



**City Council Workshop & Meeting
Agenda
November 6, 2023
Auburn Hall, Council Chambers**

7:00 P.M. City Council Meeting

Moment of Silence and In Memoriam

Call to Order - Roll call votes will begin with Councilor Morin

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 142-11062023**
Appointing Warden’s and Ward Clerks for the Nov. 7, 2023 Election.
- II. **Minutes**
 - October 16, 2023 Regular City Council Meeting
 - October 23, 2023, Special City Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Communication – Special Event/Mass Gathering Application for New Year’s Eve Auburn Event
 - Public Safety Wellness Program – Police Chief Jason Moen and Fire Chief Robert Chase
 - 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 22-10162023**
Amending the Auburn Zoning Ordinance – Minimum Dwelling Size. Public hearing and second reading.
 2. **Ordinance 23-10162023**
Amending the Auburn Zoning Map, Area B change, from UR, SR, and LDCR to T4.2B. Public hearing and second reading.
 3. **Public hearing** - Miller Street Discontinuance.

VI. New Business

1. Order 143-11062023

Approving the discontinuance of Chestnut Street.

2. Order 144-11062023

Amending the Downtown Omnibus TIF #10. Public hearing and vote.

3. Order 145-11062023

Allocating \$10,000.00 from ARPA (American Rescue Plan Act) funds to Rebuilding Together Lewiston/Auburn who will make necessary repairs to homes of those financially unable to do so.

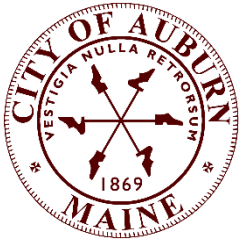
4. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

5. Reports (from sub-committees to Council)

- a. Mayor's Report
- b. City Councilors' Reports
- c. City Manager Report

IX. Executive Sessions

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 6, 2023

Order: 142-11062023

Author: Sue Clements-Dallaire, City Clerk

Subject: Appointing Wardens and Ward Clerks for the November 7, 2023 Election.

Information:

Warden and Ward Clerk Appointments are normally made every two years, however, there have been vacancies and challenges filling these positions. The City Clerk has nominated the individuals below to fill the Warden and Ward Clerk vacancies for the November 7, 2023 Election.

Audrey Murphy - Warden
Christine Sirois – Ward Clerk
Robert Hayes – Warden
Carl Young – Ward Clerk
Paul Ouellette – Warden
Doreen Jordan – Warden
Alice Dill – Ward Clerk
Miles Smith – Warden
Sue Martin – Ward Clerk

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage.

Previous Meetings and History: Appointments are made every two years or when there is a vacancy.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: Order



ORDER 142-11062023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby appoints the following to serve as Wardens & Ward Clerks for the November 7, 2023 Election.

Audrey Murphy - Warden
Christine Sirois – Ward Clerk
Robert Hayes – Warden
Carl Young – Ward Clerk
Paul Ouellette – Warden
Doreen Jordan – Warden
Alice Dill – Ward Clerk
Miles Smith – Warden
Sue Martin – Ward Clerk

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

IN COUNCIL REGULAR MEETING OCTOBER 16, 2023, VOL. 37 PAGE 88

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 – None

II. Minutes - September 18, 2023, Regular City Council Meeting

Motion was made by Councilor Hawes and seconded by Councilor Staples to approve the minutes of the September 18, 2023, Regular City Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Recycling Update – Phil Crowell, City Manager
- Proclamation - Extra Mile Day – Mayor Levesque proclaimed November 1, 2023, as Extra Mile Day in Auburn and presented David Griswold with a plaque and recognized him for his volunteerism and for going the extra mile for the community.
- Council Communications (about and to the community)

Councilor Hawes announced that Saturday, October 21st the Auburn Fire Department will be holding an open house from 10:00am to 1:00pm. He encouraged the public to attend.

Councilor Walker announced that on October 29th at 1:00 pm in Anniversary Park there will be a Trick or Treat event with free candy for the kids.

Councilor Staples thanked staff for performing the recent walk audits led by Jonathan LaBonté adding that a report should be coming soon. He thanked staff for putting on the Shops at Anniversary Park, he reported that he has been working with the Sustainability Working Group and the Sustainability and Natural Resource Management Board (SNRB) to discuss recycling and he thanked the City Manager for his work on that, and last, he stated that the Androscoggin Land Trust had a clean-up event along the river which he participated in. He stated that it was a great community event.

Mayor Levesque announced that the organization Bipartisan Policy Center in Washington, DC has just recognized Auburn, Maine and did a nationwide case study called Small City Zoning Reforms in Auburn Maine adding that this is a testament of the good work of the council and staff.

City Manager Crowell announced that a Truck or Treat event is coming to the Public Works building on October 26th from 5:00 – 7:00pm, and the Pal Center will be running a haunted house on October 31st.

IV. Open Session

Elizabeth Dunn, 530 Court Street, commented on the vote taken at the last City Council meeting that exempted area A2 of New Auburn from the T-4.2B ordinance.

TJ Cassiello, 225 Vickery Road, stated that he and his wife moved here recently from Boston, stating that we are doing the same thing that was done in Boston which has become what he called an “overcrowded disaster area”. He is opposed to building the proposed complex adding that they want to live in the country with land and does not want this.

V. Unfinished Business

Motion was made by Councilor Gerry and seconded by Councilor Morin to suspend the rules to move three items (Orders 133-10162023 through 135-10162023) from new business and to act on before the unfinished business.

Passage 7-0.

Order 133-10162023

Allocating \$10,317.00 from the American Rescue Plan Act (ARPA) funds to the Auburn Ski Association to purchase an alpine ski timing system.

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

Public comment – No one from the public spoke.

Passage 7-0.

Order 134-101620023

Allocating \$10,000 of American Rescue Plan Act (ARPA) funds to the Edward Little High School Outdoor Club.

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

Public comment - Joe Mailey, 82 Webster Street, asked why isn't this part of the school budget, and is this a one-time deal, and what happens when the ARPA funds are no longer available?

Passage 7-0.

Order 135-10162023

Allocating \$10,000.00 from the American Rescue Plan Act (ARPA) funds to Special Olympics Maine to be the “Presenting Sponsor” for the “Special Olympics Maine Winter Games 2024” to be held at Lost Valley in February 2024.

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

Public comment – No one from the public spoke.

Passage 7-0.

1. 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 Walker and seconded by Councilor Hawes for passage.

Public comment – No one from the public spoke.

Motion was made by Councilor Staples, seconded by Councilor Gerry to amend to include the conditions recommended by staff.

1. Any vehicle containing fluids or batteries shall only be stored or dismantled within the area shown as "Storage of vehicles w/fluids + batteries limited to this area" on an aerial map entitled "940 Washington Street – 2012 Flood Plain Zones – 2013 Aerial" (the "Compliance Plan"), on file in the City's Planning and Permitting Office, and in no event shall any vehicle containing fluids or batteries be stored or dismantled within 100 feet of the normal high water line of the Little Androscoggin River.
2. No vehicles or junk shall be stored or dismantled within 50 feet of the normal high water line of the Little Androscoggin River.
3. Tires shall be stored at least 100 feet from the normal high water line of the Little Androscoggin River, except that if tires are maintained within a fenced enclosure of sufficient height and durability to contain the tires within the enclosure, they may be stored more than 50 feet but less than 100 feet from the normal high water line of the Little Androscoggin River.
4. The used car display area shall be limited to the area of the premises that is located north of the rectangular building shown on the Compliance Plan.
5. The driveway entrance to the premises and exit onto Washington Street North shall at all times be kept free and clear of dust and debris so that dust and debris is not tracked onto Washington Street North or any other public street.
6. Licensee shall cooperate with the City's Director of Planning and Permitting or their designee, who is to conduct inspections of the premises for compliance with (a) these conditions, (b) Sec. 14-74(c) of the Code of Ordinances, and (c) 30-A M.R.S. § 3751 *et seq.* no less frequently than quarterly. If any violations are observed as a result of such an inspection, they shall be communicated to the licensee for immediate remediation and, if not immediately remediated, to the City Council for potential suspension or revocation proceedings.

Passage 7-0.

Passage of Order 115-10162023 as amended, 7-0.

2. Ordinance 20-09182023

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

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

Public hearing – No one from the public spoke

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

3. Ordinance 21-09182023

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

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

Public hearing – Hanna King represents Alzie and Mr. fishman, spoke at the last meeting objecting to the retroactive criteria provision of this proposed ordinance.

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

4. Public hearing - Partial discontinuance of Chestnut Street

Mayor Levesque opened the public hearing at 7:52 pm.

Joe Mailey, 82 Webster Street spoke in opposition of the discontinuance and stated that he doesn't think there has been enough input from the general public.

Stephen Beal, 575 Johnson Road, spoke neither for nor against but stated that he feels it is a public safety concern if they do close the street and he feels that a traffic or safety study should be done.

Mayor Levesque closed the public hearing at 7:57 pm.

5. Public hearing - Discontinuance and re-alignment of Miller Street

Mayor Levesque opened the public hearing at 7:57 pm.

William Turner, Chicoine Ave, also owns a building on Miller Street, stated he had no issue with realignment, however he had concerns regarding parking.

Mayor Levesque closed the public hearing at 7:59 pm.

VI. New Business

- 1. Public hearing** - CDBG/HOME Consolidated Annual Performance Evaluation Report (CAPER) Program Year 2022.

Mayor Levesque opened the public hearing at 7:59 pm.

No one from the public spoke.

Mayor Levesque closed the public hearing at 7:59 pm.

- 2. Ordinance 22-10162023**
Amending the Auburn Zoning Ordinance – Minimum Dwelling Size. First reading.

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

Public comment – Joe Mailey, 82 Webster Street asked why the size of a dwelling is an issue.

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

- 3. Ordinance 23-10162023**
Amending the Auburn Zoning Map, Area B change, from UR, SR, and LDCR to T4.2B. First reading.

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

Public comment – Kate, 225 Vickery Road, spoke in opposition of the change.

Pam Rousseau, 745 West Auburn Road, spoke in opposition of this amendment.

Failed 1-5-1 (Councilors Gerry, Whiting, Milks, Morin, and Staples opposed, Councilor Walker abstained). A roll call vote was taken.

- 4. Order 131-10162023**
Authorizing the issuance of General Obligation Bonds and Tax Levy Therefor, for the proposed Public Safety Building. Public hearing and first reading. **Requires an affirmative vote of five.**

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

The Mayor opened the public hearing at 8:19 pm.

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Joe Mailey, 82 Webster Street stated that issues like this should have been addressed publicly long before absentee voting began.

The Mayor closed the public hearing at 8:21 pm.

Passage 6-1 (Councilor Gerry opposed). A roll call vote was taken.

5. Order 132-10162023

Authorizing the City Manager to execute a modified contract with Casella to reinstate curbside recycling.

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

Public comment – No one from the public spoke.

Passage 7-0.

6. Order 136-10162023

Allocating up to \$5,000.00 from the American Rescue Plan Act (ARPA) funds to provide public safety costs (Police and EMS services) associated with Special Olympics Maine Winter Games 2024” to be held at Lost Valley in February 2024.

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

Public comment - No one from the public spoke.

Passage 7-0.

VII. Open Session – Joe Mailey, 82 Webster Street, commented on property in his neighborhood that is storing unregistered cars in his yard and looks like a scrapyard. He said he would like the city to do something.

Ryan smith, 14 weaver street, commented on the recycling program.

VIII. Reports – There were no reports.

IX. Executive Sessions

- **Economic development, pursuant to 1 M.R.S.A. §405(6)(C)** which premature disclosure would prejudice the competitive or bargaining position of the City.

Motion was made by Councilor Walker and seconded by Councilor Hawes to enter into executive session regarding an Economic development matter, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

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Passage 7-0. Time in 8:33 pm.

Council was declared out at 8:42 pm.

- **Economic development, pursuant to 1 M.R.S.A. §405(6)(C)** which premature disclosure would prejudice the competitive or bargaining position of the City.

Motion was made by Councilor Walker and seconded by Councilor Gerry to enter into executive session regarding an Economic development matter, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

Passage 7-0. Time in 8:43 pm.

Council was declared out at 8:55 pm.

- **Personnel matter, pursuant to 1 M.R.S.A. §405(6)(A)**

Motion was made by Councilor Morin and seconded by Councilor Walker to enter into executive session regarding a personnel matter, pursuant to 1 M.R.S.A. §405(6)(C) which premature disclosure would prejudice the competitive or bargaining position of the City.

Passage 7-0. Time in 8:55 pm.

Council was declared out at 9:20 pm.

X. Adjournment

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

Unanimously approved and the meeting adjourned at 9:20 pm.

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ATTEST *Susan Clements-Dallaire*

Susan Clements-Dallaire, City Clerk

IN COUNCIL SPECIAL MEETING OCTOBER 23, 2023, VOL. 37 PAGE 95

Mayor Levesque called the meeting to order at 5:30 P.M. in the Council Chambers of Auburn Hall and led the assembly in the salute to the flag. Councilor Hawes had an excused absence. All other 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 137-10232023*

Re-appointing Timothy Cogle to the Parks & Recreation Advisory Board with a term expiration of 10-01-2025.

2. Order 138-10232023*

Appointing Julia Bergeron-Smith to the Parks & Recreation Advisory Board with a term expiration of 10-01-2025.

3. Order 139-10232023*

Re-appointing Celia McGuckian to the Auburn Housing Authority Board of Trustees with a term expiration of 10-01-2028.

4. Order 140-10232023*

Appointing Jonathan LaBonté to the Airport Board with a term expiration of 01-01-2026.

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

Passage 6-0.

II. Communications, Presentations and Recognitions

- Recognition of Dan Campbell, the 2023 recipient of The John Jenkins Hands & Hearts Leadership & Service Award-3rd Annual Award.
- September Finance Report – Jill Eastman, Finance Director

Motion was made by Councilor Walker and seconded by Councilor Milks to accept and place on file the September Finance Report.

Passage 6-0.

Councilor Whiting commented on role models such as John Jenkins and Dan Campbell. He then apologized for his behavior at the last meeting.

Councilor Milks read a letter that he would like to be included in the minutes.

To the People of Auburn,

Over the past four years, I served as the Mayor's appointee to the Board of Trustees for the Auburn Water and Sewer District. I was elected President of the Board in 2021 and serve as President today. I've been immersed in the issues of the Lake for 4 years, seen countless briefings from many experts and read the studies. This report is not a legal opinion, nor does it address any legal proceedings. My goal is to state facts and give my assessment to Council.

FACTS:

- *Auburn Water District received great evaluations recently from the Drinking Water Program. Operationally, AWD is functioning very well and in total compliance with all Federal and State rules and regulations. We have an extensive testing and monitoring system that monitors the lake daily, weekly, monthly and yearly.*
- *The water quality problems have nothing to do with current zoning or ordinance revision ideas.*
- *Lake Auburn is a small, shallow lake. The water quality fluctuates due to the weather much more than Sebago Lake for example.*
- *The majority of things causing water quality issues in the lake are already there. Much of it is from storm runoff due to improper logging, unusually heavy rains, phosphorus loading from upper water shed towns like Turner and shorter iced over periods in recent years. The bottom of Lake Auburn is full of the mineral Apatite which naturally releases phosphorus which causes quality problems.*
- *Water quality issues in the lake have persisted for two decades and it was recommended to put in a filtration plant years ago.*
- *In 2012 a UV treatment plant was built to adhere to Tier 1 and Tier 2 requirements for the removal of Giardia and cryptosporidium. This was a cheaper solution than a filtration plant and requires UV and chemical treatment of the water.*
- *In 2018 the Lake experienced an algae bloom that resulted in taste and odor complaints with the water. An algaecide was applied to remove the algae and to improve the esthetics of the water. In 2019 an alum treatment was applied to the lake to strip the water column of phosphorus and reduce the potential of another algae bloom.*

The Gravel Pit

- *According to experts, the most dangerous thing for the lake is to leave the gravel pit a gravel pit and continue digging and blasting the bedrock.*
- *Hundreds of thousands of dollars have been spent on studies over the years. No study has shown the storm runoff water from the gravel pit flowing into the lake.*

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- *The Gravel Pit has been there for over 50 years and is legal and in compliance with all regulations and zoning. AGRP, the Ag zone, allows for a gravel pit next to the lake.*
- *The sanitary sewer is at the street and available for any development.*
- *Any housing redevelopment of the gravel pit would require extensive civil and environmental engineering to address storm runoff containment systems and connection to the Sanitary Sewer System. There would be public hearings, planning board reviews and permitting requirements. The city could require greenspace, walking trails and other recreational opportunities accessible to the People of Auburn*
- *The recent AD Hoc Committee which included the City of Lewiston Water Director, Lewiston LAWPC Representative, AWD Superintendent, AWD Trustee President, and Turner LAWPC representative agreed with the things the City of Auburn has proposed to Protect the lake like the proposed septic ordinance and the passed LID standards to protect Lake Auburn.*

Councilor Milks Assessment:

AWD Superintendent Broadbent is doing a phenomenal job maximizing AWD and LAWPC resources, coordinating with Lewiston officials and constantly looking to improve how AWD delivers water to the rate payers. The AD Hoc committee is a perfect example of his initiative.

The owner of the gravel pit would like to build a housing development on the site of the gravel pit. Based on all the factors, that is our best-case solution for the gravel pit. The development would be on the sanitary sewer and would have extensive engineering to secure the site and prevent any future storm runoff into the lake. It would most likely be a TIF district which would allow us to capture revenue for the Public Safety building and would have other amenities available to the people of Auburn like green space and walking trails. A development would allow us to secure the gravel pit, like we have the two dumps next to the gravel pit.

Additionally, AWD is exploring other options for water, like putting the intake into deeper water where the quality tends to be more consistent, and exploring alternative water sources should we be forced to put in a filter plant or if a disaster strikes the lake.

There are several interlocal agreements between Auburn and Lewiston that should have been renegotiated years ago.

In summary, the proposed ordinance revisions and watershed boundary changes will make a positive impact on the Lake. These changes will allow for responsible development that could reduce Auburn's impact to Lake Auburn. These improvements will then be needed in the upper watershed towns to continue to reduce the phosphorus loading on the lake. Despite all of these positive initiatives, we need to start planning for filtration. Given the vulnerability of the Lake and the environmental factors that are out of our control we need to start planning.

III. Unfinished Business

1. Order 131-10162023

Authorizing bonds for the Public Safety Building. Second reading.

Requires an affirmative vote of five.

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

Public comment – No one from the public spoke.

Passage 5-1 (Councilor Gery opposed).

IV. New Business

1. Order 141-10232023

Directing the City Manager to execute all documents necessary to apply for the PRO Housing Grant.

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

Public hearing - No one from the public spoke.

Passage 6-0.

V. Adjournment

Motion was made by Councilor Staples and seconded by Councilor Walker to adjourn.

Unanimously approved and the meeting adjourned at 6:08 pm.

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ATTEST



Susan Clements-Dallaire, City Clerk

Date received: _____
Date approved: _____



CITY OF AUBURN SPECIAL EVENT/MASS GATHERING APPLICATION

Required for any special event on city property that will attract up to 1,000 people, or any outdoor event with continued attendance of 1,000 or more persons for 2 or more hours.

Applications must be submitted to the Clerk at least 45 days prior to the event if the gathering is expected to attract up to 5,000 people.

Application must be submitted at least 90 days prior to the event if the gathering is expected to attract more than 5,000 people.

Date of Application: 10.31.2023

SPONSOR INFORMATION

Name of Sponsoring Organization: City of Auburn

Name of Contact Person for Event: Jennifer Boenig

Title of Contact Person: Downtown Coordinator

Mailing Address: 60 Court Street, Auburn, ME 04210

Daytime Telephone: 207.333.6601 ext.1132 Cell Phone: 207.576.5348

Email Address: jboenig@auburnmaine.gov

Contact Name and Cell Phone Number DURING the Event: Jennifer Boenig, 207.576.5348

Is your organization incorporated as a non-profit organization? Yes No

Non-Profit Number: _____

EVENT INFORMATION

Name of Event: New Year's Auburn

Type of Event (walk, festival, concert, etc.): festival

Date of Event: Sunday, December 31, 2023 Rain Date: na

Times of Event: Start Time including set-up: 9 AM Ending time including clean up: 12A

Actual Event Start Time: 3 PM Actual Event End Time: 9 PM

Estimated Attendance: 4,500 people

Location of Event: Festival Plaza and Main Street

Have you held an event at this location within the last 12 months? Yes No

If the location is a city park, have you applied for use of the property with the Recreation Department and has your request been approved?

Yes No Pending Date submitted to the Recreation Department: _____

TYPES OF PERMITS/PERMISSIONS NEEDED – PROVIDE AN ANSWER FOR EACH LINE:

Permit Fee	Permission/Permit Type	YES	NO	NOT SURE
Not permitted	CROSS-STREET BANNERS Please note that the city no longer allows cross-street banners.			
Separate fee and permit possible	FOOD – Will food or beverages be sold? If yes, list what types of food or beverages: Auburn licensed food trucks and vendors will be selling food. Note - A food service license may be required and must be submitted 14 days prior to the event. Other requirements and/or restrictions may apply.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	NON-FOOD ITEMS – Will products be sold or given away (such as t-shirts, crafts, souvenirs, etc.)? If yes, list what items: possible band merch for sale. Note - A peddler permit may be required and must be submitted 14 days prior to the event.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
N/A	LIVE MUSIC – Will there be any outdoor musical performances? If yes, please describe: 3 bands will be taking the stage.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	SOUND AMPLIFICATION – Will there be a microphone or speaker system to project sound?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit possible	ALCOHOL – Will alcoholic beverages be sold? Note – Vendor must hold a valid State of Maine liquor license and submit an Off Premise Catering Event application 14 days prior to the event.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and Permit required	CARNIVAL – Will carnival rides be offered? If yes, attach a copy of the state permit. A city permit is required as well.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate fee and Permit required	FIREWORKS – Will there be a fireworks display? If yes, a permit from the Fire Department is required.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	PARADE – Will there be a parade? If yes, describe route: Note – A permit from the Police Department is required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	RUN/WALK/CYCLE – Will event involve participants doing a walk-a-thon, road race, etc.? If yes, describe route:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Separate permit required	BURN PERMIT – Will there be any open flame such as a bonfire? If yes, describe activity: Note - A permit from the Fire Department is required.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

N/A	TENT/CANOPY – Will you be setting up a tent or canopy? If yes, list number and sizes: three 20x40 tents in the plaza along with some 10x10 ez-ups; covered stage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Separate fee and permit required	ELECTRICAL POWER/EQUIPMENT – Will electrically powered equipment be utilized, if so, provide a brief description of the equipment and the entity responsible for the installation of the electrical equipment? sound, audio production equipment provided by HPA Productions	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	ROAD/INTERSECTION CLOSURE – Will any roads need to be closed to accommodate your event? If yes, please list: Main Street from Miller Street to Court Street, hard closures with PW trucks.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	MAP/DIAGRAM – Is a map or diagram attached detailing this event and depicting the placement of such items as tables, tents, port-a-potties, stage, parking, food service areas, etc.? This is a mandatory requirement for this application and must be included.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	PARKING ACCOMODATIONS – What will be the anticipated need for parking and what is your parking plan? 131 Main Street and city parking garage	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	TOILETS – Please list amount at event and/or nearest location: 12 portable toilets inside the alcohol permitted area.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	WASTE DISPOSAL – Please list process and location: 12 trash cans throughout the plaza and Main Street	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	HAND WASHING FACILITIES – Please list amount at event and/or nearest location: portable toilets and hand sanitizer available at food & beer vendors and entry points.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
N/A	POTABLE WATER – Please list amount at event and location: bottled water in pump house	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	FIRST AID FACILITIES – Please list location at event: Auburn Fire on-site	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
\$	TOTAL FEE INCLUDED – Checks payable to "City of Auburn"			

EVENT LIABILITY INSURANCE COVERAGE FOR EVENT

For an event such as a walk-a-thon, race, festival, concert, etc., the city requires general liability insurance coverage. The **City of Auburn** is to be named as "additionally insured" for the event activities on that date. Once the event is approved, the Certificate of Insurance will need to be received at least 30 days before the event and before permits can be issued. Please have the City of Auburn listed on the Certificate of Insurance (minimum coverage \$1,000,000 Bodily Injury or Death, per occurrence, and \$300,000 Property Damage, per occurrence). It should contain a clause providing that the policy may not be cancelled by either party except upon not less than 30 days written notice to the city. Please have your insurance company fax a copy to: City Clerk 207-333-6623.

