



**City Council Workshop & Meeting  
Agenda  
May 1, 2023  
Auburn Hall, Council Chambers**

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

- A. FY24 Budget Discussion – Phil Crowell
- B. Lake Auburn Discussion – Eric Cousens
- C. Executive Session - 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.
- D. Executive Session - 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.

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

**Pledge of Allegiance**

- I. **Consent Items** – All items with an asterisk (\*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
  1. **Order 55-05012023\***  
Authorizing the City Clerk to waive the \$60 Temporary Food Service fee for Phoenix No Limits Karate for a fundraising event to be held on June 11, 2023.
  2. **Order 56-05012023\***  
Authorizing the City Clerk to waive the \$60 Temporary Food Service fee for the Auburn Exchange Club for the Lobster Festival Event to be held on May 6, 2023.
  3. **Order 57-05012023\***  
Accepting the transfer of forfeiture assets (\$490.00 and a Ruger .380 caliber semi-automatic pistol (Serial #372358035) to Auburn Police Department.
- II. **Minutes** – April 18, 2023, Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
  - Council Communications (about and to the community)
- IV. **Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

**V. Unfinished Business**

**1. Ordinance 03-04182023**

Amending Chapter 60 of the City Ordinances, Sec.60-145 (b)(8) - Use regulations by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery. Public hearing and second reading.

**2. Ordinance 04-04182023**

Amending Chapter 60 of the City Ordinances, Sec. 60-2. Definitions, by adding the definition of conservation cemetery. Public hearing and second reading.

**VI. New Business**

**1. Order 58-05012023**

Authorizing the City's general obligation bonds in the amount of \$13,000,000.00 to finance the City's FY24 Capital Improvement Program. Public hearing and first reading. ***Passage requires an affirmative vote of 5 Councilors at the second reading.***

**2. Resolve 01-05012023**

Adopting the Appropriations Resolve for Fiscal Year 2024. Public hearing and first reading. ***Passage requires an affirmative vote of 4 Councilors at the second reading.***

**3. Resolve 02-05012023**

Supporting Congressman Golden's initiative for a federal budget agreement that would begin dealing with the serious problem of ongoing federal deficits.

**4. Order 59-05012023**

Modifying the Auburn-Lewiston Airport interlocal agreement.

**5. Order 60-05012023**

Reallocating unspent proceeds from the City's 2020 General Obligation Bonds. First reading. ***Passage requires an affirmative vote of 5 Councilors at the second reading.***

**6. Public hearing** – Public hearing to receive comments for Program Year 2023, CDBG & HOME Annual Action Plan.

**7. Order 61-05012023**

Adopting the CDBG/HOME Program Year 2023 Annual Action Plan.

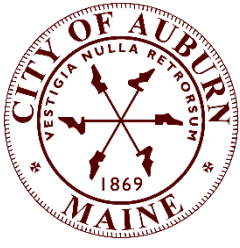
**VII. Open Session** - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

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

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

**IX. Executive Sessions**

**X. Adjournment**



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** May 1, 2023

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

**Subject:** FY Budget Discussion

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**Information:** City Manager Crowell will provide an update and follow up on the budget discussion that took place at the 4/24/2023 City Council workshop.

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**City Budgetary Impacts:** TBD

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**Staff Recommended Action:** Discussion

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**Previous Meetings and History:** 3-6-2023, 3-20-2023, 4-3-2023, 4-24-2023

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**City Manager Comments:**

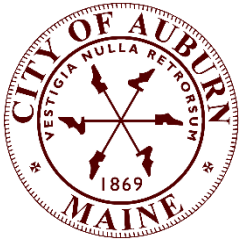
*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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**Attachments:**





**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** May 1, 2023

**Author:** Eric J. Cousens, Director of Planning and Permitting

**Subject:** Lake Auburn Watershed Ordinance Updates

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**Information:** The City has been working on water quality and drinking water protection with a focus on land-based Best Management Practices (BMPs) for watershed protection. The discussion has been ongoing and has evolved over the past year, most recently with the Council adding setbacks from the lake for new SSWW Disposal systems, regardless of soil types and a prohibition of housing and animal farms in the Agriculture and Resource Protection zoned parts (73% of the watershed lands in Auburn) of the Lake Auburn Watershed. This workshop is a chance to go over the list of changes and confirm that we are ready to draft the final text including all of the proposed changes and resume the discussion with Planning Board in June to bring recommendations back to Council for final decisions after that. Although some of the changes have been to Planning Board, our Counsel recommends a Public Hearing that includes all of the changes for each zoning division so they can be considered as a whole.

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**City Budgetary Impacts:** Staff Time.

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**Staff Recommended Action:** Discuss and provide feedback for staff to prepare for Planning Board Public Hearings.

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**Previous Meetings and History:** Many meetings during 2021 and 2022

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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:** Staff Report and summary of adopted and proposed changes.



## City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

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

207.333.6601

To: Auburn City Council  
From: Eric J. Cousens, Planning and Permitting  
Re: Lake Auburn Watershed Workshop Update  
Date: May 1, 2023

The City has been working on water quality and drinking water protection with a focus on land-based Best Management Practices (BMPs) for watershed protection for the communities of Auburn and Lewiston. The approach has been through transparent science-based, easier to understand watershed regulation that reduces development potential, requires improved stormwater and wastewater treatment which result in reducing phosphorus, nitrogen, nitrates, untreated wastewater and sediment entering Lake Auburn. The efforts have been drawn from expert opinions to form the recommended changes to date.

