**  
**Statement of Activities**  
**August 31, 2023**

	<b>Norway Savings Arena</b>
Operating revenues:	
Charges for services	\$ 97,764
Operating expenses:	
Personnel	64,095
Supplies	9,210
Utilities	1,810
Repairs and maintenance	17,258
Insurance Premium	-
Depreciation	
Capital expenses	99,185
Other expenses	7,415
<b>Total operating expenses</b>	<b>198,973</b>
<b>Operating gain (loss)</b>	<b>(101,209)</b>
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	
<b>Total nonoperating expense</b>	<b>-</b>
Gain (Loss) before transfer	(101,209)
Transfers out	-
Change in net assets	(101,209)
Total net assets, July 1	(1,304,744)
<b>Total net assets, August 31, 2023</b>	<b>\$ (1,405,953)</b>

**CITY OF AUBURN, MAINE**  
**REVENUES - NORWAY SAVINGS BANK ARENA**  
Through August 31, 2022 compared to August 31, 2021

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU AUG 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU AUG 2022	% OF BUDGET	VARIANCE
<b>CHARGE FOR SERVICES</b>							
Concussions	\$ 16,500		0.00%	\$ 16,500		0.00%	\$ -
Skate Rentals	\$ 6,000	\$ 275	4.58%	\$ 6,000		0.00%	\$ 275
Pepsi Vending Machines	\$ 2,000	\$ 125	6.25%	\$ 2,000	\$ 265	13.25%	\$ (140)
Games Vending Machines	\$ 3,000		0.00%	\$ 3,000		0.00%	\$ -
Vending Food	\$ 2,000	\$ 87	4.35%	\$ 2,000	\$ 54	2.70%	\$ 33
Sponsorships	\$ 230,000	\$ 34,947	15.19%	\$ 230,000	\$ 46,000	20.00%	\$ (11,053)
Pro Shop	\$ 7,000	\$ 507	7.24%	\$ 7,000		0.00%	\$ 507
Programs	\$ 20,000		0.00%	\$ 20,000		0.00%	\$ -
Rental Income	\$ 702,000	\$ 50,263	7.16%	\$ 702,000	\$ 52,434	7.47%	\$ (2,171)
Camps/Clinics	\$ 50,000	\$ 11,560	23.12%	\$ 50,000	\$ 16,860	33.72%	\$ (5,300)
Tournaments	\$ 50,000	\$ -	0.00%	\$ 50,000	\$ 10,950	21.90%	\$ (10,950)
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 1,088,500</b>	<b>\$ 97,764</b>	<b>8.98%</b>	<b>\$ 1,088,500</b>	<b>\$ 126,563</b>	<b>11.63%</b>	<b>\$ (28,799)</b>

**CITY OF AUBURN, MAINE**  
**EXPENDITURES - NORWAY SAVINGS BANK ARENA**  
**Through August 31, 2023 compared to August 31, 2022**

DESCRIPTION	ACTUAL			ACTUAL			VARIANCE
	FY 2024 BUDGET	EXPENDITURES THRU AUG 2023	% OF BUDGET	FY 2023 BUDGET	EXPENDITURES THRU AUG 2022	% OF BUDGET	
Salaries & Benefits	\$ 291,095	\$ 64,095	22.02%	\$ 291,095	\$ 47,864	16.44%	\$ 16,231
Purchased Services	\$ 136,900	\$ 24,673	18.02%	\$ 136,900	\$ 29,365	21.45%	\$ (4,692)
Supplies	\$ 76,562	\$ 890	1.16%	\$ 76,562	\$ 890	1.16%	\$ -
Utilities	\$ 267,000	\$ 1,810	0.68%	\$ 267,000	\$ 6,737	2.52%	\$ (4,927)
Capital Outlay	\$ 50,000	\$ 99,185	198.37%	\$ 50,000	\$ 12,900	25.80%	\$ 86,285
Rent	\$ -	\$ -		\$ -	\$ -		\$ -
	<b>\$ 821,557</b>	<b>\$ 190,653</b>	<b>23.21%</b>	<b>\$ 821,557</b>	<b>\$ 97,756</b>	<b>11.90%</b>	<b>\$ 92,897</b>
<b>GRAND TOTAL EXPENDITURES</b>	<b>\$ 821,557</b>	<b>\$ 190,653</b>	<b>23.21%</b>	<b>\$ 821,557</b>	<b>\$ 97,756</b>	<b>11.90%</b>	<b>\$ 92,897</b>