DESCRIPTION OF EVENT – Please describe what will occur during your event

New Year's Auburn is a free community event, celebrating the new year with live music, local craft brews, food trucks, fireworks and fun in the heart of downtown Auburn.

Signature of Applicant:  Printed Name: Jennifer Boenig Date Submitted: 10-31-23

Please note that you will be contacted by City Staff if you require additional permitting.

Please return this completed application with diagram and any applicable fee to:

MAIL: City Clerk's Office
60 Court Street
Auburn, ME 04210
FAX: 207-333-6623
EMAIL: sdallaire@auburnmaine.gov
PHONE: 207-333-6600

******FOR STAFF USE******

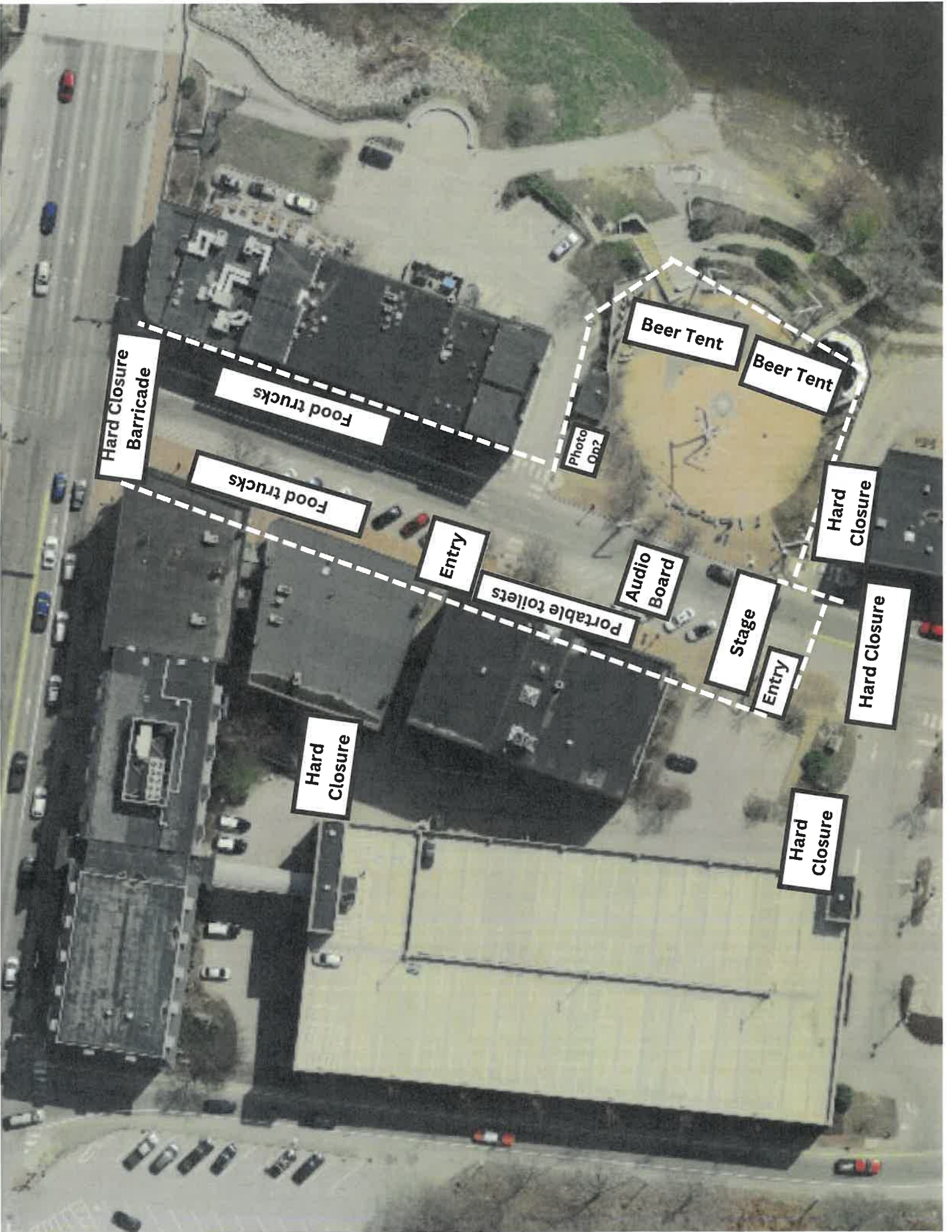
DEPARTMENT COMMENTS AND RECOMMENDATIONS:

DEPARTMENT	APPROVE	DENY	DATE	INITIALS
Sanitarian/Health Inspector				
Code Officer/Land Use & Zoning				
Fire Department				
Police Department				
Public Works Department				
Recreation Department				

COMMENTS/CONDITIONS from any of the above departments:

City Council Public Hearing date, if applicable: _____

License Approved/Denied: _____ Date applicant notified: _____



Hard Closure
Barricade

Food trucks

Food trucks

Entry

Portable toilets

Hard
Closure

Beer Tent

Beer Tent

Photo
Op?

Audio
Board

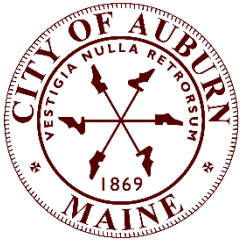
Stage

Entry

Hard
Closure

Hard
Closure

Hard
Closure



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 6, 2023

Ordinance: 22-10162023

Author: John Blais, Deputy Director of Planning and Permitting

Subject: Second reading on minimum dwelling size pursuant to Chapter 60, Article XVII, Division 2-Sec.60-2 Definitions

Information: This text amendment proposes to close the gap between 401 square feet and 699 square feet in size which are not permitted in the City of Auburn and differentiates minimum sizes between detached dwelling units and accessory dwelling units. The minimum dwelling size in Auburn is currently 700 square feet. However, tiny houses are also allowed and defined as being 400 square feet or less. This means that there is currently no allowance for homes between 400 and 700 square feet. At the 10/10/2023 planning board public hearing the board forwarded a positive recommendation to the Council supporting the proposed changes to amend the 700 square feet requirement for single family home minimum dwelling size to include the **dwelling unit** must be at least 400 square feet, above grade and an accessory dwelling unit must be at least 190 square feet in area above grade as specified in state law. The proposed change differentiates between a one family detached dwelling and an accessory building. The planning board requested that section 60-2 Definitions-number two read that each one-family detached dwelling unit must be at least 400 square feet above grade in size. Staff made that change in the draft ordinance to reflect this request in the ordinance language provided for your review in this first and now second reading. The planning board also recommended allowing for the minimum size of dwelling units and accessory dwelling units in Auburn to change if the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard. The text change itself is attached to the ordinance accompanying these materials.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends that the Council adopt the Second reading of this ordinance text change.

Previous Meetings and History: August 8, 2023- planning board workshop; September 12, 2023- planning board workshop; October 10, 2023- planning board public hearing (in-favor 7-0), council meeting, October 16 (in-favor 7-0).

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Ordinance, recommendation to city council, planning board staff report, zoning text amendment sec. 60-2, state rules for LD 2003 and 1706 redlined version, research for planning board questions.



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

Subject: Public Hearing on minimum dwelling size pursuant to Chapter 60, Article XVII, Division 2-Sec.60-2 Definitions

Date: 10/16/2023

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 October 10, 2023, the Planning Board forwards this report to the City Council.

PROPOSAL: PUBLIC HEARING/ZONING TEXT AMENDMENT: Amend Sec. 60-2- (Definitions) of the Zoning Ordinance to reduce the minimum dwelling unit size from 700 square feet to 400 square feet and to reduce the minimum accessory dwelling unit size from 700 square feet to 190 square feet. This item was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances.

MOTION: David Trask makes a motion; **SECOND:** Darren Finnegan seconds.

“I make a motion to recommend sending forward a positive recommendation to council supporting the proposed changes to amend the 700 SF requirement for single family home minimum dwelling size to include the **dwelling unit** must be at least 400 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies. For an **accessory dwelling unit**, an accessory dwelling unit must be at least 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies for an accessory dwelling. I would also request that section 60-2 Definitions-number two read ‘each one family detached dwelling unit must be at least 400 square feet above grade in size and an accessory detached dwelling unit must be 190 square feet above grade in size, unless the technical building code and standards board pursuant to 10 M.R.S. §9722, adopts a different minimum standard if so, that standard applies.’” **VOTE:** 7-0-0 motion passes.

Sec. 60-2. Definitions.

For the purposes of this chapter, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

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

Dwelling, multifamily, means a residence designed for or occupied by three or more families with separate housekeeping and cooking facilities for each.

I. *Dwelling, one-family attached*, means a residential structure designed to house a single-family unit from lowest level to roof, with private outside entrance, but not necessarily occupying a private lot, and sharing a common wall or walls with an adjoining dwelling unit or units. ~~Each one-family attached dwelling shall contain not less than 700 square feet of net floor area of habitable space.~~ Each one-family attached accessory dwelling unit must be at least 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.

II. *Dwelling, one-family detached*, means a dwelling unit singly and apart from any other building and intended and designed to be occupied and used exclusively for residential purposes by one family only, excluding those forms of temporary housing permitted by section 60-666. ~~Each one-family detached dwelling shall contain not less than 700 square feet of net floor area of habitable space.~~ Each one-family detached dwelling unit must be at least 400 square feet above grade in size, and; an accessory detached dwelling unit must be 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.

Dwelling, seasonal, means a dwelling occupied for not more than six months of any year.

Dwelling, two-family, means a freestanding building intended and designed to be occupied and used exclusively for residential purposes by two families only, with separate housekeeping and cooking facilities for each.

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

Mobile homes, newer, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacture certifies are constructed in compliance with the United States Department of Housing and Urban Development standards, meaning structures, transportable in one or more sections, which, in the traveling mode, are 14 body feet or more in width and are 400 or more square feet and~~and are 700 or more square feet, and~~ which are built on a permanent chassis and designed to be used as dwellings on foundations when connected to the required utilities, including the plumbing, heating, air conditioning and electrical system contained therein; except that the term "newer mobile homes" includes any structure which meets all the requirements of this definition, except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary of the United States Department of Housing and Urban development and complies with the standard established under the National Manufactured Housing Construction and Safety Standards Act of 1974, United States Code, 42 USC 5401 et seq.

Mobile homes, older, means any factory-built home which fails to meet the definition of manufactured housing and more specifically, the term "older mobile homes" means any mobile home constructed prior to June 15, 1976. These units shall be restricted to approved mobile home parks.

Modular homes means those units which the manufacturer certifies are constructed in compliance with the state's Manufactured Housing Act and regulations, meaning structures, transportable in one or more sections, which are not constructed on a permanent chassis and are designed to be used as dwellings on foundations when connected to required utilities, including the plumbing, heating, air conditioning or electrical systems contained therein.



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

Is To: Auburn Planning Board

From: John Blais, Deputy Director

Re: Public Hearing on minimum dwelling size pursuant to Chapter 60, Article XVII, Division 2-Sec.60-2 Definitions

Date: October 10, 2023

- I. **PROPOSAL:** Currently, the existing ordinance definition requires a minimum of 700 SF of net floor space for single-family attached and detached dwelling. State Law (Chapter 219, Sec 1. 30-A MRSA §4363), provides provisions for tiny homes with no minimum size of up to 400 square feet. However, this leaves a gap in the allowable size of new dwelling units, where units ranging from 401 to 699 SF are in what is considered a “void in allowance” and is currently not allowed. Planning Board at the August 10, 2023, meeting requested additional clarifying information to include the following:

A. Tiny Home Statute and Guidance from the State Fire Marshall

B. Density; Remains the same, but could see increase as LD 2003/1706/Chapter 5

C. Lending Specialist (Value vs. Square Footage)

D. Adopted Language by Department of Economic and Community Development LD 2003/1706/Chapter 5

On the September 12, 2023, workshop, planning board asked to identify both accessory dwelling size and dwelling size to provide guidance for revised minimum standards that meet requirements under the tiny home provision and banking standards.

- A. A tiny house has two potential types of tiny homes; constructed on a trailer that may be mobile and potentially moved from where it was constructed to a site for use as a “dwelling unit for human occupancy” or constructed on a site in a more traditional stick-built manner but meeting certain size standards established in the laws and codes adopted. Maximum size is 400 SF. Construction is regulated under two standards; If the tiny home is constructed on a frame or chassis, it is considered within the motor vehicle regulations and will require a title similar to an RV intended for use in public ways. This unit construction type is regulated by ANSI A119.5 or NFPA 1192.
The second type of tiny home would be a structure constructed under the same codes standards as a larger, more traditional dwelling on a foundation, but still meeting size requirements of less than 400 SF This unit construction is identified in the Maine Uniform Building and Energy Code (MUBEC) rules under the International Residential Code (IRC), Chapter 5.
- B. Density is dependent upon the underlying zone, but LD 2003 and 1706 suggest the following language under the Department of Economic and Community Development guidelines under chapter 5. Dwelling Unit Allowance

If a lot does not contain an existing dwelling unit, municipalities must allow up to four (4) dwelling units per lot if the lot is located in an area in which housing is allowed, meets the requirements in 12 M.R.S. Ch. 423-A, and is:

- i. Located within a designated growth area consistent with 30-A M.R.S. §4349 A(1)(A)-(B); or
- ii. Served by both a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.

C. Lending Rules and Value per Assessing/Appraiser: As a rule, lenders **will not mortgage** the typical dwelling that has a foundation and is stick built between 190 livable square feet (SF) and 500 SF as per the general lending rules followed by the banks underwriting team. They currently are not financing any home smaller than 500 SF. For lower income home buyers who utilize Maine State Housing Agency, (MSHA) won't finance smaller than 500 sq ft and most banks follow their policy since they do quite a few MSHA loans. In addition, for any purchase where the buyer can't put 20% down the loan will need Private Mortgage Insurance (PMI) and the insurers have a minimum home size of 500 sq ft. The typical RV intended tiny home that can be towed over the road will never be considered as separate mortgage, some tiny homes are being financed through home equity lending practices.

The appraisal does consider value in the finished basement but does not consider it actual SF therefore the value is diminished some. The lending institutions, as a rule would write a mortgage for a 500 SF home regardless of if part of the finished space is below grade if the home meets all the ordinance, building code and utility requirements.

D. D. REF: Chapter 5, An accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies. To note: LD 2003/1706/Chapter 5 is silent on where the 190 SF is derived from the basement or above grade. The municipality has discretion to determine whether to consider finished basements as part of that 190 SF.

As this smaller home movement gets momentum and policies at state and insurer level are updated, staff is guessing banks will make changes too, therefore is suggesting 190 SF above grade for minimum Square Feet.

II. **PLANNING BOARD ACTION/STAFF SUGGESTIONS:** Staff suggest a planning board discuss the proposals and hold a public hearing. Staff then recommends that the Board forward a positive recommendation to the Council supporting the proposed changes to amend the 700 SF requirement for single family home minimum dwelling size to include the **dwelling unit** must be at least 400 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies for an **accessory dwelling unit** of 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies for an accessory dwelling.



STATE OF MAINE
Department of Public Safety
Office of State Fire Marshal
52 State House Station
Augusta, ME 04333-0052

JANET T. MILLS
GOVERNOR

MICHAEL SAUSCHUCK
COMMISSIONER

JOSEPH E. THOMAS
STATE FIRE MARSHAL

Tiny House – Code and Land Use Standards
February 8, 2022

Tiny Houses have been included in several recent Maine laws that impact the construction and placement of such homes in the State. This memo is to provide clarification to Code Officials on code and land use standards associated.

WHAT IS A TINY HOUSE - There are two potential types of tiny home:

- constructed on a trailer that may be mobile and potentially moved from where it was constructed to a site for use as a “dwelling unit for human occupancy”.
- constructed on a site in a more traditional stick-built manner, but meeting certain size standards established in the laws and codes adopted.

Tiny Homes is defined in Statute as:

- 80-C. Tiny home.** "Tiny home" means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:
- A. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles; [PL 2019, c. 650, §1 (NEW).]
 - B. Does not exceed 400 square feet in size; [PL 2019, c. 650, §1 (NEW).]
 - C. Does not exceed any dimension allowed for operation on a public way under this Title; and [PL 2019, c. 650, §1 (NEW).]
 - D. Is a vehicle without motive power. [PL 2019, c. 650, §1 (NEW).]
- "Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing.
[PL 2019, c. 650, §1 (NEW).]

As defined, this applies to those constructed on a frame or chassis and considered within the Motor Vehicle regulations and will require a TITLE similar to an RV or other motor vehicle intended for use on public ways. This would assume that the unit would be constructed to and inspected to standards in ANSI A119.5 or NFPA 1192. These standards contain many regulations that address all components of the unit associated with a mobile unit served by

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(207) 626-3880 INSPECTIONS/ PLANS REVIEW (207) 287-6251 FAX

interior plumbing, heating, cooking, and living to be used as living quarters. This type of construction's interior layout, structural or rough in are not the responsibility of the LPI/Code Officer. These items will be covered under the titling requirements as identified above. The only task of an LPI/CEO is to assess the placement relative to local zoning and connection to on-site systems and utilities.

The second type of tiny home would be a structure constructed under the same codes and standards as a larger, more traditional dwelling and on a foundation, but still meeting the size limitation of less than 400 SF. This is identified in the MUBEC rules under the IRC (Chapter 5) which would be allowed the use of Appendix V (attached.) Appendix V provides some code exceptions that have been approved to accommodate the limited size and deemed to provide an acceptable level of safety for the occupants. This type of construction would be subject to all other utility codes adopted by the State of Maine, to include but not limited to, the Maine Internal Plumbing code, State Electrical codes and Fuel Gas codes.

The result of both types provides a completed unit intended for permanent occupancy and would be considered as a Single-Family Dwelling. In both cases, the units would be subject to all normally required on-site facilities and associated utilities to provide for permanent occupancy. This would include the provisions for connection to a potable water supply, sanitary facilities and any required utilities to provide for the safety of the occupants of the unit or structure. This would include compliance with appropriate municipal connections or on-site sanitation and drinking water.

As a result of confusion on placement of tiny homes relative to local zoning, the most recent legislation (below) addresses the issue. Tiny homes are now to be considered as permanent dwelling units subject to the same local zoning regulations as other single-family dwellings. The intent was to provide definition of the use of tiny homes. As stated in statute, all other aspects of local zoning would apply equally to tiny homes.

Please note that other questions about the new law relative to the condition of a home or its placement, may arise in the future, but the only significant change is to the recognition that either type should be considered the same as any other primary single family dwelling. The features of the structure regarding size and construction would be subject to the codes and standards above, but placement on site is based on your local zoning ordinance relative to setbacks and lot size. Before a community is asked to grant a permit for a tiny home you should consult with your local attorney relative to your specific ordinances and any further limitations they may contain.

This memo is intended for informational purposes only and should not be considered a legal opinion.

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H.P. 1134 - L.D. 1530

An Act To Allow People To Live in Tiny Homes as a Primary or Accessory Dwelling

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4363 is enacted to read:

§4363. Regulation of tiny homes

1. Definition. For the purposes of this section, "tiny home" has the same meaning as in Title 29-A, section 101, subsection 80-C.

2. Location of tiny homes. A municipality shall permit a tiny home to be placed or erected on an individual house lot where single-family dwellings are allowed or as an accessory structure, subject to all applicable land use requirements as single-family dwellings or as an accessory structure.

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2015 International Residential Code

APPENDIX V TINY HOUSES

CHAPTER PART AV101— GENERAL

AV101.1 Scope. This appendix shall be applicable to tiny houses used as single dwelling units. Tiny houses shall comply with this code except as otherwise stated in this appendix.

CHAPTER PART AV102— DEFINITIONS

AV102.1 General. The following words and terms shall, for the purposes of this appendix, have the meanings shown herein. Refer to Chapter 2 of this code for general definitions.

EGRESS ROOF ACCESS WINDOW. A skylight or roof window designed and installed to satisfy the emergency escape and rescue opening requirements in Section R310.2.

LANDING PLATFORM. A landing provided as the top step of a stairway accessing a loft.

LOFT. A floor level located more than 30 inches (762 mm) above the main floor and open to it on at least one side with a ceiling height of less than 6 feet 8 inches (2032 mm), used as a living or sleeping space.

TINY HOUSE. A dwelling that is 400 square feet (37 m²) or less in floor area excluding lofts.

CHAPTER PART AV103— CEILING HEIGHT

AV103.1 Minimum ceiling height. Habitable space and hallways in tiny houses shall have a ceiling height of not less than 6 feet 8 inches (2032 mm). Bathrooms, toilet rooms, and kitchens shall have a ceiling height of not less than 6 feet 4 inches (1930 mm). Obstructions shall not extend below these minimum ceiling heights including beams, girders, ducts, lighting and other obstructions.

Exception: Ceiling heights in lofts are permitted to be less than 6 feet 8 inches (2032 mm).

CHAPTER PART AV104— LOFTS

AV104.1 Minimum loft area and dimensions. Lofts used as a sleeping or living space shall meet the minimum area and dimension requirements of Sections AV104.1.1 through AV104.1.3.

AV104.1.1 Minimum area. Lofts shall have a floor area of not less than 35 square feet (3.25 m²).

AV104.1.2 Minimum dimensions. Lofts shall be not less than 5 feet (1524 mm) in any horizontal dimension.

AV104.1.3 Height effect on loft area. Portions of a loft with a sloping ceiling measuring less than 3 feet (914 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

2

2

Exception: Under gable roofs with a minimum slope of 6:12, portions of a loft with a sloping ceiling measuring less than 16 inches (406 mm) from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required area for the loft.

AV104.2 Loft access. The access to and primary egress from lofts shall be any type described in Sections AV104.2.1 through AV104.2.4.

AV104.2.1 Stairways. Stairways accessing lofts shall comply with this code or with Sections AV104.2.1.1 through AV104.2.1.5.

AV104.2.1.1 Width. Stairways accessing a loft shall not be less than 17 inches (432 mm) in clear width at or above the handrail. The minimum width below the handrail shall be not less than 20 inches (508 mm).

AV104.2.1.2 Headroom. The headroom in stairways accessing a loft shall be not less than 6 feet 2 inches (1880 mm), as measured vertically, from a sloped line connecting the tread or landing platform nosings in the middle of their width.

AV104.2.1.3 Treads and risers. Risers for stairs accessing a loft shall be not less than 7 inches (178 mm) and not more than 12 inches (305 mm) in height. Tread depth and riser height shall be calculated in accordance with one of the following formulas:

1. The tread depth shall be 20 inches (508 mm) minus $\frac{4}{3}$ of the riser height, or
2. The riser height shall be 15 inches (381 mm) minus $\frac{3}{4}$ of the tread depth.

AV104.2.1.4 Landing platforms. The top tread and riser of stairways accessing lofts shall be constructed as a landing platform where the loft ceiling height is less than 6 feet 2 inches (1880 mm) where the stairway meets the loft. The landing platform shall be 18 inches to 22 inches (457 to 559 mm) in depth measured from the nosing of the landing platform to the edge of the loft, and 16 to 18 inches (406 to 457 mm) in height measured from the landing platform to the loft floor.

AV104.2.1.5 Handrails. Handrails shall comply with Section R311.7.8.

AV104.2.1.6 Stairway guards. Guards at open sides of stairways shall comply with Section R312.1.

1208.2 Minimum ceiling heights. Occupiable spaces, *habitable spaces* and *corridors* shall have a ceiling height of not less than 7 feet 6 inches (2286 mm). Bathrooms, toilet rooms, kitchens, storage rooms and laundry rooms shall have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. In one- and two-family *dwelling*s, beams or girders spaced not less than 4 feet (1219 mm) on center shall be permitted to project not more than 6 inches (152 mm) below the required ceiling height.
2. If any room in a building has a sloped ceiling, the prescribed ceiling height for the room is required in one-half the area thereof. Any portion of the room measuring less than 5 feet (1524 mm) from the finished floor to the ceiling shall not be included in any computation of the minimum area thereof.
3. The height of *mezzanines* and spaces below *mezzanines* shall be in accordance with Section 505.1.
4. Corridors contained within a *dwelling unit* or *sleeping unit* in a Group R occupancy shall have a ceiling height of not less than 7 feet (2134 mm).

1208.2.1 Furred ceiling. Any room with a furred ceiling shall be required to have the minimum ceiling height in two-thirds of the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet (2134 mm).

1208.3 Room area. Every *dwelling unit* shall have no fewer than one room that shall have not less than 120 square feet (11.2 m²) of *net floor area*. Other habitable rooms shall have a *net floor area* of not less than 70 square feet (6.5 m²). = 190 SF

Exception: Kitchens are not required to be of a minimum floor area.

1208.4 Efficiency dwelling units. An efficiency living unit shall conform to the requirements of the code except as modified herein:

1. The unit shall have a living room of not less than 220 square feet (20.4 m²) of floor area. An additional 100 square feet (9.3 m²) of floor area shall be provided for each occupant of such unit in excess of two.
2. The unit shall be provided with a separate closet. Min 210 SF for up to 2 people
3. The unit shall be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light and *ventilation* conforming to this code shall be provided.
4. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower.

SECTION 1209 ACCESS TO UNOCCUPIED SPACES

1209.1 Crawl spaces. Crawl spaces shall be provided with not fewer than one access opening that shall be not less than 18 inches by 24 inches (457 mm by 610 mm).

1209.2 Attic spaces. An opening not less than 20 inches by 30 inches (508 mm by 762 mm) shall be provided to any *attic* area having a clear height of over 30 inches (762 mm). Clear headroom of not less than 30 inches (762 mm) shall be provided in the *attic* space at or above the access opening.

1209.3 Mechanical appliances. Access to mechanical appliances installed in under-floor areas, in *attic* spaces and on roofs or elevated structures shall be in accordance with the *International Mechanical Code*.

SECTION 1210 TOILET AND BATHROOM REQUIREMENTS

[P] 1210.1 Required fixtures. The number and type of plumbing fixtures provided in any occupancy shall comply with Chapter 29.

1210.2 Finish materials. Walls, floors and partitions in toilet and bathrooms shall comply with Sections 1210.2.1 through 1210.2.4.

1210.2.1 Floors and wall bases. In other than *dwelling units*, toilet, bathing and shower room floor finish materials shall have a smooth, hard, nonabsorbent surface. The intersections of such floors with walls shall have a smooth, hard, nonabsorbent vertical base that extends upward onto the walls not less than 4 inches (102 mm).

1210.2.2 Walls and partitions. Walls and partitions within 2 feet (610 mm) of service sinks, urinals and water closets shall have a smooth, hard, nonabsorbent surface, to a height of not less than 4 feet (1219 mm) above the floor, and except for structural elements, the materials used in such walls shall be of a type that is not adversely affected by moisture.

Exception: This section does not apply to the following buildings and spaces:

1. Dwelling units and sleeping units.
2. Toilet rooms that are not accessible to the public and that have not more than one water closet.

Accessories such as grab bars, towel bars, paper dispensers and soap dishes, provided on or within walls, shall be installed and sealed to protect structural elements from moisture.

1210.2.3 Showers. Shower compartments and walls above bathtubs with installed shower heads shall be finished with a smooth, nonabsorbent surface to a height not less than 72 inches (1829 mm) above the drain inlet.

1210.2.4 Waterproof joints. Built-in tubs with showers shall have waterproof joints between the tub and adjacent wall.

[P] 1210.3 Privacy. Privacy at water closets and urinals shall be provided in accordance with Sections 1210.3.1 and 1210.3.2.

[P] 1210.3.1 Water closet compartment. Each water closet utilized by the public or employees shall occupy a

80-C. Tiny home. "Tiny home" means a living space permanently constructed on a frame or chassis and designed for use as permanent living quarters that:

A. Complies with American National Standards Institute standard A 119.5 on plumbing, propane, fire and life safety and construction or National Fire Protection Association standard 1192 on plumbing, propane and fire and life safety for recreational vehicles; [PL 2019, c. 650, §1 (NEW).]

B. Does not exceed 400 square feet in size; [PL 2019, c. 650, §1 (NEW).]

C. Does not exceed any dimension allowed for operation on a public way under this Title; and [PL 2019, c. 650, §1 (NEW).]

D. Is a vehicle without motive power. [PL 2019, c. 650, §1 (NEW).]

"Tiny home" does not include a trailer, semitrailer, camp trailer, recreational vehicle or manufactured housing

STATE OF MAINE

IN THE YEAR OF OUR LORD

TWO THOUSAND TWENTY-THREE

H.P. 1095 - L.D. 1706

**An Act to Clarify Statewide Laws Regarding Affordable Housing and
Accessory Dwelling Units**

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, current law requires, beginning July 1, 2023, all municipalities to allow a certain number of dwelling units under certain circumstances and the construction of accessory dwelling units on the same lot as a single-family dwelling unit and to comply with certain other zoning requirements; and

Whereas, it is the intent of this legislation to extend the implementation date for certain municipalities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 30-A MRSA §4364, first ¶, as enacted by PL 2021, c. 672, §4, is amended to read:

For an affordable housing development approved on or after ~~July 1, 2023~~ the implementation date, a municipality with density requirements shall apply density requirements in accordance with this section.

Sec. 2. 30-A MRSA §4364, sub-§1, as enacted by PL 2021, c. 672, §4, is amended to read:

1. Definition. For the purposes of this section, "affordable housing development" means:

A. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a ~~majority~~

51% or more of the units that the developer designates as affordable in the development without spending more than 30% of the household's monthly income on housing costs; and

B. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford a majority 51% or more of the units that the developer designates as affordable in the development without spending more than 30% of the household's monthly income on housing costs.

Sec. 3. 30-A MRSA §4364, sub-§1-A is enacted to read:

1-A. Implementation date. For purposes of this section, "implementation date" means:

A. January 1, 2024 for municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality; and

B. July 1, 2024 for all other municipalities.

Sec. 4. 30-A MRSA §4364, sub-§3, as enacted by PL 2021, c. 672, §4, is amended to read:

3. Long-term affordability. Before approving granting final approval of an affordable housing development, including but not limited to issuing an occupancy permit, a municipality shall require that the owner of the affordable housing development have executed a restrictive covenant, recorded in the appropriate registry of deeds, for the benefit of and enforceable by a party acceptable to the municipality, to ensure that for at least 30 years after completion of construction:

A. For rental housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and

B. For owned housing, occupancy of all of the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

Sec. 5. 30-A MRSA §4364, sub-§6, as enacted by PL 2021, c. 672, §4, is amended to read:

6. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements ~~for division of a tract or parcel of land in accordance with~~ subchapter 4.

Sec. 6. 30-A MRSA §4364-A, sub-§1, as enacted by PL 2021, c. 672, §5, is amended to read:

1. Use allowed. Notwithstanding any provision of law to the contrary, except as provided in Title 12, chapter 423-A, for any area in which ~~housing is residential uses are~~ allowed, including as a conditional use, a municipality shall allow structures with up to 2 dwelling units per lot if that lot does not contain an existing dwelling unit, except that a municipality shall allow up to 4 dwelling units per lot if that lot does not contain an existing

dwelling unit and the lot is located in a designated growth area within a municipality consistent with section 4349-A, subsection 1, paragraph A or B or if the lot is served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.

A municipality shall allow on a lot with one existing dwelling unit the addition of up to 2 dwelling units: one additional dwelling unit within or attached to an existing structure or one additional detached dwelling unit, or one of each.

A municipality may allow more units than the number required to be allowed by this subsection.

Sec. 7. 30-A MRSA §4364-A, sub-§1-A is enacted to read:

1-A. Implementation date. For purposes of this section, "implementation date" has the same meaning as in section 4364, subsection 1-A.

Sec. 8. 30-A MRSA §4364-A, sub-§2, ¶B, as enacted by PL 2021, c. 672, §5, is amended to read:

B. A municipal zoning ordinance may establish a prohibition or an allowance for lots where a dwelling unit in existence after July 1, 2023 the implementation date is torn down and an empty lot results.

Sec. 9. 30-A MRSA §4364-A, sub-§3, as enacted by PL 2021, c. 672, §5, is amended to read:

3. General requirements. A municipal ordinance may not establish dimensional requirements ~~or, including but not limited to~~ setback requirements, for dwelling units allowed under this section that are greater than dimensional requirements ~~or, including but not limited to~~ setback requirements, for single-family housing units, except that a municipal ordinance may establish requirements for a lot area per dwelling unit as long as the required lot area for subsequent units on a lot is not greater than the required lot area for the first unit.

Sec. 10. 30-A MRSA §4364-A, sub-§7, as enacted by PL 2021, c. 672, §5, is amended to read:

7. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements ~~for division of a tract or parcel of land in accordance with~~ subchapter 4.

Sec. 11. 30-A MRSA §4364-A, sub-§10, as enacted by PL 2021, c. 672, §5, is amended to read:

10. Implementation. A municipality is not required to implement the requirements of this section until July 1, 2023 the implementation date.

Sec. 12. 30-A MRSA §4364-B, sub-§1, as enacted by PL 2021, c. 672, §6, is amended to read:

1. Use permitted. Except as provided in Title 12, chapter 423-A, a municipality shall allow an accessory dwelling unit to be located on the same lot as a single-family dwelling unit in any area in which ~~housing is~~ residential uses are permitted, including as a conditional use.

Sec. 13. 30-A MRSA §4364-B, sub-§1-A is enacted to read:

1-A. Implementation date. For purposes of this section, "implementation date" has the same meaning as in section 4364, subsection 1-A.

Sec. 14. 30-A MRSA §4364-B, sub-§2, as enacted by PL 2021, c. 672, §6, is amended by amending the first blocked paragraph to read:

This subsection does not restrict the construction or permitting of accessory dwelling units constructed and certified for occupancy prior to July 1, 2023 the implementation date.

Sec. 15. 30-A MRSA §4364-B, sub-§3, as enacted by PL 2021, c. 672, §6, is amended to read:

3. Zoning requirements. With respect to accessory dwelling units, municipal zoning ordinances must comply with the following conditions:

A. At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; ~~and~~

B. If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance under this section ~~or section 4364-A~~, the lot is not eligible for any additional increases in density except as allowed by the municipality; ~~and~~

C. An accessory dwelling unit is allowed on a lot that does not conform to the municipal zoning ordinance if the accessory dwelling unit does not further increase the nonconformity.

Sec. 16. 30-A MRSA §4364-B, sub-§4, ¶B, as corrected by RR 2021, c. 2, Pt. A, §110, is amended to read:

B. For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to or sharing a wall with a single-family dwelling unit, the setback requirements and dimensional requirements must be the same as the setback requirements and dimensional requirements of the single-family dwelling unit, except for an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023 the implementation date, in which case the requisite setback requirements for such a structure apply. A municipality may establish more permissive dimensional and setback requirements for an accessory dwelling unit.

Sec. 17. 30-A MRSA §4364-B, sub-§4, ¶D is enacted to read:

D. An accessory dwelling unit that was not built with municipal approval must be allowed if the accessory dwelling unit otherwise meets the requirements for accessory dwelling units of the municipality and under this section.

Sec. 18. 30-A MRSA §4364-B, sub-§5, as enacted by PL 2021, c. 672, §6, is amended to read:

5. Shoreland zoning. An accessory dwelling unit must comply with shoreland zoning requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances, except that a municipality may not categorically prohibit accessory dwelling units in the shoreland zone that would otherwise meet requirements established by the Department of Environmental Protection under Title 38, chapter 3 and municipal shoreland zoning ordinances.

Sec. 19. 30-A MRSA §4364-B, sub-§8, ¶A, as enacted by PL 2021, c. 672, §6, is amended to read:

A. Establish an application and permitting process for accessory dwelling units that does not require planning board approval;

Sec. 20. 30-A MRSA §4364-B, sub-§10, as enacted by PL 2021, c. 672, §6, is amended to read:

10. Subdivision requirements. This section may not be construed to exempt a subdivider from the requirements ~~for division of a tract or parcel of land in accordance with~~ subchapter 4.

Sec. 21. 30-A MRSA §4364-B, sub-§13, as enacted by PL 2021, c. 672, §6, is amended to read:

13. Implementation. A municipality is not required to implement the requirements of this section until ~~July 1, 2023~~ the implementation date.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved.

Chapter 5: HOUSING OPPORTUNITY PROGRAM: MUNICIPAL LAND USE AND ZONING ORDINANCE RULE

Summary: This chapter sets forth the provisions which require municipalities to create or amend local ordinances to allow for (1) additional density for affordable housing developments in certain areas; (2) multiple dwelling units on lots designated for housing; and (3) one accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where housing is permitted.

Note: This chapter incorporates by reference certain material. The Appendix lists the material that is incorporated by reference, the date for each reference, and the organization where copies of the material are available.

SECTION 1. PURPOSE AND DEFINITIONS**A. PURPOSE**

1. This chapter sets forth the provisions which require municipalities to create or amend local ordinances to allow for (1) additional density for affordable housing developments in certain areas; (2) multiple dwelling units on lots designated for housing; and (3) one accessory dwelling unit located on the same lot as a single-family dwelling unit in any area where housing is permitted.
2. Municipalities need not adopt this rule language or the statutory language in [30-A M.R.S. §§ 4364 to 4364-B P.L. 2021 Ch. 672](#) word for word. The Department encourages municipalities to consider local planning documents and other special local considerations, and to modify language into one that meets the needs of a particular community and the minimum requirements of this legislation. Municipalities may wish to adopt ordinances that are more permissive, provided that such ordinances are equally or more effective in achieving the goal of increasing housing opportunities. If a municipality does not adopt ordinances to comply with [30-A M.R.S. §§ 4364 to 4364-B P.L. 2021 Ch. 672](#), this legislation will preempt municipal home rule authority.
3. These rules do not:
 - a) Abrogate or annul the validity or enforceability of any valid and enforceable easement, covenant, deed restriction or other agreement or instrument between private parties that imposes greater restrictions than those provided in this rule, as long as the agreement does not abrogate rights pursuant to the United States Constitution or the Constitution of Maine;
 - b) Exempt a subdivider from the requirements in Title 30-A Chapter 187 subchapter 4;

- c) Exempt an affordable housing development, a dwelling unit, or accessory dwelling unit from the shoreland zoning requirements established by the Department of Environmental Protection pursuant to Title 38 Chapter 3 and municipal shoreland zoning ordinances; ~~or~~
- d) ~~Abrogate or annul minimum lot size requirements under Title 12 Chapter 423-A; or-~~
- ~~d)e)~~ Apply to a lot or portion of a lot that is within the watershed of a water source located in Lewiston or Auburn and that is used to provide drinking water by a water utility that has received a waiver from filtration pursuant to 40 C.F.R. §§ 141.70 to 141.76, as determined by the Maine Department of Health and Human Services.

B. DEFINITIONS

All terms used but not defined in this chapter shall have the meanings ascribed to those terms in Chapter 187 of Title 30-A of the *Maine Revised Statutes*, as amended. Municipalities need not adopt the terms and definitions outlined below word for word. The Department encourages municipalities to consider local planning documents and other special local considerations, and to modify language into one that meets the needs of a particular community. Municipalities may wish to adopt terms and definitions that are more permissive, provided that such terms and definitions are equally or more effective in achieving the goal of increasing housing opportunities.

Accessory dwelling unit. "Accessory dwelling unit" means a self-contained dwelling unit located within, attached to or detached from a single-family dwelling unit located on the same parcel of land. An accessory dwelling unit must be a minimum of 190 square feet and municipalities may impose a maximum size.

Affordable housing development. "Affordable housing development" means

1. For rental housing, a development in which a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford ~~a majority~~51% or more of the units ~~that the developer designates as affordable in the development~~ without spending more than 30% of the household's monthly income on housing costs; and
2. For owned housing, a development in which a household whose income does not exceed 120% of the median income for the area as defined by the United States Department of Housing and Urban Development under the *United States Housing Act of 1937*, Public Law 75-412, 50 Stat. 888, Section 8, as amended, can afford ~~a majority~~51% or more of the units ~~that the developer designates as affordable in the development~~ without spending more than 30% of the household's monthly income on housing costs.

~~3. For purposes of this definition, “majority” means more than half of proposed and existing units on the same lot.~~

4.3. For purposes of this definition, “housing costs” include, but are not limited to:

- a) For a rental unit, the cost of rent and any utilities (electric, heat, water, sewer, and/or trash) that the household pays separately from the rent; and
- b) For an ownership unit, the cost of mortgage principal and interest, real estate taxes (including assessments), private mortgage insurance, homeowner’s insurance, condominium fees, and homeowners’ association fees.

Area median income. “Area median income” means the midpoint of a region’s income distribution calculated on an annual basis by the U.S. Department of Housing & Urban Development.

Attached. “Attached” means connected by a shared wall to the principal structure or having physically connected finished spaces.

Base density. “Base density” means the maximum number of units allowed on a lot not used for affordable housing based on dimensional requirements in a local land use or zoning ordinance. This does not include local density bonuses, transferable development rights, or other similar means that could increase the density of lots not used for affordable housing.

Centrally managed water system. “Centrally managed water system” means a water system that provides water for human consumption through pipes or other constructed conveyances to at least 15 service connections or serves an average of at least 25 people for at least 60 days a year as regulated by 10-144 C.M.R. Ch. 231, *Rules Relating to Drinking Water*. This water system may be privately owned.

~~**Certificate of occupancy.** “Certificate of occupancy” means the municipal approval for occupancy granted pursuant to 25 M.R.S. §2357-A or the *Maine Uniform Building and Energy Code* adopted pursuant to Title 10 Chapter 1103. Certificate of occupancy may also be referred to as issuance of certificate of occupancy or other terms with a similar intent.~~

Comparable sewer system. “Comparable sewer system” means any subsurface wastewater disposal system that discharges over 2,000 gallons of wastewater per day as regulated by 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

Comprehensive plan. “Comprehensive plan” means a document or interrelated documents consistent with 30-A M.R.S. § 4326(1)-(4), including the strategies for an implementation program which are consistent with the goals and guidelines established pursuant to Title 30-A Chapter 187 Subchapter II.

Conditional use. “Conditional use” means a use permitted on a lot in a zoning district by a municipal legislative body, subject to certain conditions not generally applicable to other lots located in that zoning district.

Density requirements. “Density requirements” mean the maximum number of dwelling units allowed on a lot, subject to dimensional requirements.

Designated growth area. “Designated growth area” means an area that is designated in a municipality's or multi-municipal region's comprehensive plan as suitable for orderly residential, commercial, or industrial development, or any combination of those types of development, and into which most development projected over ten (10) years is directed. Designated growth areas may also be referred to as priority development zones or other terms with a similar intent. If a municipality does not have a comprehensive plan, “designated growth area” means an area served by a public sewer system that has the capacity for the growth-related project, an area identified in the latest Federal Decennial Census as a census-designated place or a compact area of an urban compact municipality as defined by 23 M.R.S. §754.

Dimensional requirements. “Dimensional requirements” mean requirements which govern the size and placement of structures including, but limited not to, the following requirements: building height, lot area, minimum frontage and lot depth.

Duplex. “Duplex” means a structure containing two (2) dwelling units.

Dwelling unit. “Dwelling unit” means any part of a structure which, through sale or lease, is intended for human habitation, including single-family and multifamily housing, condominiums, time-share units, and apartments.

Existing dwelling unit. “Existing dwelling unit” means a residential unit in existence on a lot at the time of submission of a permit application to build additional units on that lot. If a municipality does not have a permitting process, the dwelling unit on a lot must be in existence at the time construction begins for additional units on a lot.

~~**Housing.** “Housing” means any part of a structure which, through sale or lease, is intended for human habitation, including single family and multifamily housing, condominiums, time share units, and apartments. For purposes of this rule, this does not include dormitories, boarding houses or other similar types of housing units; (2); and (3) This also does not include transient housing or short term rentals, unless these uses are otherwise allowed in local ordinance.~~

Implementation date. “Implementation date” means:

1. January 1, 2024, for municipalities for which ordinances may be enacted by the municipal officers without further action or approval by the voters of the municipality; and
2. July 1, 2024, for all other municipalities.

3. For purposes of this definition, “further action or approval by the voters of the municipality” means municipalities that have a town meeting form of government.

Land use ordinance. "Land use ordinance" means an ordinance or regulation of general application adopted by the municipal legislative body which controls, directs, or delineates allowable uses of land and the standards for those uses.

Lot. “Lot” means a single parcel of developed or undeveloped land.

Multifamily dwelling. “Multifamily dwelling” means a structure containing three (3) or more dwelling units.

Municipality. “Municipality” means a city or a town, excluding all unorganized and deorganized townships, plantations, and towns that have delegated administration of land use controls to the Maine Land Use Planning Commission pursuant to 12 M.R.S. §682(1).

Potable. “Potable” means safe for drinking as defined by the U.S. Environmental Protection Agency’s (EPA) Drinking Water Standards and Health Advisories Table and Maine’s interim drinking water standards for six different perfluoroalkyl and polyfluoroalkyl substances (PFAS), Resolve 2021 Chapter 82, *Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Level for Certain Substances and Contaminants*.

Principal structure. "Principal structure" means a structure in which the main or primary use of the structure is conducted. For purposes of this rule, principal structure does not include commercial buildings.

Quadplex. “Quadplex” means a structure containing 4 (four) dwelling units.

Residential use. “Residential use” means a use permitted in an area by a municipal legislative body to be used for human habitation. Residential uses may include single-family, duplex, triplex, quadplex, and other multifamily housing; condominiums; time-share units; and apartments. For purposes of this rule, the following uses are not included under this definition, unless otherwise allowed in local ordinance: (1) Dormitories; (2) Congregate living facilities; (3) Campgrounds, campsites, hotels, motels, beds and breakfasts, or other types of lodging accommodations; and (4) Transient housing or short-term rentals.

Restrictive covenant. “Restrictive covenant” means a provision in a deed, or other covenant conveying real property, restricting the use of the land.

Setback requirements. “Setback requirements” mean the minimum horizontal distance from a lot line, shoreline, or road to the nearest part of a structure, or other regulated object or area as defined in local ordinance.

Single-family dwelling unit. “Single-family dwelling unit” means a structure containing one (1) dwelling unit.

Structure. “Structure” means anything temporarily or permanently located, built, constructed or erected for the support, shelter or enclosure of persons as defined in 38 M.R.S. §436-A(12).

Triplex. “Triplex” means a structure containing three (3) dwelling units.

Zoning ordinance. "Zoning ordinance" means a type of land use ordinance that divides a municipality into districts and that prescribes and reasonably applies different regulations in each district.

SECTION 2. AFFORDABLE HOUSING DENSITY

A. GENERAL

This Section requires municipalities to allow an automatic density bonus for certain affordable housing developments approved on or after ~~July 1, 2023~~the implementation date, as outlined below. This section only applies to lots in zoning districts that have adopted density requirements.

B. ELIGIBILITY FOR DENSITY BONUS

1. For purposes of this section, a municipality shall verify that the development:
 - a) Is an affordable housing development as defined in this chapter, which includes the requirement that a majority of the total units on the lot are affordable;
 - b) Is in a designated growth area pursuant to 30-A M.R.S. §4349-A(1)(A) or (B) or served by a public, special district or other centrally managed water system and a public, special district or other comparable sewer system;
 - c) Is located in an area in which multifamily dwellings are allowed per municipal ordinance;
 - d) Complies with minimum lot size requirements in accordance with Title 12 Chapter 423-A; and
 - e) Owner provides written verification that each unit of the housing development is proposed to be connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:
 - i. If a housing unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;

- ii. If a housing unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.
- iii. If a housing unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
- iv. If a housing unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

2. Long-Term Affordability

Prior to granting ~~a certificate of occupancy or other final approval of final approval of~~ an affordable housing development, including but not limited to issuing an occupancy permit, a municipality must require that the owner of the affordable housing development (1) execute a restrictive covenant that is enforceable by a party acceptable to the municipality; and (2) record the restrictive covenant in the appropriate registry of deeds to ensure that for at least thirty (30) years after completion of construction:

- a) For rental housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 80% of the local area median income at the time of initial occupancy; and
- b) For owned housing, occupancy of all the units designated affordable in the development will remain limited to households at or below 120% of the local area median income at the time of initial occupancy.

C. DENSITY BONUS

If the requirements in Section 2(B)(1) and (2) are met, a municipality must:

- 1. Allow an affordable housing development to have a dwelling unit density of at least 2.5 times the base density that is otherwise allowed in that location; and
- 2. Require no more than two (2) off-street parking motor vehicle spaces for every three (3) dwelling units of an affordable housing development.

If fractional results occur when calculating the density bonus in this subsection, the number of units is rounded down to the nearest whole number. Local regulation that

chooses to round up shall be considered consistent with and not more restrictive than this law. The number of motor vehicle parking spaces may be rounded up or down to the nearest whole number.

SECTION 3. DWELLING UNIT ALLOWANCE

A. GENERAL

This section requires municipalities to allow multiple dwelling units on lots where ~~housing is residential uses are allowed, including as a conditional use, allowed~~ beginning on July 1, 2023 ~~the implementation date~~, subject to the requirements below. The requirements listed in Section 3 apply to municipalities with and without zoning. Private, state or local standards such as homeowners' association regulation, deed restrictions, lot size, set back, density, septic requirements, minimum lot size, additional parking requirements, growth ordinance permits, shoreland zoning and subdivision law, may also apply to lots.

B. REQUIREMENTS

1. Dwelling Unit Allowance

- a) If a lot does not contain an existing dwelling unit, municipalities must allow up to four (4) dwelling units per lot if the lot is located in an area in which housing is allowed, meets the requirements in 12 M.R.S. Ch. 423-A, and is:
 - i. Located within a designated growth area consistent with 30-A M.R.S. §4349 A(1)(A)-(B); or
 - ii. Served by both a public, special district or other centrally managed water system and a public, special district or other comparable sewer system in a municipality without a comprehensive plan.
- b) If a lot does not contain an existing dwelling unit and does not meet i. or ii. above, a municipality must allow up to two (2) dwelling units per lot located in an area in which housing is allowed, provided that the requirements in 12 M.R.S. Ch. 423-A are met. The two (2) dwelling units may be (1) within one structure; or (2) separate structures.
- c) If a lot contains one existing dwelling unit, a municipality must allow the addition of up to two (2) additional dwelling units:
 - i. One within the existing structure or attached to the existing structure;
 - ii. One detached from the existing structure; or
 - iii. One of each.

- d) If a lot contains two existing dwelling units, no additional dwelling units may be built on the lot unless allowed under local municipal ordinance.
- e) A municipality may allow more units than the minimum number of units required to be allowed on all lots that allow housing.

2. Zoning

With respect to dwelling units allowed under this Section, municipalities with and without zoning ordinances must comply with the following:

- a) If more than one dwelling unit has been constructed on a lot as a result of the allowance pursuant to this Section, the lot is not eligible for any additional units or increases in density except as allowed by the municipality. Municipalities have the discretion to determine if a dwelling unit or accessory dwelling unit has been constructed on a lot for purposes of this provision.
- b) Municipalities may establish a prohibition or an allowance for lots where a dwelling unit in existence after ~~July 1, 2023~~ the implementation date, is torn down and an empty lot results.

3. Dimensional and Setback Requirements

- a) A municipal ordinance may not establish dimensional requirements, including but not limited to ~~or~~ setback requirements, for dwelling units allowed pursuant to this Section that are more restrictive than the dimensional requirements ~~or~~ including but not limited to setback requirements, for single-family housing units.

- 4. A municipality may establish requirements for a lot area per dwelling unit as long as the additional ~~dwelling units~~ lot area required for each additional dwelling unit is proportional to the lot area per dwelling unit of the first unit.

5. Water and Wastewater

- a) The municipality must require an owner of a proposed housing structure to provide written verification that each proposed structure is to be connected to adequate water and wastewater services prior to certification of the development for occupancy or similar type of approval process. Written verification must include the following:
 - i. If a housing structure is connected to a public, special district or other comparable sewer system, proof of adequate service to support any additional flow created by the unit and proof of payment for the connection to the sewer system;
 - ii. If a housing structure is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing

inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*.

- iii. If a housing structure is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
- iv. If a housing structure is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

C. MUNICIPAL IMPLEMENTATION

In adopting an ordinance, a municipality may:

- 1. Establish an application and permitting process for dwelling units;
- 2. Impose fines for violations of building, site plan, zoning, and utility requirements for dwelling units; and
- 3. Establish alternative criteria that are less restrictive than the requirements of Section 3(B)(4) for the approval of a dwelling units only in circumstances in which the municipality would be able to provide a variance pursuant to 30-A M.R.S. §4353(4)(A), (B), or (C).

SECTION 4. ACCESSORY DWELLING UNITS

A. GENERAL

- 1. A municipality must allow, effective ~~July 1, 2023~~on the implementation date, one accessory dwelling unit to be located on the same lot as a single-family dwelling unit in any area in which ~~housing is allowed~~ residential uses are permitted, including as a conditional use, subject to the requirements outlined below. The requirements listed in Section 4 apply to municipalities with and without zoning. Private, state or local standards such as homeowners' association regulation, deed restrictions, set back, density, septic requirements, shoreland zoning and subdivision law may also apply to lots.
- 2. A municipal ordinance that allows more than one accessory dwelling unit or that allows accessory dwelling units to be established in relation to duplex, triplex, quadplex, and other multi-unit buildings shall be considered consistent with the goals of 30-A M.R.S. §§ 4364 to 4364-B. P.L. 2021 Ch. 672.

2.3. A municipality may not categorically prohibit accessory dwelling units in the shoreland zone that would otherwise meet the shoreland zoning requirements established by the Department of Environmental Protection, Title 28, Chapter 3, and municipal shoreland zoning ordinances.

B. REQUIREMENTS

1. Accessory Dwelling Unit Allowance

An accessory dwelling unit may be constructed only:

- a) Within an existing dwelling unit on the lot;
- b) Attached to a single-family dwelling unit; or
- c) As a new structure on the lot for the primary purpose of creating an accessory dwelling unit.

A municipality may allow an accessory dwelling unit to be constructed or established within an existing accessory structure, except the setback requirements of Section 4(B)(3)(b)(i) shall apply.

2. Zoning

With respect to accessory dwelling units, municipalities with zoning ordinances and municipalities without zoning must comply with the following conditions:

- (a) At least one accessory dwelling unit must be allowed on any lot where a single-family dwelling unit is the principal structure; ~~and~~
- (b) If more than one accessory dwelling unit has been constructed on a lot as a result of the allowance pursuant to this Section, the lot is not eligible for any additional units or increases in density, except as allowed by the municipality. Municipalities have the discretion to determine if a dwelling unit or accessory dwelling unit has been constructed on a lot for purposes of this provision; and
- (c) An accessory dwelling unit is allowed on a lot that does not conform to the municipal zoning ordinance if the accessory dwelling unit does not further increase the nonconformity, meaning the accessory dwelling unit does not cause further deviation from the dimensional standard(s) creating the nonconformity, excluding lot area.

3. Other

With respect to accessory dwelling units, municipalities must comply with the following conditions:

- a) A municipality must exempt an accessory dwelling unit from any density requirements or lot area requirements related to the area in which the accessory dwelling unit is constructed;
- b) For an accessory dwelling unit located within the same structure as a single-family dwelling unit or attached to a single-family dwelling unit, the dimensional requirements, excluding lot area requirements, and setback requirements must be the same as the dimensional requirements and setback requirements of the single-family dwelling unit;
 - i. For an accessory dwelling unit permitted in an existing accessory building or secondary building or garage as of July 1, 2023 the implementation date, the required setback requirements in local ordinance of the existing accessory or secondary building apply.
- c) A municipality may establish more permissive dimensional requirements and setback requirements for an accessory dwelling unit.
- ~~d)~~ An accessory dwelling unit may not be subject to any additional motor vehicle parking requirements beyond the parking requirements of the single-family dwelling unit on the lot where the accessory dwelling unit is located.
- ~~e)~~ An accessory dwelling unit that was not built with municipal approval must be allowed if the accessory dwelling unit otherwise meets the requirements for accessory dwelling units of the municipality and under this Section.

4. Size

- a) An accessory dwelling unit must be at least 190 square feet in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies.
- b) Municipalities may set a maximum size for accessory dwelling units in local ordinances, as long as accessory dwelling units are not less than 190 square feet.

5. Water and Wastewater

A municipality must require an owner of an accessory dwelling unit to provide written verification that the proposed accessory dwelling unit is to be connected to adequate water and wastewater services prior to certification of the accessory dwelling unit for occupancy or similar type of approval process. Written verification must include the following:

- a) If an accessory dwelling unit is connected to a public, special district or other comparable sewer system, proof of adequate service to support any

additional flow created by the unit and proof of payment for the connection to the sewer system;

- b) If an accessory dwelling unit is connected to a septic system, proof of adequate sewage disposal for subsurface wastewater. The septic system must be verified as adequate by a local plumbing inspector pursuant to 30-A M.R.S. §4221. Plans for a subsurface wastewater disposal must be prepared by a licensed site evaluator in accordance with 10-144 C.M.R. Ch. 241, *Subsurface Wastewater Disposal Rules*;
- c) If an accessory dwelling unit is connected to a public, special district or other centrally managed water system, proof of adequate service to support any additional flow created by the unit, proof of payment for the connection and the volume and supply of water required for the unit; and
- d) If an accessory dwelling unit is connected to a well, proof of access to potable water, including the standards outlined in 01-672 C.M.R. Ch. 10 section 10.25(J), *Land Use Districts and Standards*. Any test of an existing well or proposed well must indicate that the water supply is potable and acceptable for domestic use.

C. MUNICIPAL IMPLEMENTATION

In adopting an ordinance under this Section, a municipality may:

1. Establish an application and permitting process for accessory dwelling units that does not require planning board approval;
2. Impose fines for violations of building, zoning and utility requirements for accessory dwelling units; and
3. Establish alternative criteria that are less restrictive than the above criteria in Section 4 for the approval of an accessory dwelling unit only in circumstances in which the municipality would be able to provide a variance pursuant to 30-A M.R.S. §4353(4)(A), (B), or (C).

D. RATE OF GROWTH ORDINANCE

A permit issued by a municipality for an accessory dwelling unit does not count as a permit issued toward a municipality's rate of growth ordinance pursuant to 30-A M.R.S. §4360.

STATUTORY AUTHORITY:

PL 2021 Ch. 672, PL 2023 Ch. 192, and PL 2023, ch. 264, codified at 30-A M.R.S. §§ 4364, 4364-A, 4364-B.

EFFECTIVE DATE:

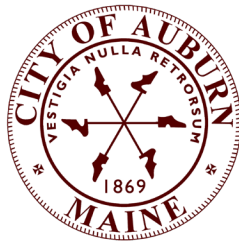
April 18, 2023 – filing 2023-056

AMENDED

APPENDIX

List of Reference Material

Reference Material	Location to Obtain Document
U.S. Environmental Protection Agency's (EPA) Drinking Water Standards and Health Advisories Table, March 2018.	U.S. Environmental Protection Agency Office of Water Drinking Water Hotline 1-800-426-4791
10-144 C.M.R. Ch. 231, Rules Relating to Drinking Water, May 9, 2016	Maine Department of Health & Human Services Maine Center for Disease Control & Prevention 11 State House Station Augusta, Maine 04333 207-287-8016
Resolve 2021, Ch. 82, Resolve, To Protect Consumers of Public Drinking Water by Establishing Maximum Contaminant Levels for Certain Substances and Contaminants	Maine State Legislature Legislative Information Office- Document Room 100 State House Station Augusta, ME 04333 207-287-1408 webmaster_house@legislature.maine.gov
01-672 C.M.R. Ch. 10, Land Use Districts and Standards, December 30, 2022	Maine Department of Agriculture, Conservation & Forestry Bureau of Resource Information and Land Use Planning Land Use Planning Commission 22 State House Station Augusta, Maine 04333 207-287-2631
10-144 C.M.R. Ch. 241, Subsurface Wastewater Disposal Rules, August 3, 2015	Maine Department of Health & Human Services Maine Center for Disease Control & Prevention 11 State House Station Augusta, Maine 04333 207-287-8016



City Council Ordinance

IN CITY COUNCIL

Be it ordained, That the Auburn City Council amend Sec. 60-2- (Definitions) of the Zoning Ordinance to reduce the minimum dwelling unit size from 700 square feet to 400 square feet and to reduce the minimum accessory dwelling unit size from 700 square feet to 190 square feet as shown in the attached zoning text amendment.

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, 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

Subject: Public Hearing on minimum dwelling size pursuant to Chapter 60, Article XVII, Division 2-Sec.60-2 Definitions

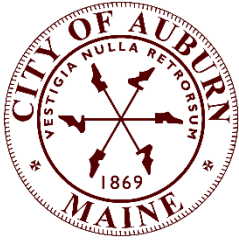
Date: 10/16/2023

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 October 10, 2023, the Planning Board forwards this report to the City Council.

PROPOSAL: PUBLIC HEARING/ZONING TEXT AMENDMENT: Amend Sec. 60-2- (Definitions) of the Zoning Ordinance to reduce the minimum dwelling unit size from 700 square feet to 400 square feet and to reduce the minimum accessory dwelling unit size from 700 square feet to 190 square feet. This item was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances.

MOTION: David Trask makes a motion; **SECOND:** Darren Finnegan seconds.

“I make a motion to recommend sending forward a positive recommendation to council supporting the proposed changes to amend the 700 SF requirement for single family home minimum dwelling size to include the **dwelling unit** must be at least 400 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies. For an **accessory dwelling unit**, an accessory dwelling unit must be at least 190 square feet, above grade in size, unless the Technical Building Code and Standards Board, pursuant to 10 M.R.S. §9722, adopts a different minimum standard; if so, that standard applies for an accessory dwelling. I would also request that section 60-2 Definitions-number two read ‘each one family detached dwelling unit must be at least 400 square feet above grade in size and an accessory detached dwelling unit must be 190 square feet above grade in size, unless the technical building code and standards board pursuant to 10 M.R.S. §9722, adopts a different minimum standard if so, that standard applies.’” **VOTE:** 7-0-0 motion passes.



**City of Auburn
City Council Information Sheet**

Council Meeting Date: October 16, 2023

Ordinance: 23-10162023

Author: Katherine Cook, Planning Coordinator

Subject: Public hearing and second reading on zoning map amendment changing UR and LDCR zoning to T-4.2B in Area B.

Information: Today the City Council holds the first reading on amending the City of Auburn zoning map to rezone certain land area general located near Vickery Road area from Urban Residence zoning district and Low-Density Country Residential Zoning District Traditional Neighborhood Form Based Code T-4.2B zoning district. This hearing follows three planning board public hearings on the most appropriate zone change supported by the comprehensive plan. The planning board recommended the map amendment as depicted attached as it provides connectivity between the Vickery Road neighborhood and the area zoned T-4.2B off South Main Street earlier identified as area A1. The planning board's recommendation includes a request that they later make a recommendation on rezoning the area south of the of the proposed T-4.2B boundary to a zone which accommodates a density of approximately eight units per acre. Staff plans to bring this additional as a separate consideration for workshop in December.

City Budgetary Impacts: None known.

Staff Recommended Action: Staff suggests that council adopt the 2nd reading of this zoning map amendment.

Previous Meetings and History: May 21, 2022-planning board workshop on areas A, B, C, and D; July 11, 2023- planning board public hearing on areas A, B, C, and D (all tabled); August 8, 2023- planning board public hearing on areas A1, A2, B1 & B2, C, and D (recommendations on all but area B); September 13, 2023- planning board workshop on area B option 1 and area B option 2 (recommendation to proceed with option 1); October 10, 2023- public hearing on area B option 1.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments: Draft ordinance with map, recommendation from planning board, area B map, staff report, T-4.2B ordinance text.



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

Subject: Planning board recommendation to city council on zoning map amendment changing UR and LDCR zoning to T-4.2B in Area B.

Date: 10/16/2023

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on October 10, 2023, the Planning Board forwards this report to the City Council.

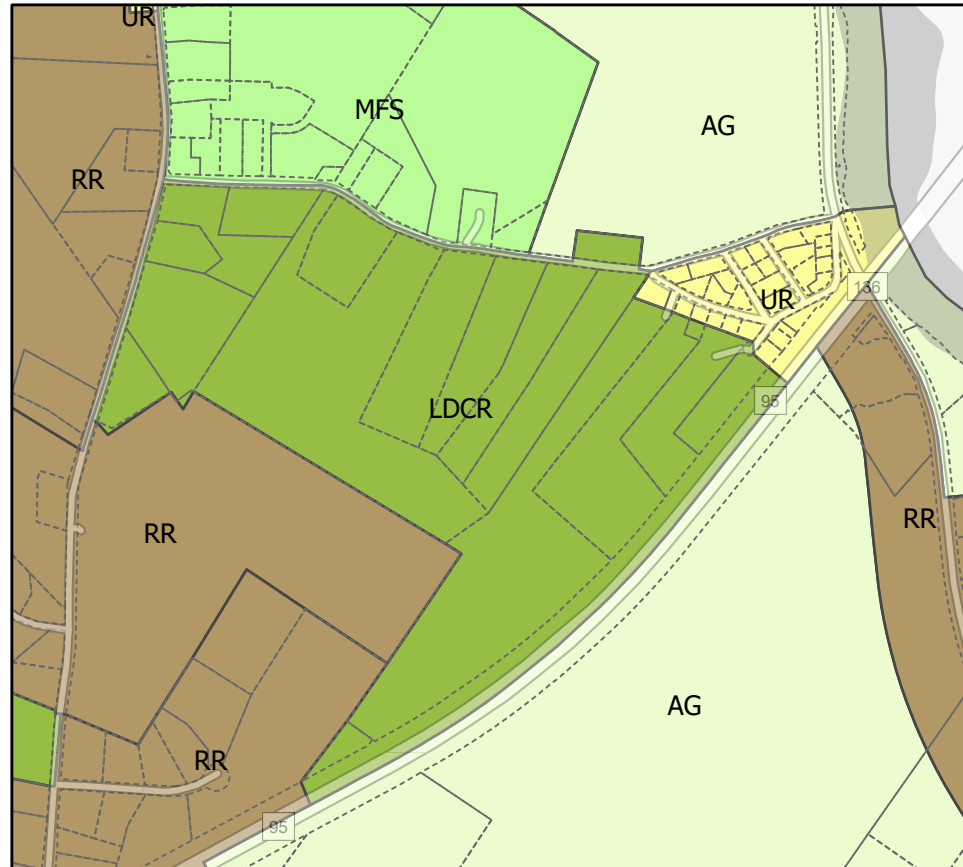
PROPOSAL: PUBLIC HEARING/ZONING MAP AMENDMENT T-4.2B “AREA B”: Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This area is generally located near Vickery Road. This item was initiated by the City Council and is pursuant to Chapter 60, Article XVII, Division 2 of the Code of Ordinances.

MOTION: David Trask makes a motion; **SECOND:** Evan Cyr seconds.

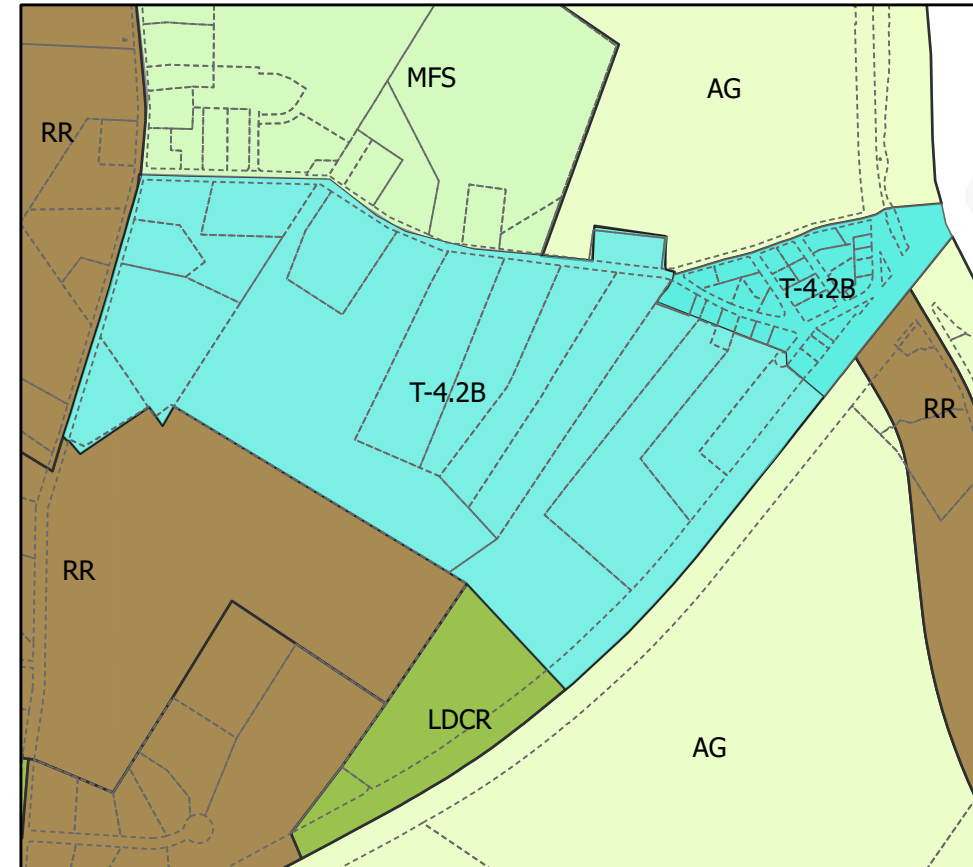
“I make a motion to forward a favorable recommendation to city council to amend the official zoning map of the City of Auburn entitled *City of Auburn, Zoning Map, dated May 16, 2016*, revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the corresponding map and presented in this meeting.”

VOTE: 7-0-0. Motion passes.

Area B: Option 1



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 | |

Date: October 10, 2023

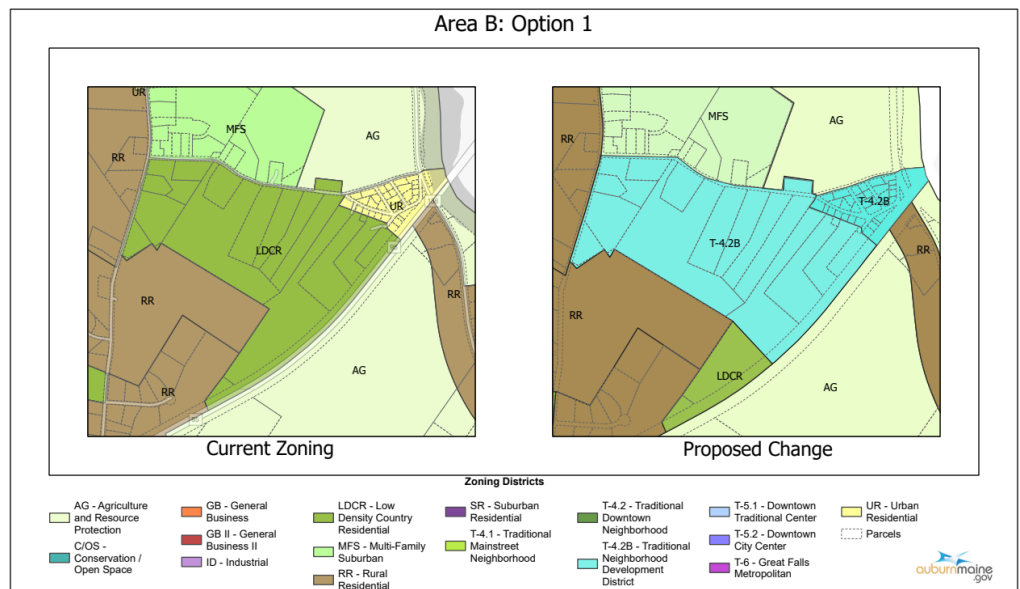
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: **Staff Report on Map Amendment for Area B in the Vickery Road Area**

I. **Public Hearing/ Map Amendment “Area B”:** 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 Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This area is generally located near Vickery Road. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

II. **Background:** On September 13, 2023, the planning board reviewed two options for the zone change boundaries of Area B. Staff presented “Option 1” which applied T-4.2B to the Vickery Road Neighborhood, and the current Low Density Country Residential area south of Vickery Road between South Main Street and Riverside Drive, and “Option 2,” which extended the zoning change further down South Main Street to the Turnpike also changing affecting the Rural Residential zone. The planning board decided to hold a public hearing the following month on “Area B, Option 1” because it aligns more closely to the Comprehensive Plan, which calls for a less dense development pattern than T-4.2B would produce in areas to the south of Vickery Road. The planning board specified they prefer the zone change boundaries follow “Option 2” presented at the September meeting and asked that the staff prepare a workshop presenting possible zones that would accomplish the Comprehensive Plan’s guidance of approximately 8 units per acre. Staff plans to have that workshop before the Board for the November meeting.



Previous Meetings:

- **May 21, 2022**—Planning Board Workshop on Area A, B, C, and D
- **July 11, 2023**—Planning Board Public Hearing on Area A, B, C and D. All areas were tabled with recommendations for staff to bring to the following meeting.

- **August 8, 2023**—Planning Board Public Hearing on Area A1, A2, B1 & B2, Area C, and Area D. Planning Board made recommendations on all map amendments except Area B. They asked to see the different option to connect Area B to Area B1
- **September 13, 2023**—Planning Board Workshop on “Area B Option 1” and “Area B Option 2” which depicted different boundaries for the potential zone change. Planning Board directed staff to prepare Area B Option 1 for a Public Hearing

III. Department Review:

- Police - No Comments
- Auburn Water and Sewer – No Comments
- Fire Department/Code Enforcement – No Comments
- Engineering – No Comments
- Public Services - No Comments
- Airport – No Comments
- 911 - No Comments

IV. Planning Board Action: Staff recommends that the Board forward a positive recommendation to the Council under Sec. 46-374 supporting the proposed changes.

V. Suggested Motion: I make a motion to 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 Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the corresponding map and presented in the materials for this meeting.

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.



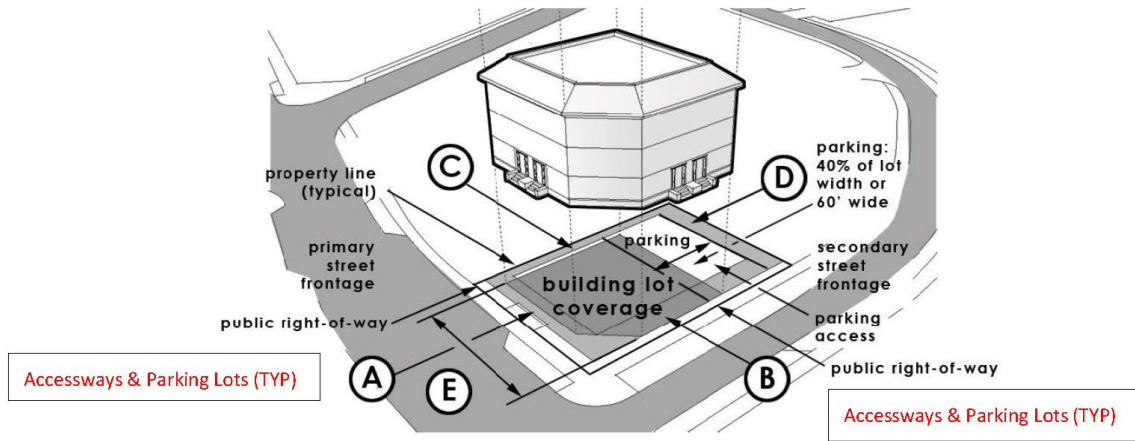


Characteristic Features

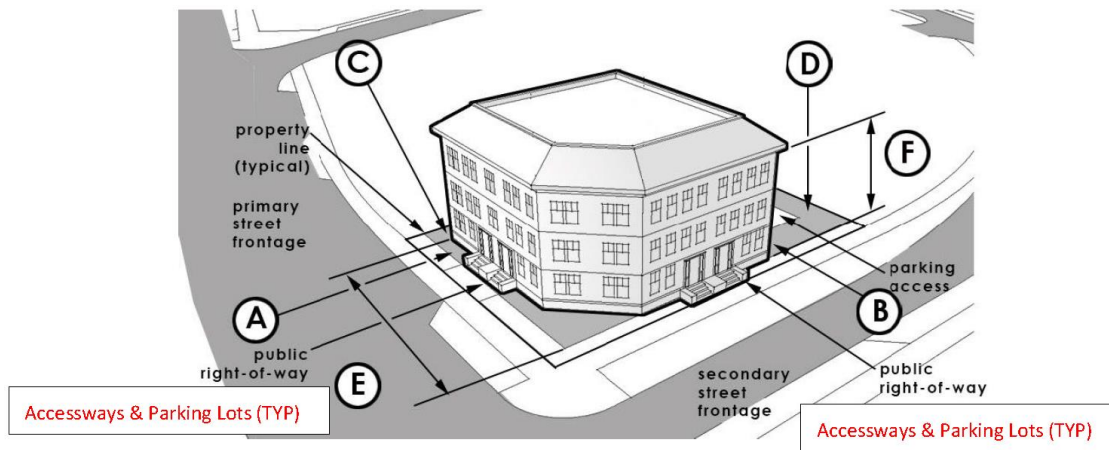
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

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

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



Elevated Building Placement



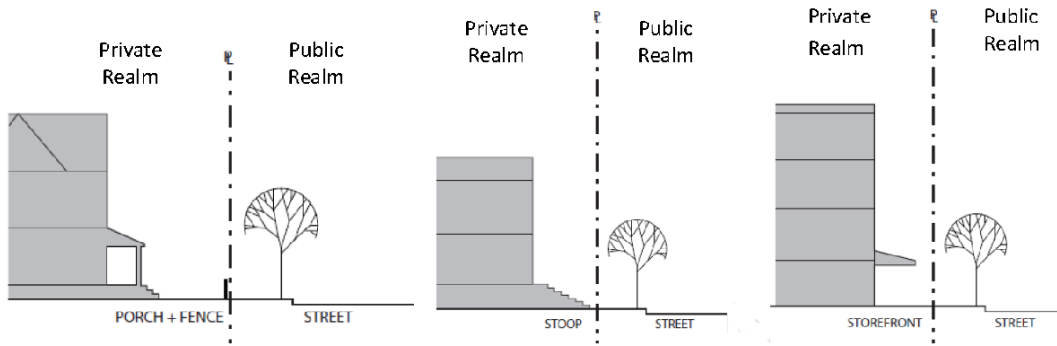
Building Placement on Lot

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)	
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.

(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

BUILDING FRONTAGE TYPES:	Common yard; porch yard, stoop and storefront.
BUILDING ENTRIES:	Primary entry door is encouraged along ground story facade facing a primary street.
BUILDING ENVELOPE ARTICULATION:	
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.

Key:	
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)
Residential Use Type							
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
Office/Service							
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
Retail Type Use							
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

Civic							
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)

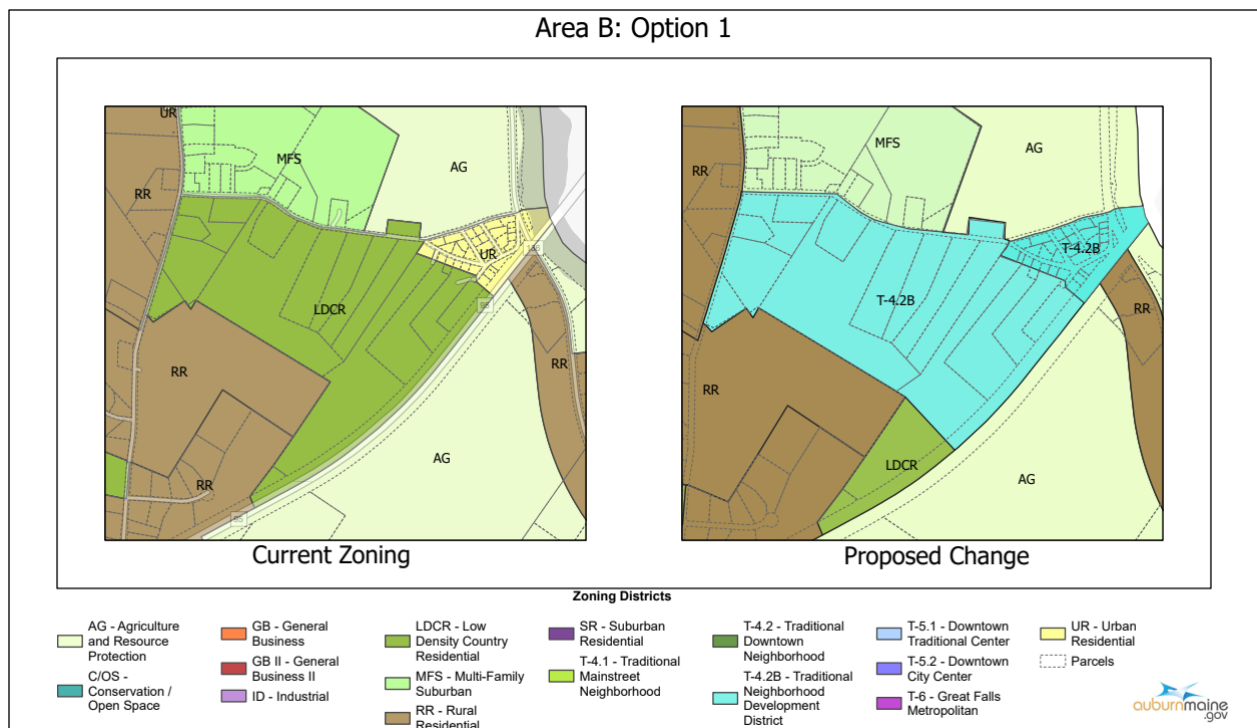


City Council Ordinance

IN CITY COUNCIL

TITLE: Zoning Map Amendment changing UR and LDCR zoning to T-4.2B in Area B.

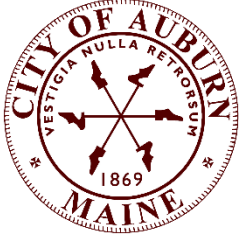
Be it ordained, That the Auburn City Council Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district as shown on the attached map labeled Area B: Option 1.



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: November 6, 2023

Public Hearing

Author: John Blais

Subject: Public Hearing, discontinuance of 90.94+/- Miller Street as a city street per § 3026-A

Information: Step two, in a 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 (11. 6. 23).** 3.Approval of order minimum 10 days after the public hearing (11.21.23).

Today the City Council should hold a public hearing on the discontinuance of Miller Street.

- A. The Location of the town way or public easement is attached.
- B. Notification of abutting property owners is complete via Certified Mail.

City Budgetary Impacts: None known.

Staff Recommended Action: Hold public hearing, no vote required. **Continued from last month due to address correction.**

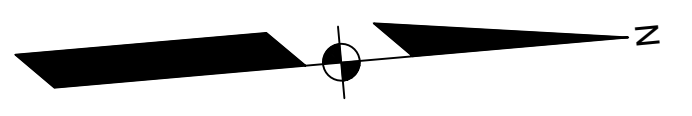
Previous Meetings and History: PB workshop August 10, 2023, PB Public Hearing September 12, 2023 City Council Workshop August 7, 2023, City Councilor Order and 1st vote September 19, 2023, October 16, 2023.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

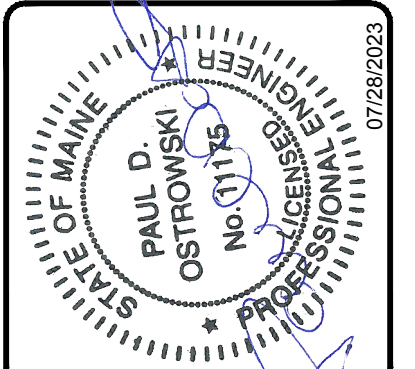
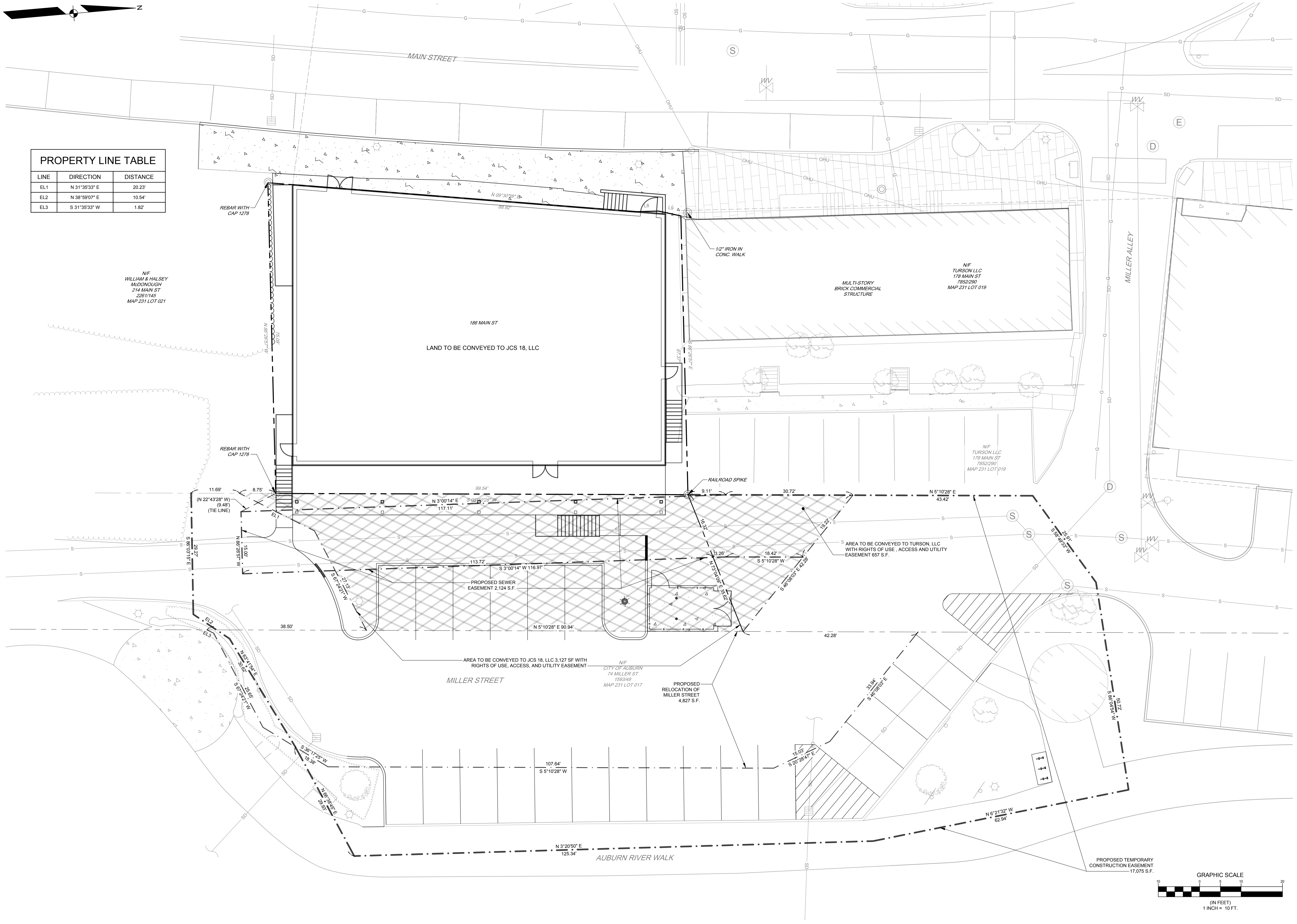
Attachments: Order of Discontinuance (attested copy by City Clerk)



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.SEAGOTECHNICS.COM
75 John Roberts Rd.
Sullivan, ME 04106
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

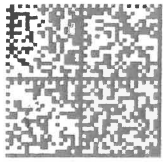
DESIGNED	TFG
DRAWN	ABB
CHECKED	PDO
DATE	05/05/2023
SCALE	1" = 10'
PROJECT	220503-01

F:\Projects\220503\220503.DWG\Design\220503 EASEMENT PLAN.dwg - 7/28/2023 3:32 PM - TANNER, F. GOODINE

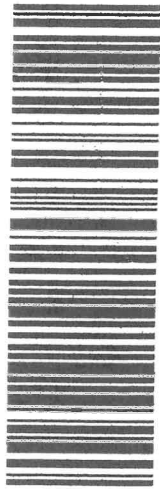
220503 EASEMENT PLAN.dwg, TAB 6 EASEMENT PLAN

*Planning & Permitting
City of Auburn
60 Court Street
Auburn, ME 04210*

US POSTAGE  PITNEY BOWES
ZIP 04210 \$ 007.42⁰
02 4W
0000376711 OCT. 20. 2023



Label 890-PB, Oct. 2015
Pitney Bowes



9489 0090 0027 6269 5835 26

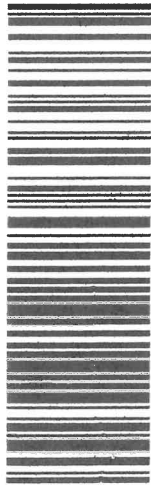

HALSEY WILLIAM MCDONOUGH
61 WINTER STREET
GARDINER, ME 04345

*Planning & Permitting
City of Auburn
60 Court Street
Auburn, ME 04210*

US POSTAGE  PITNEY BOWES
ZIP 04210 \$ 007.42⁰
02 4W
0000376711 OCT. 20. 2023



Label 890-PB, Oct. 2015
Pitney Bowes



9489 0090 0027 6269 5835 33


WILLIAM TURNER
368 MINOT AVENUE
AUBURN, ME 04210



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 www.auburnmaine.gov |

207.333.6601

October 18, 2023

RE: Notice of City Council Public Hearing – November 6, 2023

William McDonough
61 Winter Street (mailing address)
Gardiner, Maine 04345
PID: 231-021

Dear Mr. McDonough:

You are receiving this notice pursuant to Title 23 M.R.S.A § 3026-A, 1-6 because the City of Auburn, City Council will conduct a Public Hearing on **Monday, November 6, 2023, at 7:00 p.m.** in the City Council Chambers, 60 Court Street, Auburn, Maine to hear public comment on the following item located abutting property you own:

PUBLIC HEARING/ Miller Street Relocation: 186 Main Street: See attached attested order dated September 25, 2023, and site plan.

In addition, a waiver of damages form is included for your convenience. Please sign and send back to the address found on the waiver:

Additional information is available and may be obtained from the Auburn Planning & Permitting Department by contacting John Blais at (207) 333-6601 ext. 1334 or jblais@auburnmaine.gov.

Regards,

John Blais
Deputy Director of Planning, Permitting and Code



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 www.auburnmaine.gov |

207.333.6601

October 18, 2023

RE: Notice of City Council Public Hearing – November 6, 2023

William T. Turner
368 Minot Avenue
Auburn, Maine 04210
PID: 231-019

Dear Mr. Turner:

You are receiving this notice pursuant to Title 23 M.R.S.A § 3026-A, 1-6 because the City of Auburn, City Council will conduct a Public Hearing on **Monday, November 6, 2023, at 7:00 p.m.** in the City Council Chambers, 60 Court Street, Auburn, Maine to hear public comment on the following item located abutting property you own:

PUBLIC HEARING/ Miller Street Relocation: 186 Main Street: See attached attested order dated September 25, 2023, and site plan.

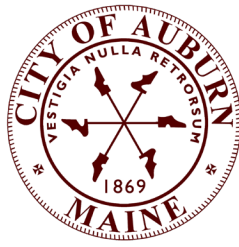
The development includes new parking and has been proposed as six (6) additional public parking spaces will be available at 2-hour increments and will be available at will to tenants between 6 PM to 7:00 AM. In addition, to replace the seven (7) R permit location paid for by the abutter the city will offer replacement spots within the city garage at the same rate of \$45 a month (\$945 quarterly).

In addition, a waiver of damages form is included for your convenience. Please sign and send back to the address found on the waiver:

Additional information is available and may be obtained from the Auburn Planning & Permitting Department by contacting John Blais at (207) 333-6601 ext. 1334 or jblais@auburnmaine.gov.

Regards,

John Blais
Deputy Director of Planning, Permitting and Code



ORDER

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)

In-favor
Richard Whiting

In-Favor
Ryan Hawes

In-Favor
Stephen G. Milks

In-Favor
Joseph Morin

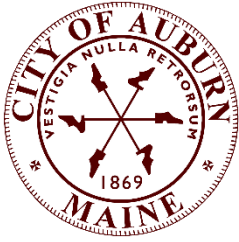
In-Favor
Leroy G. Walker

In-Favor
Dana Staples

In-Favor
Belinda A. Gerry

Motion carries 7-0 on September 18, 2023

Vote Attested by City Clerk:



**City of Auburn
City Council Information Sheet**

Council Meeting Date: November 6th, 2023

Order: 143-11062023

Author: John Blais

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

Information: Third step, in a 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 (11.4.23).**

Today the City Council meets to hold Second reading, discontinuance of 250+/- Chestnut Street as a city street per § 3026-A, (2) A, B, B-1, C and D. Once approved, the order of Discontinuance is recorded in the Androscoggin County Registry of Deeds.

City Budgetary Impacts: None known.

Staff Recommended Action: Hold second reading, and staff to record the Exhibit B in Androscoggin County Registry of Deeds and City Council Order attested by City Clerk.

Previous Meetings and History: PB workshop August 10, 2023, PB Public Hearing September 12, 2023 City Council Workshop August 7, 2023, Public Hearing October 16th.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: Order of Discontinuance

Partial Discontinuance of Chestnut Street – Waiver of Damages -7 Chestnut Street
PID 250-335

TO: Sultan Corp, Property Owners, 7 Chestnut Street, Auburn, ME

FROM: John Blais, Deputy Director of Planning, Permitting and Code

The City of Auburn is being asked to order the Partial discontinuance of Chestnut Street as a City way, for approximately 250 feet See attached description and Site Plan description.

I understand you are aware that this will be considered based on our previous discussions. You are being notified as an abutting property owner that this will be scheduled for an upcoming City Council Meeting. A preliminary review has shown that your parcel has frontage on two streets including Chestnut Street and Webster Street. It has also been noted that your access to the parcel is via Chestnut Street and will remain after the potential partial discontinuance of Chestnut Street. In a preliminary review we have determined that it is likely that no damage to the abutting property owners is warranted. This letter is to verify if you agree with that determination or if you would prefer that the city investigate this further prior to scheduling a hearing before the City Council to consider the discontinuance of a portion of Chestnut Street.

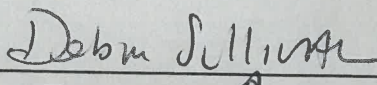
Please review, select one of the options below and sign and return it to The Planning & Permitting Office at 60 Court Street, Auburn, Me 04210. **By October 1, 2023.**

OPTIONS:

- I agree that no damages are warranted or due to me for the discontinuance of a portion of Chestnut Street as my frontage and access to public Street(s) will continue to exist on Chestnut Street.
- I disagree with the preliminary determination and will request damages in the amount of \$ _____ to move forward with the proposed discontinuance.
- I disagree with the preliminary determination and would like to request that the City acquire the services of a commercial appraiser to determine if damages are warranted.

Date: 10/31/23

Printed Name: 

Signature: 
Sultan Corp

Please contact me with any questions at 333-6601, ext. 1334

**Partial Discontinuance of Chestnut Street – Waiver of Damages -16 Chestnut Street
PID 250-333**

TO: Hero Homes LLC, Property Owners, 16 Chestnut Street, Auburn, ME

FROM: John Blais, Deputy Director of Planning, Permitting and Code

The City of Auburn is being asked to order the Partial discontinuance of Chestnut Street as a City way, for approximately 250 feet See attached description and Site Plan description.

I understand you are aware that this will be considered based on our previous discussions. You are being notified as an abutting property owner that this will be scheduled for an upcoming City Council Meeting. A preliminary review has shown that your parcel has a frontage on one street, Chestnut Street. It has also been noted that your access to the parcel is via Chestnut Street and will remain after the potential partial discontinuance of Chestnut Street. In a preliminary review we have determined that it is likely that no damages to the abutting property owners are warranted.

This letter is to verify if you agree with that determination or if you would prefer that the city investigate this further prior to scheduling a hearing before the City Council to consider the discontinuance of a portion of Chestnut Street.

Please review, select one of the options below and sign and return it to The Planning & Permitting Office at 60 Court Street, Auburn, Me 04210. By October 1, 2023.

OPTIONS:

I agree that no damages are warranted or due to me for the discontinuance of a portion of Chestnut Street as my frontage and access to public Street(s) will continue to exist on Chestnut Street.

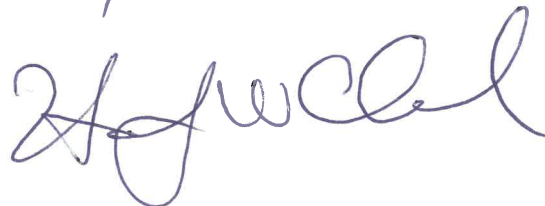
I disagree with the preliminary determination and will request damages in the amount of \$ _____ to move forward with the proposed discontinuance.

I disagree with the preliminary determination and would like to request that the City acquire the services of a commercial appraiser determine if damages are warranted.

Date: 26 Sep 2023

Printed Name: Hanley W Clark

Signature:



**Partial Discontinuance of Chestnut Street – Waiver of Damages -28 Winter Street
PID 250-279**

TO: John & Barabara Landry, Property Owners, 28 Winter Street, Auburn, ME

FROM: John Blais, Deputy Director of Planning, Permitting and Code

The City of Auburn is being asked to order the Partial discontinuance of Chestnut Street as a City way, for approximately 250 feet See attached description and Site Plan description.

I understand you are aware that this will be considered based on our previous discussions. You are being notified as an abutting property owner that this will be scheduled for an upcoming City Council Meeting. A preliminary review has shown that your parcel has frontage on two streets including Chestnut Street and Winter Street. It has also been noted that your access to the parcel is via Chestnut Street and will remain after the potential partial discontinuance of Chestnut Street. In a preliminary review we have determined that it is likely that no damages to the abutting property owners are warranted. This letter is to verify if you agree with that determination or if you would prefer that the City investigate this further prior to scheduling a hearing before the City Council to consider the discontinuance a portion of Chestnut Street.

Please review, select one of the options below and sign and return it to The Planning & Permitting Office at 60 Court Street, Auburn, Me 04210. By October 1, 2023.

OPTIONS:

- I agree that no damages are warranted or due to me for the discontinuance of portion of Chestnut Street as my frontage and access to public Street(s) will continue to exist on Chestnut Street.
- I disagree with the preliminary determination and will request damages in the amount of \$ _____ to move forward with the proposed discontinuance.
- I disagree with the preliminary determination and would like to request that the City acquire the services of a commercial appraiser determine if damages are warranted.

Date: September 27 2023

Printed Name: John Landry
Barbara Landry

Signature: John R Landry
Barbara Landry

Please contact me with any questions at 333-6601, ext. 1334



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

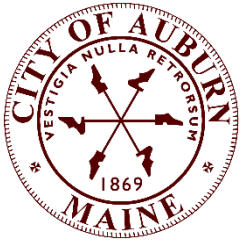
Hero Homes LLC
19 Fae Lane
Gorham, Maine 04038
PID 250-333

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)

Attested:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: November 6, 2023

Order: 144-11062023

Author: Glen E. Holmes, Director of Business & Community Development

Subject: Downtown Omnibus TIF #10 - Fourth Amendment

Information:

The fourth amendment to the Downtown Omnibus TIF #10 will remove ten parcels totaling 16.32 acres & \$4,498,500 in value from the district. The Downtown TIF, created in 2002, has less than 10 years remaining before expiration. Key parcels currently targeted for development are being removed to allow for new, longer-term districts to be created to a greater benefit of the city.

City Budgetary Impacts:

The City intends to establish new Tax Increment Financing Districts for one or more of these parcels following adoption of the Fourth Amendment to the District for the purpose of capturing tax revenues from new assessed value generated by investments made on these properties.

Staff Recommended Action:

Approval of Order as presented.

Previous Meetings and History:

July 15, 2002 – Council approved Downtown TIF
December 2, 2013 – Council amended TIF to add 214 parcels
September 12, 2016 – Council amended TIF to remove 1 parcel
November 20, 2017 – Council amended TIF to remove 1 parcel

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:

TIF#10 Fourth Amendment

CITY OF AUBURN

Fourth Amendment to #10 Downtown Omnibus
Municipal Tax Increment Financing District and
Development Program

Adopted by Order of the City Council November 6, 2023

FOURTH AMENDMENT
City of Auburn #10 Downtown
Omnibus Municipal Tax Increment Financing District and Development Program

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FOURTH AMENDMENT
City of Auburn #10 Downtown
Omnibus Municipal Tax Increment Financing District and Development Program

I. Introduction

Section 1.01: History of Original Development Program.

The City of Auburn designated the #10 Downtown Municipal Development Tax Increment Financing District (the “District”) and approved a municipal tax increment financing district development program for said District (the “Development Program”) by order of its City Council on July 15, 2002. The District and Development Program were approved by the Maine Department of Economic and Community Development (“DECD”) in 2002 and confirmed by letter dated June 15, 2012. The Development Program adopted in 2002 stated that the District would be effective for a period of twenty (20) years; however, the 2012 DECD approval letter stated that the District is effective for a term of thirty (30) years through October 18, 2032. The District was designated to capture 100% of tax revenue from increased assessed value for property acquisition to construct a parking garage, walkway lighting and improvements, intersection improvements, recreational trail extension, and projects as identified within the Auburn Downtown Action Plan for Tomorrow (“ADAPT”). The District consisted of 211 acres located in a concentrated area between Minot Ave (Route 100/202) and the Androscoggin River at a central point in the City along its eastern border.

The City adopted the First Amendment to the District and Development Program by order of its City Council on December 2, 2013, and DECD approved the amendment by letter dated July 23, 2014 (the “First Amendment”). With the First Amendment, the City added 214 parcels to the District consisting of 54.67 acres, resulting in a total District acreage of 265.67. The First Amendment authorized the City to enter into credit enhancement agreements with developers in the District to offer a reimbursement of property taxes paid on increased assessed value up to 100%, subject to the joint Tax Increment Financing Policy adopted by the Cities of Auburn and Lewiston. The First Amendment also authorized the City to spend retained property tax revenue from captured assessed value on several additional public improvements and projects within the District, as well as transportation projects, trails and economic development initiatives within the City.

The City adopted the Second Amendment to the District and Development Program by orders of its City Council on September 12, 2016 (the “Second Amendment”). The Second Amendment removed one parcel (Tax Map 240, Lot 257) consisting of 0.81 acres from the District, resulting in a total District acreage of 264.86. The City adopted the Third Amendment to the District and Development Program by orders of its City Council on November 20, 2017 (the “Third Amendment”). The Third Amendment removed one parcel (Tax Map 240, Lot 212) consisting of 1.01 acres from the District, resulting in a total District acreage of 263.85. The Second Amendment and Third Amendment were approved by DECD per letter dated March 6, 2018.¹ The DECD

¹ The total District acreage cited in the March 6, 2018 DECD approval letter was 264.18 and the Original Assessed Value was \$83,168,800. This was corrected as a result of inaccurate information provided with the First Amendment. This Fourth Amendment is based on the Original Assessed Value and Acreage as confirmed in the 2018 approval letter from DECD.

approval letter stated that the District is effective for a term of thirty (30) years ending June 30, 2032. All other terms of the Development Program remained the same as the First Amendment.

The City hopes to continue the efforts that are currently supported by the District and Development Program, as amended, and to enhance and broaden the economic development and employment opportunities within the community through the use of tax increment revenues from the District as necessary and appropriate through the amendment of this District. Development efforts within the District continue and the City seeks to adopt this Fourth Amendment to the District and Development Program in order to maximize the benefits of Tax Increment Financing for certain properties and projects within the City. This Fourth Amendment will remove certain properties from the District and create new Districts dedicated to those projects to provide assistance to the developers of said projects. These properties have been identified for commercial uses that are expected to create new employment opportunities within the City, which will benefit residents and business owners alike and maintain and broaden the tax base within the City.

Section 1.02: Amendment of District and Development Program.

The City now desires to amend the District and Development Program to advance the original economic development goals of the Development Program and the City to provide new employment opportunities within the City and to continue improving and broadening the City’s tax base and the general economy of the City and the State of Maine.

Accordingly, the District and Development Program are hereby amended for the following purposes:

(a) to remove ten parcels from the District, consisting of 16.32 acres, including a certification of the Original Assessed Value resulting from the removal of these parcels;

(b) to include the additional estimated tax increment revenues to be captured during the term of the District and additional authorized project costs.

II. Amended Development Program

Section 2.01: District Footprint and Acreage.

The District is hereby amended to remove the following parcels:

Tax Map/Lot	Property Address	Acreage	Original Assessed Value	OAV Date
CURRENT DISTRICT TOTAL		264.18	\$83,168,800	
221-041	121 Mill Street	4.58	\$933,000	March 31, 2013
230-066	81 Minot Ave	1.02	\$187,500	March 31, 2013
230-132	15 Academy Street	1.11	\$60,300	March 31, 2002

231-020	186 Main Street	0.16	\$0 (exempt)	March 31, 2002
241-025	Mechanics Row (131 Main Street)	0.74	\$0 (exempt)	March 31, 2002
240-271	67 Minot Ave	2.36	\$1,640,600	March 31, 2013
240-272	1 Minot Ave	1.20	\$0	March 31, 2013
251-019	3 Center Street (Turner Street)	4.07	\$50,000	March 31, 2002
251-021	1 Center Street	0.93	\$189,300	March 31, 2002
251-022	197 Turner Street	0.46	\$105,200	March 31, 2002
TOTAL REMOVED PARCELS²		16.63	\$3,165,900	
AMENDED DISTRICT TOTAL		247.55	\$80,002,900	

An updated Statutory Requirements and Thresholds Form is included herewith as Exhibit A. A Certificate of Assessor is included herewith as Exhibit B and a revised maps of the District as amended are included herewith as Exhibit C.

Section 2.02: Tax Revenue Projections.

The removal of the ten parcels as identified in Section 2.01 above is not expected to result in a substantial decrease in the captured assessed value within the District and will therefore not significantly affect the tax increment revenue projections and tax shift calculations within the District for the remainder of the District term. However, updated tax revenue projections, including actual captured assessed value, tax increment revenue and credit enhancement agreement payments to date, are included herewith as Exhibit D for reference.

Section 2.03: Public Project Costs.

In addition to the public activities and project costs authorized within the Development Program to date, as previously amended, the City seeks to authorize additional uses of TIF revenue from the District. Included herewith as Exhibit E is an amended and restated table of authorized public project costs.

Section 2.04: No Other Changes.

Except as expressly amended by this Fourth Amendment, the District Development Program, as previously amended, shall not be altered and is hereby ratified and confirmed in all respects.

² The acreages included in this table are based on actual 2024 parcel data in the City's assessing records, which may vary from earlier Development Program materials; however, the City does not have a complete record of the acreages listed for each amendment to date and is unable to verify what acreage amounts were originally listed for each of these parcels.

Section 2.05: Notice of Public Hearing and Approval of Amendment.

A copy of the Notice of Public Hearing published in the *Lewiston Sun Journal*, a newspaper of general circulation in the City of Auburn on October 19, 2023 is attached hereto as Exhibit F. A public hearing pursuant to such Notice was held on November 6, 2023. The minutes of the public hearing are attached hereto as Exhibit G and the Orders of the City Council approving this Amendment are attached hereto as Exhibit H.

EXHIBIT A: Statutory Requirements & Thresholds Form

SECTION A. Acreage Caps		
1. Total municipal acreage;		41,430.00
2. Acreage of proposed Municipal TIF District;		247.55
3. Downtown-designation ³ acres in proposed Municipal TIF District;		247.55
4. Transit-Oriented Development ⁴ acres in proposed Municipal TIF District;		0
5. Total acreage [=A2-A3-A4] of proposed Municipal TIF District counted toward 2%		247.55
6. Percentage [=A5÷A1] of total acreage in proposed Municipal TIF District (CANNOT		0.60%
7. Total acreage of all <u>existing/proposed</u> Municipal TIF districts in municipality including Municipal Affordable Housing Development districts: ⁵ See attached list	Existing	678.19
	Proposed	-16.63
	Total:	661.56
30-A § 5223(3) EXEMPTIONS⁶		
8. Acreage of an <u>existing/proposed</u> Downtown Municipal TIF district;		247.55
9. Acreage of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:		0
10. Acreage of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:		0
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts common to ⁷ Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such acreage also factored in Exemptions 8-10 above		0
12. Total acreage [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;		414.01
13. Percentage of total acreage [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).		1.00%
14. Real property in proposed Municipal TIF District that is:	ACRES	% [=Acres÷A2]
a. A blighted area;		
b. In need of rehabilitation, redevelopment or conservation;		
c. Suitable for commercial or arts district uses.	247.55	100%
TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)		

³ Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

⁴ For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

⁵ For AH-TIF acreage requirement see 30-A § 5247(3)(B). Alternatively, Section B. must exclude AH-TIF valuation.

⁶ Downtown/TOD overlap nets single acreage/valuation caps exemption.

⁷ PTZ districts approved through December 31, 2008.

SECTION B. Valuation Cap	
1. Total TAXABLE municipal valuation—April 1, 2023	\$2,253,171,176
2. Taxable Original Assessed Value (OAV) of proposed Municipal TIF District as of March 31, 2002 and March 31, 2013	\$80,002,900
3. Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality excluding Municipal Affordable Housing Development districts: See attached list	Existing \$108,311,200
	Proposed -\$3,165,900
	Total: \$105,145,300
30-A § 5223(3) EXEMPTIONS	
4. Taxable OAV of an <u>existing/proposed</u> Downtown Municipal TIF district;	\$80,002,900
5. Taxable OAV of all <u>existing/proposed</u> Transit-Oriented Development Municipal TIF districts:	0
6. Taxable OAV of all <u>existing/proposed</u> Community Wind Power Municipal TIF districts:	0
7. Taxable OAV of all <u>existing/proposed</u> Single Taxpayer/High Valuation ⁸ Municipal TIF districts:	0
8. Taxable OAV in all <u>existing/proposed</u> Municipal TIF districts common to Pine Tree Development Zones per 30-A § 5250-I (14)(A) excluding any such OAV also factored in Exemptions 4-7 above:	0
9. Total taxable OAV [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit;	\$25,142,400
10. Percentage of total taxable OAV [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%).	1.12%

COMPLETED BY			
PRINT NAME	Alyssa Tibbetts		
SIGNATURE		DATE	
If this form has not be completed by the municipal or plantation assessor , the assessor must sign and date below, acknowledging he/she agrees with the information reported on this form, and understands the OAV stated in Section B, line 2, will be used to determine the IAV for this District.			
PRINT NAME	Karen Scammon		
SIGNATURE		DATE	

⁸ For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

Existing Active TIF Districts

District Number	District Name	OAV	Acreage
6	Proctor & Gamble (Tambrands II)	\$ 520,900.00	84
10	Downtown Omnibus	\$ 83,168,800.00	264.18
12	Auburn Industrial Park	\$ 334,200.00	144
13	Retail Development	\$ 5,425,400.00	29.67
14	Mall Revitalization	\$ 11,328,400.00	38.91
15	Mall Area Hotel	\$ 4,900.00	1.5
16	Webster School (affordable housing)	\$ -	1.4
19	Hartt Transportation Center	\$ 1,278,600.00	43
20	62 Spring Street	\$ 474,300.00	0.81
21	477 Minot Avenue (affordable housing)	\$ -	3.83
22	Hampshire Street (affordable housing)	\$ -	1.01
23	Memory Care	\$ 327,100.00	8.61
24	Gracelawn	\$ 262,600.00	2.92
25	FutureGuard	\$ 3,838,700.00	26.2
26	North River Road Apartments	\$ 60,300.00	3.32
27	Stable Ridge	\$ 235,500.00	13.19
28	Agren Appliance Warehouse	\$ 1,051,500.00	11.64
	TOTAL	\$ 108,311,200.00	678.19

EXHIBIT B: Certificate of Assessor

**CITY OF AUBURN
CERTIFICATE OF ASSESSOR**

The undersigned assessor of the City of Auburn, Maine, does hereby certify pursuant to the provisions of Title 30-A M.R.S.A. Section 5227 that the assessed value of the taxable real property within the boundaries of the #10 Auburn Downtown Municipal Tax Increment Financing District, as described in the Development Program for the District and as identified in the attached table, was \$80,002,900 as of March 31, 2002 (April 1, 2001) and March 31, 2013 (April 1, 2012) respectively.⁹

District Action	Acreage Change	Total Acreage	OAV Change	Total OAV
Original Designation		211		\$52,364,600
First Amendment	+54.67	265.67	+\$31,213,200	\$83,577,800
Second Amendment	-0.81	264.86	-\$409,000	\$83,168,800
Third Amendment	-1.01	264.18	-\$0	\$83,168,800
Fourth Amendment	-16.63	247.55	-\$3,165,900	\$80,002,900

This Certificate has been executed as of this ____ day of October, 2023.

Karen Scammon, CMA-4
Assessor, City of Auburn

⁹ The Original Assessed Value of the District was certified as \$52,364,600 as of March 31, 2002 (April 1, 2001). With the First Amendment to the District adopted December 2, 2013, the Original Assessed Value of the District was \$84,411,000 resulting from the addition of 214 parcels with a taxable real property value of \$32,046,400 as of March 31, 2013 (April 1, 2012). These values were subsequently reviewed and corrected as reflected in the March 6, 2018 letter from DECD approving the Town’s Second Amendment to the District. With the Second Amendment to the District adopted September 12, 2016, one parcel was removed from the District with a taxable real property value of \$409,000 as of March 31, 2002 (April 1, 2001), and the Original Assessed Value of the District was confirmed as \$83,168,800 (\$51,995,600 as of March 31, 2002 and \$31,213,200 as of March 31, 2013). With the Third Amendment to the District adopted November 20, 2017, the Original Assessed Value of the District remained the same as there was just one parcel removed from the District, which had an Original Assessed Value as of March 31, 2002 (April 1, 2001) of \$0. With the Fourth Amendment to the District adopted November 6, 2023, the Original Assessed Value of the District is now \$80,002,900, resulting from the removal of ten parcels with a taxable real property value of \$3,165,900. Six of the parcels to be removed with this Fourth Amendment were included in the District as of its original designation and have an Original Assessed Value as of March 31, 2002 (April 1, 2001), and four of the parcels to be removed with this Fourth Amendment were added to the District as of the First Amendment and have an Original Assessed Value as of March 31, 2013 (April 1, 2012).

EXHIBIT C: Maps of District as Amended



City of Auburn, Maine

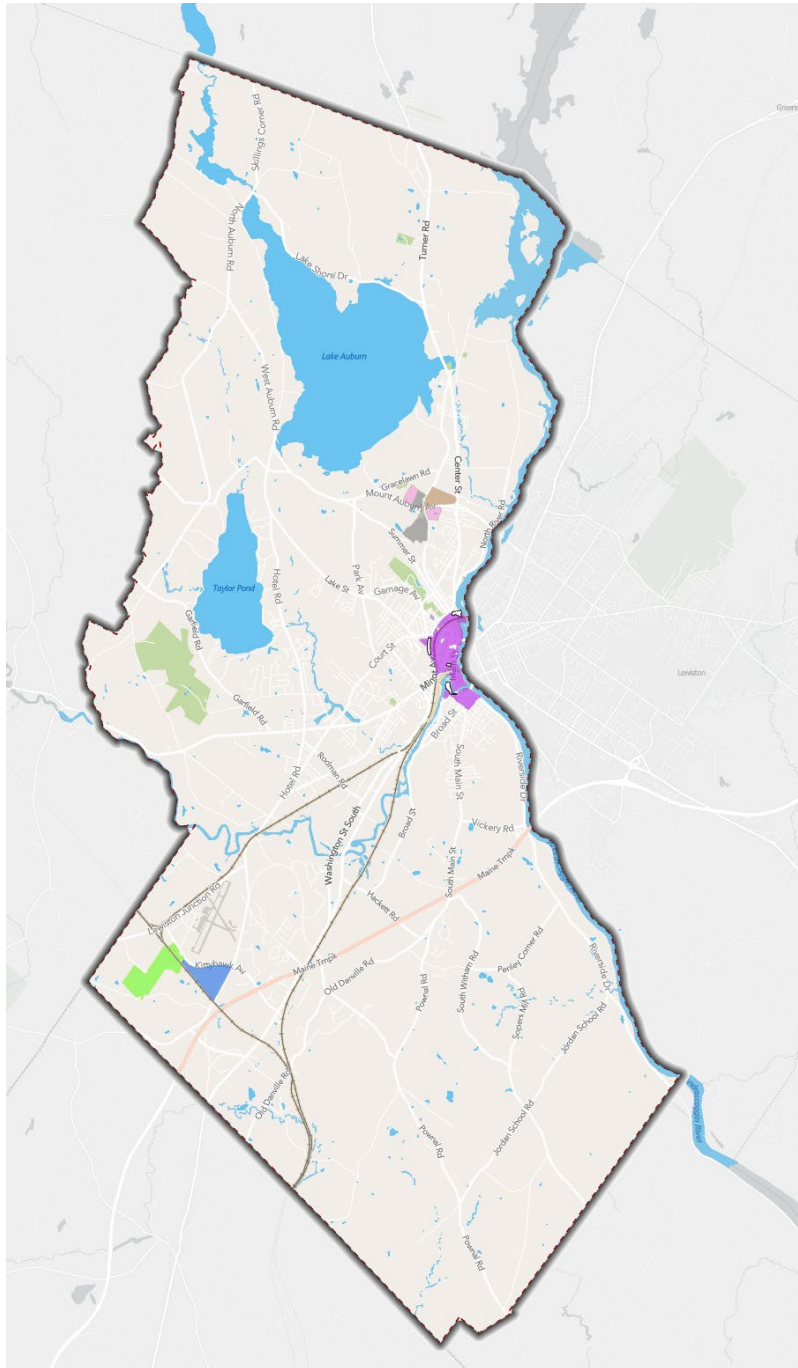
Business & Community Development

Glen Holmes, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

TIF #10 Amendment 4 – Exhibit C Map of District Location within Municipality



TIF #10 Amendment 4 – Exhibit D Map of District Boundaries

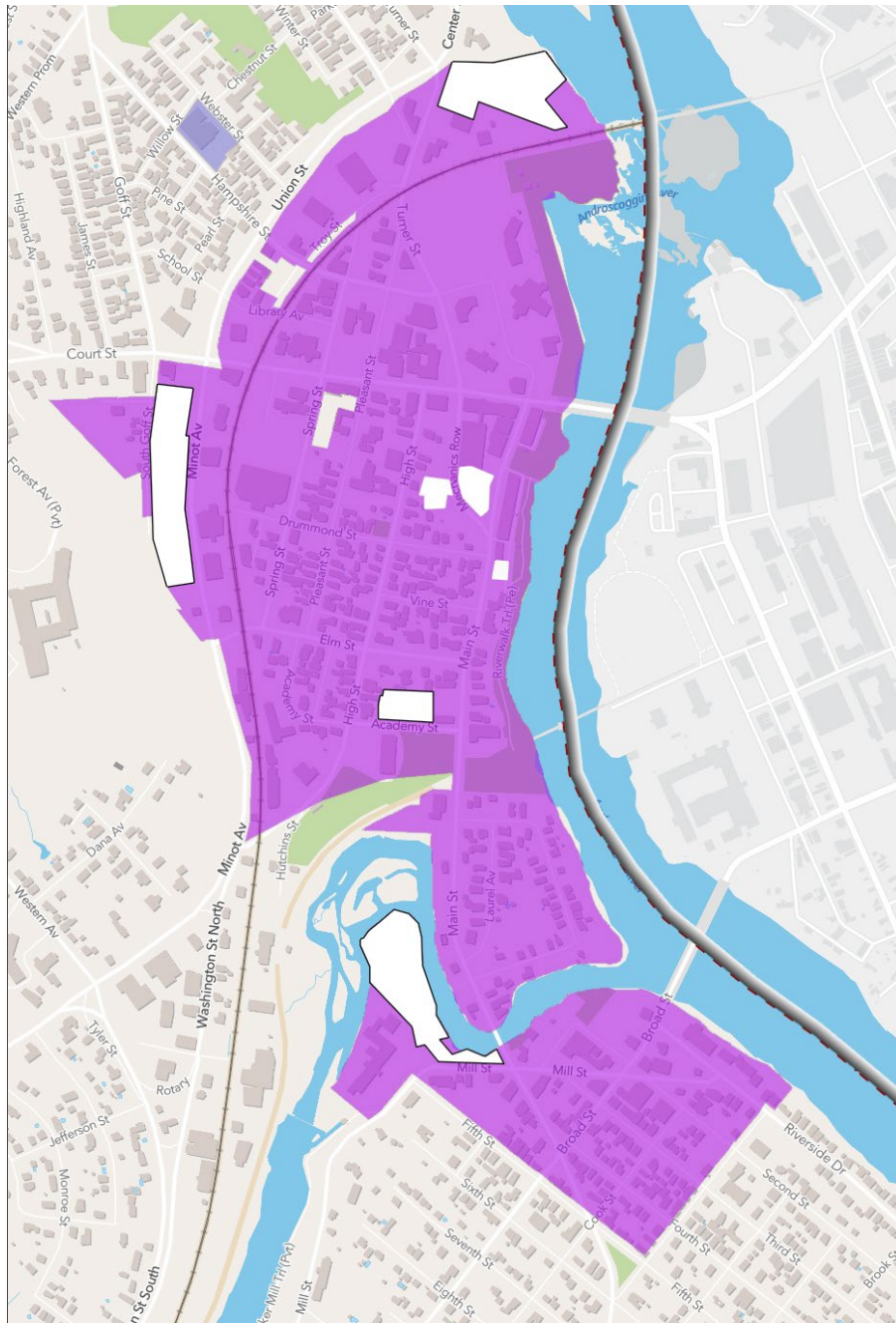


EXHIBIT D: Tax Increment Revenue Projections

TIF Year	Tax Year April 1,	Fiscal Year (July 1- June 30)	Original Assessed Value (OAV) ¹	Increased Assessed Value (IAV) ²	Captured Assessed Value (CAV) 100% ³	Mil Rate ⁴	Tax Revenue on OAV	Tax Revenue on IAV	Tax Revenue on CAV (100% Sheltered)	CEA Payments to Developers ⁵	Net Tax Revenue on CAV to City
1	2002	2002-2003	\$52,364,600.00	\$ -	\$ -	28.44	\$ 1,489,249.22	\$ -	\$ -	\$ -	\$ -
2	2003	2003-2004	\$52,364,600.00	\$ -	\$ -	29.38	\$ 1,538,471.95	\$ -	\$ -	\$ -	\$ -
3	2004	2004-2005	\$52,364,600.00	\$ 85,602,700	\$ 85,602,700	29.38	\$ 1,538,471.95	\$ 2,515,007.33	\$ 2,515,007.33	\$ -	\$ 2,515,007.33
4	2005	2005-2006	\$52,364,600.00	\$ 86,651,100	\$ 86,651,100	30.48	\$ 1,596,073.01	\$ 2,641,125.53	\$ 2,641,125.53	\$ -	\$ 2,641,125.53
5	2006	2006-2007	\$52,364,600.00	\$ 77,642,700	\$ 77,642,700	24.35	\$ 1,275,078.01	\$ 1,890,599.75	\$ 1,890,599.75	\$ -	\$ 1,890,599.75
6	2007	2007-2008	\$52,364,600.00	\$ 93,049,100	\$ 93,049,100	19.28	\$ 1,009,589.49	\$ 1,793,986.65	\$ 1,793,986.65	\$ -	\$ 1,793,986.65
7	2008	2008-2009	\$52,364,600.00	\$ 90,541,100	\$ 90,541,100	18.41	\$ 964,032.29	\$ 1,666,861.65	\$ 1,666,861.65	\$ -	\$ 1,666,861.65
8	2009	2009-2010	\$52,364,600.00	\$ 89,634,800	\$ 89,634,800	18.31	\$ 958,795.83	\$ 1,641,213.19	\$ 1,641,213.19	\$ -	\$ 1,641,213.19
9	2010	2010-2011	\$52,364,600.00	\$ 89,970,300	\$ 89,970,300	19.30	\$ 1,010,636.78	\$ 1,736,426.79	\$ 1,736,426.79	\$ -	\$ 1,736,426.79
10	2011	2011-2012	\$52,364,600.00	\$ 87,798,400	\$ 87,798,400	19.39	\$ 1,015,349.59	\$ 1,702,410.98	\$ 1,702,410.98	\$ -	\$ 1,702,410.98
11	2012	2012-2013	\$52,364,600.00	\$ 87,192,500	\$ 87,192,500	19.59	\$ 1,025,822.51	\$ 1,708,101.08	\$ 1,708,101.08	\$ 225.00	\$ 1,707,876.08
12	2013	2013-2014	\$84,411,000.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,724,516.73	\$ 1,775,890.01	\$ 1,775,890.01	\$ -	\$ 1,775,890.01
13	2014	2014-2015	\$84,411,000.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,724,516.73	\$ 1,775,890.01	\$ 1,775,890.01	\$ -	\$ 1,775,890.01
14	2015	2015-2016	\$84,411,000.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,724,516.73	\$ 1,775,890.01	\$ 1,775,890.01	\$ -	\$ 1,775,890.01
15	2016	2016-2017	\$84,002,000.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,716,160.86	\$ 1,775,890.01	\$ 1,775,890.01	\$ 16,526.00	\$ 1,759,364.01
16	2017	2017-2018	\$84,002,000.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,716,160.86	\$ 1,775,890.01	\$ 1,775,890.01	\$ 16,526.00	\$ 1,759,364.01
17	2018	2018-2019	\$84,002,000.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,716,160.86	\$ 1,775,890.01	\$ 1,775,890.01	\$ 16,526.00	\$ 1,759,364.01
18	2019	2019-2020	\$84,002,000.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,716,160.86	\$ 1,775,890.01	\$ 1,775,890.01	\$ 17,561.00	\$ 1,758,329.01
19	2020	2020-2021	\$84,002,000.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,716,160.86	\$ 1,775,890.01	\$ 1,775,890.01	\$ 17,561.00	\$ 1,758,329.01
20	2021	2021-2022	\$84,002,000.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,716,160.86	\$ 1,775,890.01	\$ 1,775,890.01	\$ 17,613.00	\$ 1,758,277.01
21	2022	2022-2023	\$84,002,000.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,716,160.86	\$ 1,775,890.01	\$ 1,775,890.01	\$ 16,821.00	\$ 1,759,069.01
22	2023	2023-2024	\$79,908,300.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,632,526.57	\$ 1,775,890.01	\$ 1,775,890.01	\$ 16,821.00	\$ 1,759,069.01
23	2024	2024-2025	\$79,908,300.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,632,526.57	\$ 1,775,890.01	\$ 1,775,890.01	\$ 16,821.00	\$ 1,759,069.01
24	2025	2025-2026	\$79,908,300.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,632,526.57	\$ 1,775,890.01	\$ 1,775,890.01	\$ 16,821.00	\$ 1,759,069.01
25	2026	2026-2027	\$79,908,300.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,632,526.57	\$ 1,775,890.01	\$ 1,775,890.01	\$ 16,821.00	\$ 1,759,069.01
26	2027	2027-2028	\$79,908,300.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,632,526.57	\$ 1,775,890.01	\$ 1,775,890.01	\$ 16,821.00	\$ 1,759,069.01
27	2028	2028-2029	\$79,908,300.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,632,526.57	\$ 1,775,890.01	\$ 1,775,890.01	\$ 16,821.00	\$ 1,759,069.01
28	2029	2029-2030	\$79,908,300.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,632,526.57	\$ 1,775,890.01	\$ 1,775,890.01	\$ 16,821.00	\$ 1,759,069.01
29	2030	2030-2031	\$79,908,300.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,632,526.57	\$ 1,775,890.01	\$ 1,775,890.01	\$ 16,821.00	\$ 1,759,069.01
30	2031	2031-2032	\$79,908,300.00	\$ 86,925,600	\$ 86,925,600	20.43	\$ 1,632,526.57	\$ 1,775,890.01	\$ 1,775,890.01	\$ 16,821.00	\$ 1,759,069.01
30 Year TIF Total							\$ 45,300,986	\$ 51,037,643.08	\$ 51,037,643.08	\$ 270,748.00	\$ 50,766,895.08
Annual Average									\$ 1,701,254.77	\$ 9,024.93	\$ 1,692,229.84

EXHIBIT E: Public Project Costs

	Project	Estimated Percentage of CAV	Cost Estimate*	Statutory Citation
1	Capital costs within the District related to the commercial development activities within the District, including, but not limited to, acquisition or construction of land, structures, fixtures or equipment, or the demolition, alteration, remodeling, repair or reconstruction of buildings, structures, and fixtures for public, recreational trail, commercial or transit use, including, but not limited to, site preparation, finishing work, real property assembly costs and other capital costs related to such improvements, such as licensing, permitting, planning, engineering and architectural and legal expenses. This project costs includes the construction of public garages within the District. 1	10.0%	\$5,077,690	30-A M.R.S. §5225(1)(A)(1)(a)-(d), §5225 (1)(A)(3)
2	Capital costs within the District related to the commercial development activities within the District, including, but not limited to, construction of improvements, public ways, transit facilities, and recreational trails, including, but not limited to, pavement, widening, repair and reconstruction of roads, sidewalks and intersections, bicycle lanes, pedestrian safety measures, signage, bus shelters, benches, crosswalks, curb treatments, recreational trails and bridges.1	10.0%	\$5,077,690	30-A M.R.S. § 5225(1)(A)(1)(a)
3	Costs of improvements for the construction, alteration or expansion of facilities outside of the District that are required due to improvements or commercial development and activities within the District, such as improvements, reconstruction, repair or widening of public ways and amenities on streets, sidewalks and intersections, bicycle lanes and pedestrian safety measures, and storm, sanitary sewer and water lines, electrical lines.1	10.0%	\$5,077,690	30-A M.R.S. § 5225(1)(B)(1)
4	Costs associated with professional services rendered for projects within the District, including, but not limited to, engineering, planning, licensing, permitting, surveying, design, legal and accounting, and administrative expenses of staff time related to establishing and implementing the District and Development Program.	5.0%	\$2,538,845	30-A M.R.S. §§ 5225(1)(A)(4), (5), (7)

5	Costs of the construction, alteration or expansion of facilities, including, but not limited to, water, sewer, storm water, electrical, telephone, cable, broadband, and natural gas, that are located within the District or outside the District to the extent they are required due to improvements or commercial development and activities within the District.	10.0%	\$5,077,690	30-A M.R.S. §§ (1)(A)(1), (1)(B)(1)
6	Costs of public safety improvements to include the acquisition of additional public safety equipment or personnel, or improvements to police and fire stations outside the District as made necessary by the establishment and operation of the District, and costs related to public safety facilities made necessary by economic development activities within the City (not to exceed 15% of the CAV of the District). 1, 3	15.0%	\$7,616,534	30-A M.R.S. §§ 5225(1) (B)(1), (2), (1)(C)(9)
7	Costs related to economic development programs and activities of the City directed at business retention and attraction, including, but not limited to, economic development staff salaries and/or consultant fees, and costs of funding economic development programs, events or marketing of the City as a business or arts location.1, 2	15.0%	\$7,616,534	30-A M.R.S. § 5225(1)(C)(1)
8	Costs associated with administration of the District, including, but not limited to time spent by City employees in connection with the implementation of the Development Program.	5.0%	\$2,538,845	30-A M.R.S. § 5225(1)(A)(5)
9	Costs of funding environmental improvement projects related to commercial district use or related to the commercial use or related to such activities within the City. 1	10.0%	\$5,077,690	30-A M.R.S. § 5225(1)(C)(2)
10	Costs associated with the development and operation of affordable housing within the District; costs of improvements in support of municipal economic development activities in connection with affordable housing outside of the District; and costs associated with the operation and support of affordable housing in the City to serve ongoing economic development efforts or to assist those who are experiencing homelessness in the City.	5.0%	\$2,538,845	30-A M.R.S. § 5225 (1)(A)(9), (B)(4), (C)(11), and (E)
11	Capital costs related to the construction or renovation of the City's central administrative office, the need for which is related to economic development within the City, up to 50% of such costs, not to exceed 15% of the captured assessed value within the District.	5.0%	\$2,538,845	30-A M.R.S. § 5225(1)(C)(12)

TOTAL ESTIMATED PROJECT COSTS (OVER 30 YEARS)	100.0%	\$50,776,895	
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* These are estimates only. The City may allocate revenues generated by the district across approved project cost categories as needed.

¹ These project costs were authorized with the original Development Program. All other costs are being added with this Fourth Amendment.

² The use of TIF revenue for this project cost has also been authorized in the following TIF Districts within the City: #27, #26, #25, #10, #6

³ The use of TIF revenue for this project cost has also been authorized in the following TIF Districts within the City: #27, #26, #25, and #6.

Similar program costs contained within other current and future TIFs may be combined.

EXHIBIT F: Public Hearing Notice

CITY OF AUBURN NOTICE OF PUBLIC HEARING

The Auburn City Council hereby provides notice that it will hold a public hearing at 7:00 p.m. on Monday, November 6, 2023 in the Council Chambers of Auburn City Hall, 60 Court Street, Auburn, Maine, for purposes of receiving public comments on the proposed Fourth Amendment to the Downtown Omnibus Municipal Tax Increment Financing District #10 and the Development Program for said District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed Fourth Amendment to the District will to remove ten parcels from the District, consisting of 16.632 acres. The City intends to establish new Tax Increment Financing Districts for one or more of these parcels following adoption of the Fourth Amendment to the District for the purpose of capturing tax revenues from new assessed value generated by investments made on these properties.

A copy of the proposed Fourth Amendment to the District and Development Program is on file with the City Clerk at City Hall, 60 Court Street, Auburn, Maine, and may be reviewed during normal business hours. All interested residents are invited to attend the hearing and to be heard at that time.

[proof of publication attached]

NATIONAL HOCKEY LEAGUE



ASSOCIATED PRESS

Anaheim Ducks center Leo Carlsson (37) controls the puck against Los Angeles Kings Trevor Lewis (61) during the third period of a preseason game on Oct. 3, in Los Angeles.

No. 2 pick Carlsson starting career with the Ducks with fraction of Bedard's fanfare

By **GREG BEACHAM**
AP SPORTS WRITER

IRVINE, Calif. — The player drafted right after Connor Bedard last summer is about to make his NHL debut with a fraction of the fanfare.

And that's more than fine with Leo Carlsson.

While he sat out the Anaheim Ducks' first two games of the season with a minor injury last week, Carlsson was aware of the hockey world's massive celebration of Bedard's arrival with the Chicago Blackhawks, who chose the budding superstar first overall.

Nothing like that media blitz will happen around Carlsson when he starts his own career, possibly in the Ducks' home game against Dallas on Thursday night.

Surprisingly, this quietly confident 18-year-old Swede doesn't mind the lack of hubbub.

"Don't really care, to be honest," Carlsson said. "I think I'd rather be the underdog. Well, the second pick isn't the underdog, but I'm still not in the media and stuff like that. I feel like that's easier, to surprise people and not let them down that way. Maybe if I was from Canada or the US, it would be bigger as well. But I'm comfortable."

The international hype around Carlsson is infinitely more subdued than the buzz around Bedard, and that's no surprise. Although Carlsson's skills were advanced and obvious to anybody watching him in Sweden, the lanky 6-foot-3 forward wasn't even guaranteed to get a chance in North America this year.

While the rebuilding Ducks love Carlsson's skills and potential, they acknowledged that Carlsson could have ended up spending another year in Sweden before moving stateside, since their long-term rebuilding project doesn't exactly require Carlsson's immediate contribution.

But Carlsson was determined to start his next hockey adventure now.

"That was the goal coming here," Carlsson said. "Otherwise, I probably would have just stayed in Sweden. I was determined to earn a spot."

Carlsson's plan for the season still isn't 100% set, but he already bade farewell on social media to Örebro, his Swedish Hockey League team for the past three seasons. He's cur-

the games," Cronin said. "He'd flash-dominate, like he'd flash a few shifts. And then when we got to the main camp and he played against better players from the American League, he was more noticeable. And then as we went to the NHL level, he went, 'Phew!'"

Cronin points his arm in a rocket's upward trajectory.

"I've seen that happen with so many young kids that kind of blend in for whatever the reason is, and then as they get to the training camp and it's more NHL players, they kind of take off," Cronin added. "I think a lot of times that's because they have the same IQ as those (NHL) guys. He's 18 years old, but he thinks the game like a 25-year-old."

Carlsson rejoined the Ducks in practice this week, and Cronin put him at the center of their top line between Troy Terry and Trevor Zegras, Anaheim's two most accomplished young forwards. The trio could be together for many years, and Carlsson has begun the process of growing into a two-way center capable of making every teammate better.

"I don't set goals for points and stuff," Carlsson said. "Just trying to be a comfortable NHL producer. Your rookie year is also hard, but I'm going to play with some good players as well, so I think it's going to make it easier for me."

Carlsson's skills continue to catch the eyes of his teammates and coaches. His growth culminated so far in an outstanding preseason performance against Arizona in which he clearly stood out as an elite playmaker who still needs refinement of his finishing skills, but is far ahead of his peers in many other areas.

"It's really impressive, his strength — because he's not an overly fit guy — on puck battles," Cronin said. "I was surprised at how fast he could skate, because it doesn't look like he's going fast, but he's going fast, and how he can change direction quick."

TOWN OF TURNER BOARD OF APPEALS PUBLIC HEARING - NOVEMBER 2

The Town of Turner Board of Appeals will hold a Public Hearing at 6:00 p.m. on Thursday, November 2, at the Turner Town Office, 11 Turner Center Road. The purpose of the hearing will be to accept public comment and consider a variance application for a 6-foot reduction in the front setback requirement for construction of a new double-wide mobile home at 24 Green Street, Turner. A copy of the variance application is available for public inspection at the Town Office during regular business hours.

NATIONAL BASKETBALL ASSOCIATION

After Harden skips 76ers practice, Nurse unsure of what comes next

CAMDEN, N.J. — Philadelphia 76ers coach Nick Nurse said he had no explanation for why James Harden skipped practice on Wednesday but planned to proceed as if the disgruntled guard will play in the preseason finale.

"If he's here, we go; if he's not here, we go," Nurse told reporters at the 76ers' New Jersey complex.

Harden has yet to play in the preseason. He did attend training camp and continued to practice with the 76ers in the wake of his offseason trade demand. Harden said last week his fractured relationship with team president Daryl Morey could not be repaired — comparing it to a broken marriage — and said over the summer that he could not play for the 76ers.

Part of Harden's complaint stems from his belief he should have earned a long-term contract with the Sixers after last season. It never came, thus the trade demand.

Harden, who was evasive last week about the status of his trade demand, said he could try to play in the Sixers' preseason finale on Friday against Atlanta. But he skipped practice, and the 76ers are unsure of what comes next.

Nurse, in his first season as Philadelphia's coach, said he had expected Harden to both practice on Wednesday and play on Friday.

"From the last discussions I've had with him and from everybody, yeah," Nurse said. "I'm still going on what he said the last time I talked him, that he was going to ramp up and get ready to play Friday. We'll see how it goes."

Harden has been one of the league's top players for the past decade, winning three scoring titles and the 2018 league MVP award. He led the league in assists last season.

NBA considering changes to All-Star Game format, with East vs. West possible again

(AP) — The NBA All-Star Game may soon return to an East vs. West format.

Commissioner Adam



ASSOCIATED PRESS

Philadelphia 76ers forward P.J. Tucker, left, chats with guard James Harden during the team's practice on Oct. 5 in Fort Collins, Colo.

Silver said Tuesday in a televised interview on ESPN that changes are coming to the All-Star Game — and while stopping short of saying any decision has been finalized, he hinted that the current format of top vote-getters serving as captains and drafting their own teams may be shelved.

"Maybe a return to something more traditional, in terms of how the teams are presented," Silver said in the interview on ESPN's "First Take" program. "We went to sort of this captain-draft notion, but clearly, historically, it was East vs. West, so that's something we are looking at."

This season's All-Star Game is at Indianapolis on Feb. 18. The league has not yet announced any format changes.

The first 66 All-Star Games all had the East

vs. West format. The last six have seen the leading vote-getters from each conference serve as captains who got to draft their teams; LeBron James served as one of the captains all six times, with Giannis Antetokounmpo the other captain three times, Kevin Durant twice and Stephen Curry once.

The last four All-Star Games have used a target score at the end of games, ensuring that the matchup ends on a made shot. Fourth quarters have been untimed; the winner is the first team to reach whatever the leading team had after three quarters, plus 24 points — the 24 is a nod to Kobe Bryant's last jersey number.

The first year of the target score format saw a fourth quarter that was incredibly dramatic. Last season's game, however, was almost completely un-

competitive and became a disaster in terms of television ratings — in part because some of the biggest names like James, Antetokounmpo, Durant and Curry all missed much or all of the All-Star Game because of injury.

"I mean, it's fun to kind of get out there and do some dunks and stuff like that," Utah's Lauri Markkanen said after last season's All-Star Game. "But we're all competitors. I think everybody would enjoy too if we just play against each other and it gets competitive."

League officials said last week that they have been stressing to players the importance of improving the quality of the All-Star Game. It has been a talking point for years, as has the slam dunk competition — which got a serious shot in the arm last season when Mac McClung put on a show for the ages.

"When you turn on an NBA All-Star Game, I think people expect to see some competition," said Joe Dumars, the league's executive vice president and head of basketball operations. "There's a happy medium somewhere between a hard-fought playoff game and what you saw last year. ... When you have the reaction that fans had and people had around the game and just visually, it matters because it didn't make the product look good."

It's unclear when the league will finalize any All-Star Game changes.

"We've lost sight a bit that it's about the game at the end of the day," Silver said.

2024 MAINE STATE Spelling Bee

DEADLINE TO REGISTER IS DECEMBER 31

Take your students on a journey from the classroom

CITY OF AUBURN NOTICE OF PUBLIC HEARING

The Auburn City Council hereby provides notice that it will hold a public hearing at 7:00 p.m. on Monday, November 6, 2023 in the Council Chambers of Auburn City Hall, 60 Court Street, Auburn, Maine, for purposes of receiving public comments on the proposed Fourth Amendment to the Downtown Omnibus Municipal Tax Increment Financing District #10 and the Development Program for said District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed Fourth Amendment to the District will remove ten parcels from the District, consisting of 16.632 acres. The City intends to establish new Tax Increment Financing Districts for one or more of these parcels following adoption of the Fourth Amendment to the District for the purpose of capturing tax revenues from new assessed value generated by investments made on these properties.

A copy of the proposed Fourth Amendment to the District and Development Program is on file with the City Clerk at City Hall, 60 Court Street, Auburn, Maine, and may be reviewed during normal business hours. All interested residents are invited to attend the hearing and to be heard at that time.

EXHIBIT G: Public Hearing Minutes

(see attached)

EXHIBIT H: Orders of City Council

ORDER OF THE AUBURN CITY COUNCIL

November 6, 2023

WHEREAS, the City adopted the #10 Downtown Municipal Development Tax Increment Financing District (the “District”) and approved a municipal tax increment financing district development program for said District (the “Development Program”) by order of its City Council on July 15, 2002, pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, which was later confirmed by a letter of the Maine Department of Economic and Community Development (“DECD”) dated June 15, 2012; and

WHEREAS, the City adopted the First Amendment to the District and Development Program by order of its City Council on December 2, 2013, and DECD approved the amendment by letter dated July 23, 2014 (the “First Amendment”); and

WHEREAS, the City adopted the Second Amendment to the District and Development Program by orders of its City Council on September 12, 2016 (the “Second Amendment”), and adopted the Third Amendment to the District and Development Program by orders of its City Council on November 20, 2017 (the “Third Amendment”), which were jointly approved by DECD per letter dated March 6, 2018; and

WHEREAS, the proposed Fourth Amendment to the District will remove certain properties from the District for the purpose of creating new Tax Increment Financing Districts dedicated to those projects to provide assistance to the developers of said projects; and

WHEREAS, the City seeks to adopt this Fourth Amendment to the District and Development Program in order to maximize the benefits of Tax Increment Financing for certain properties and projects within the City; and

WHEREAS, adopting and implementing the proposed Fourth Amendment to the District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

WHEREAS, the City has held a public hearing on the proposed Fourth Amendment to the District in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to adopt the proposed Fourth Amendment to the District and Development Program as presented to the City Council this day and as has been on file in the City Clerk’s Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development (“DECD”) will approve the Fourth Amendment to the District and Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

(a) Adoption and implementation of the Fourth Amendment to the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the Fourth Amendment to the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the Fourth Amendment to the District and the Development Program on any existing business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the Fourth Amendment to the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Fourth Amendment to the #10 Downtown Municipal Development Tax Increment Financing District as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Fourth Amendment to the Development Program for the #10 Downtown Municipal Development Tax Increment Financing District in the form presented to the City Council.

Section 4. The foregoing adoption of the Fourth Amendment to the District and Development Program shall automatically become final and shall take full force and effect upon approval by the Commissioner of the State of Maine Department of Economic and Community Development, without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this Fourth Amendment to the District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the agreements contemplated by the Development Program, in the name of and on behalf of the City, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.



City Council Order

IN CITY COUNCIL

ORDER OF THE AUBURN CITY COUNCIL

November 6, 2023

WHEREAS, the City adopted the #10 Downtown Municipal Development Tax Increment Financing District (the “District”) and approved a municipal tax increment financing district development program for said District (the “Development Program”) by order of its City Council on July 15, 2002, pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, which was later confirmed by a letter of the Maine Department of Economic and Community Development (“DECD”) dated June 15, 2012; and

WHEREAS, the City adopted the First Amendment to the District and Development Program by order of its City Council on December 2, 2013, and DECD approved the amendment by letter dated July 23, 2014 (the “First Amendment”); and

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WHEREAS, the proposed Fourth Amendment to the District will remove certain properties from the District for the purpose of creating new Tax Increment Financing Districts dedicated to those projects to provide assistance to the developers of said projects; and

WHEREAS, the City seeks to adopt this Fourth Amendment to the District and Development Program in order to maximize the benefits of Tax Increment Financing for certain properties and projects within the City; and

WHEREAS, adopting and implementing the proposed Fourth Amendment to the District and Development Program will provide opportunities for significant new commercial development within the City and new employment opportunities for residents of the City and surrounding communities, and will improve and broaden the tax base of the City and improve the general economy of the City, the region and the State of Maine; and

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 Council Order

WHEREAS, the City has held a public hearing on the proposed Fourth Amendment to the District in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

WHEREAS, the City desires to adopt the proposed Fourth Amendment to the District and Development Program as presented to the City Council this day and as has been on file in the City Clerk's Office at City Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the Fourth Amendment to the District and Development Program;

NOW THEREFORE, the City Council hereby Orders as follows:

Section 1. The City Council hereby finds and determines that:

(a) Adoption and implementation of the Fourth Amendment to the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the Fourth Amendment to the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the Fourth Amendment to the District and the Development Program on any existing business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the Fourth Amendment to the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Fourth Amendment to the #10 Downtown Municipal Development Tax Increment Financing District as presented to the City Council.

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 Council Order

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Fourth Amendment to the Development Program for the #10 Downtown Municipal Development Tax Increment Financing District in the form presented to the City Council.

Section 4. The foregoing adoption of the Fourth Amendment to the District and Development Program shall automatically become final and shall take full force and effect upon approval by the Commissioner of the State of Maine Department of Economic and Community Development, without requirement of any further action by the City, the City Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S.A. §5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this Fourth Amendment to the District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The City Manager be and hereby is authorized, empowered and directed to enter into the agreements contemplated by the Development Program, in the name of and on behalf of the City, such agreements to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the City Manager may approve, the City Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.

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: November 6, 2023

Order: 145-11062023

Author: Councilor Rick Whiting and Councilor Leroy Walker

Subject: ARPA Request from Rebuilding Together Lewiston/Auburn

Information: Rebuilding Together Lewiston/Auburn is a non-profit volunteer organization, supported entirely by contributions of time, labor, material and money, who caters to homeowners who, because of limited finances, are unable to make necessary repairs to their home to maintain and stay in them. Skilled and unskilled volunteers, along with able-bodied members of the recipient's family and friends, complete the repairs at no cost to the homeowner. Since the L/A chapter's start in 2002, about 150 homes have been repaired in the Lewiston/Auburn area. The average cost of each project is approximately \$2,500.

Rebuilding Together Lewiston/Auburn is requesting a \$10,000 donation from Auburn's American Rescue Plan Act (ARPA) funds.

This project aligns with ARPA's focus area 2.18 – Housing Support: Other Housing Assistance.

City Budgetary Impacts: None

Staff Recommended Action: Allocate \$10,000.00 from ARPA funds to Rebuilding Together Lewiston/Auburn who will make necessary repairs to homes of those financially unable to do so.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



10/18/2023

Re: ARPA funding request

Dear Honorable Mayor Levesque, Manager Crowell and City Council:

Together with the help of many businesses and individuals in our caring community, Rebuilding Together Lewiston/Auburn has done some amazing work over the past twenty-one years. This includes making repairs to approximately 50 Auburn homeowners.

Since 2002 when RTLA was established by John Scott Johnson, a Bates student and the son of the founder of this national non-profit organization, we have maintained our mission by making necessary repairs for safety as well as improvements for the preservation of homes for about 150 homes in the Lewiston/Auburn area. We cater to homeowners who, because of limited finances, are unable to make necessary repairs to their home to maintain and stay in them. The work we do is made possible by donations and volunteers, and this is why I write to you today.

I ask you to consider making a donation of \$10,000 to help us continue our work. Over time we have developed an average budget of \$2,500 per home which reflects just the costs of material and support (such as food for the volunteers). Volunteer labor is not included in this budget cost per home. Attached is a pamphlet that tells you a little about Rebuilding Together L/A, and below are links to the national website, as well as our chapter in Lewiston/Auburn and a recent Sun Journal article highlighting a recent project. I've enclosed a list of our Board members with contact information. Feel free to call on us with any questions.

And please, if you know of someone in need of home repairs, give them a copy of the enclosed application form. While we can't help everyone who applies, we do our best to help as many as possible with the volunteers and money we have available.

Thank you for your thoughtful consideration.

Sincerely,

David Trask
Vice President
Rebuilding Together Lewiston/Auburn

National: <https://rebuildingtogether.org/>

Lewiston/Auburn: <https://rebuildingtogetherla.org/>

Sun Journal: <https://www.sunjournal.com/2023/10/17/sellers-and-rebuilders-unite-to-help-veteran-with-home-makeover-in-lewiston/>



Rebuilding Together Lewiston/Auburn is a non-profit organization supported entirely by contributions of time, labor, material and money. We are dedicated to repairing homes of those who, due to financial hardship, age, and/or disability, cannot do the work themselves. Skilled and unskilled volunteers along with able-bodied members of the recipient's family and friends complete the repairs at no cost to the homeowner.

Home safety is the first priority of RTLA. Volunteers provide improvements that enhance the safety and comfort of your home. Because it is primarily a one-day project, major structural repairs are not possible. Also, we need you to understand that time may prevent the volunteers from accomplishing everything that you would like to have done in your home.

To be considered for the program, please complete the enclosed application and return it to Rebuilding Together Lewiston/Auburn at the above address. Please include a verification of income with your application.

If you have any questions about the program or if you need assistance in completing the application, please call 207-344-3232 and leave a message, or email rebuildingtogetherla@gmail.com. A member of the board will get back to you. Final site selections should be made by the first of September and all applicants will be notified by phone or in writing as to whether or not their home has been selected for our program.

**This year's Rebuilding Day is May 13, 2023.
Applications must be received by March 31, 2023**

Application:

Name: _____
Address _____
Phone: _____ Age of Homeowner: _____
How did you hear about Rebuilding Together? _____
Do you own your home? _____ Number of people living in your home: _____
Do you plan to sell your home within the next 18 months? _____
Do you own other property? _____
If so, what is that property used for? _____

Have you applied to Rebuilding Together in the past? _____ When? _____

Has your home received services from Rebuilding Together? _____ When? _____

Total family income per month:

List sources of all income (i.e. Social Security, SSI, AFDC, VA Benefits, etc.):

Is the homeowner or anyone else residing in the home disabled? Yes _____ No _____

The Fair Housing Act defines disability as a physical or mental impairment that substantially limits one or more major life activities. The Supreme Court has determined that to meet this definition a person must have an impairment that prevents or severely restricts the person from doing activities that are of central importance in most people's daily lives. The disability must be permanent (of continual or long duration).

List the most necessary work needed in order to make you home safe, secure and weatherproof or to adapt the home to a family member's disability. (Funds are limited and not all repairs can be made.)

_____ Electrical _____ Exterior Painting _____ Interior Painting

_____ Plumbing _____ Wall Repairs _____ Roof Repairs

_____ Yard Work _____ Floor Repair _____ Door Repair

_____ Ramp Installation _____ Ramp Repair

_____ Other (Please specify):

My signature below indicates that the information provided above is accurate and complete. I have read the information provided by Rebuilding Together Lewiston/Auburn and have a basic understanding of the program and its process. I give Rebuilding Together Lewiston/Auburn volunteers my permission to inspect my home for purposes of home selection and/or repair.

Signature of Applicant

Date of Application

Rebuilding Together does not discriminate on the basis of race, color, national or ethnic origin, religion, sex, sexual orientation, marital or parental status, age, or disability.



Above is the founder of the national organization Rebuilding Together, the late Patty Johnson, and her son who started the Lewiston/Auburn chapter, John Scott Johnson, Bates College alum, class of 2004. Since the L/A chapter's start in 2002, about 150 homes have been repaired in the L/A area. We are forever grateful to Patty and John Scott for bringing this great organization to our area.

Check us out on:

FACEBOOK

Rebuilding-Together-LA-Maine

THE WEB

rebuildingtogetherla.org

NATIONAL WEBPAGE

rebuildingtogether.org

REBUILDING TOGETHER L/A BOARD



L-R from top:

Alina Burke, Northpoint Mortgage Inc.

Linda Churchill

Russ Dillingham, Sun Journal

Jim Dowling

Todd Gagne, Nason Mechanical Systems

Shanna Green, Bates College

George Greenwood, Westlake Properties LLC

Alan Hahnel, Hahnel Bros. Co.

John Ouellette, Precision Builders

David Trask, The Jackson Laboratory



Lewiston/Auburn

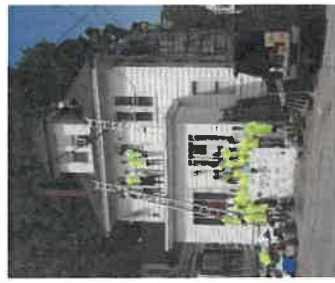


Volunteers for Rebuilding Day

The local chapter of a national non-profit whose mission it is to . . .

**REPAIR HOMES
REVITALIZE COMMUNITIES
REBUILD LIVES**

. . . and it's all made possible by donations and volunteers.



Rebuilding Together Lewiston/Auburn (RTLA) is a non-profit organization supported entirely by contributions of time, labor, material, and money. We are dedicated to repairing homes of those who, due to financial hardship, age, and/or disability, cannot do the work themselves. Skilled and unskilled volunteers, along with able-bodied members of the recipient's family and friends, complete the repairs at no cost to the homeowner.

If you are in need of these services or know of someone that is, or if you would like to volunteer, please contact RTLA for an application or additional information.

You can reach us at:

rebuildingtogetherla@gmail.com

or call 207-344-3232

Applications are also available on our website or FB page.

TO MAKE A DONATION: Send a check to Rebuilding Together L/A, PO Box 7161, Lewiston, ME 04243-7161 or visit our website: rebuildingtogetherla.org



ORDER 145-11062023

City Council Order

IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby approves the allocation of \$10,000.00 from the American Rescue Plan Act (ARPA) funds to the Rebuilding Together Lewiston/Auburn who will make necessary repairs to homes of those financially unable to do so.

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