The City of Auburn has involved Lake Auburn Watershed Protection Commission (LAWPC), Lewiston Water Division (LWD) and Auburn Water District (AWD) staff and boards in discussions and worked through a set of proposed ordinance and map changes that keep clean public drinking water as the utmost importance while trying to form a holistic approach to surface water protection and best land use practices within the watershed. Strategies include hosting public meetings to have an open dialogue about the challenges, shortcomings and water quality issues that have existed in the Lake Auburn Watershed under current ordinances and land-uses. The results have included introducing updated septic, density, watershed boundary, phosphorus, land-use prohibitions and real estate requirements to make this a multi-prong approach to public water supply protection and a cleaner Lake Auburn.

The City of Auburn has long been criticized for watershed protections that are not easy for residents to understand and for using subsurface wastewater rules to control density of development when density can be effectively controlled by lot size and zoning in a way that is easier to understand, measurable and more transparent. The existing ordinances have further been criticized by experts as counterproductive to watershed protection based on the changing science and understanding of wastewater disposal that has evolved from the goal of making wastewater disappear underground for dilution in groundwater to an understanding the soil science of wastewater treatment

or renovation before it enters the water table. This evolution of wastewater science is important, and our ordinance currently requires systems that do not treat wastewater to the extent that it can be treated with improved systems; more on this from David Rocque, Retired State Soil Scientist, Licensed Site Evaluator and well-known expert on soils and wastewater disposal in Maine, is available here: [Lake Auburn Watershed Wastewater Disposal Ordinance Concerns.pdf \(auburnmaine.gov\)](#) The City further intends to encourage the AWD, LWD and LAWPC to implement Environmental protections in upper watershed towns, however, weaknesses in existing ordinances make implementing similar controls in the upper watershed difficult to justify and unlikely to succeed. This letter is intended to summarize and then resume those discussions with LAWPC Staff and Commissioners.

In 2019 The City of Auburn Council reviewed previous studies including the [2010 Lake Auburn Watershed Management Plan \(lakeauburnwater.org\)](#) and identified several recommendations that have not been completed. The City of Auburn City Council chose to hire FB Environmental, a qualified well known environmental consultant, to analyze existing plans, model the water quality impacts of the existing conditions, ordinances and model existing development impacts currently allowed to compare to scenarios that include changes to existing ordinances within the Auburn portions of the watershed. Their report is available here: [A Regulatory, Environmental, and Economic Analysis of Water Supply Protection in Auburn, Maine\(auburnmaine.gov\)](#) The City has proceeded to implement some of the recommended changes that recognize new information or advances in science related to watershed protection and either promote transparency and understanding and that improve environmental protections within the Lake Auburn watershed and most importantly **do not** increase development potential within the actual watershed. The process has included attending LAWPC meetings, well attended public forums advertised as Community Conversations and numerous public workshops and public hearings with the Auburn Planning Board and City Council.

Staff intends to resume this discussion with the Planning Board in June to review the changes and hold a public hearing on the final draft of the proposed ordinance text amendments. A zoning map amendment to the Lake Auburn Watershed Overlay map will also be considered soon based on the latest information and peer reviews. Some time has passed while these were on hold. The purpose of this update is to summarize the list of changes already started by the Council and Planning Board in a single discussion and to confirm that the Council agrees with the list of changes for an upcoming public review and hearing process to make final decisions on implementing the changes. Although some of the changes have been to Planning Board, our Counsel recommends a Public Hearing that includes all of the changes for each zoning division so they can be considered as a whole.

Over approximately the last year the City has considered the following:

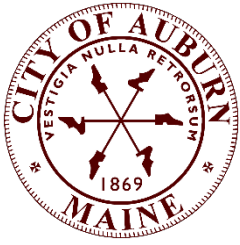
- The City has updated zoning standards to encourage housing outside of the Lake Auburn Watershed in areas served by public water and sewerage services to reduce demand on rural areas and take advantage of existing utilities. This discussion will continue through a separate hearing process for other areas of the City outside of the watershed of Lake Auburn.
- The City has updated the phosphorus control ordinances and adopted a requirement for Low Impact Development Standards to be met in the Lake Auburn Watershed whenever a development exceeds 200sf. We believe this is one of the most stringent standards in the State, if not the most stringent and is already fully adopted.
- The City is considering updating Subsurface Wastewater Standards in the lake Auburn Watershed to improve wastewater treatment in new systems, but also, and perhaps more impactfully, in replacement systems. There are about 50 new systems under the current ordinance and 270 existing grandfathered systems that would now need to meet a higher treatment standard at the time of future failure and replacements, resulting in an average required increase in separation from seasonal groundwater of 24 inches.
- The City is considering requiring new systems to have 36" separation between the bottom of the drain field and seasonal high groundwater with specific soils that maximize treatment of wastewater. The current standard requires 36" inches of existing well drained soils onsite and requires the new system to be set into the ground 12 inches below the organic horizon, below where most treatment occurs, resulting in only 24" of separation from seasonal high groundwater in soils that often drain too quickly to provide significant treatment. This will be remedied under proposed ordinance changes.
- Recognizing that the 36" existing soils requirement is being used to limit the number of developable lots, the Consultant analyzed the potential for developable lots that could result from the Change. We are now considering increasing the minimum lot size in the Lake Auburn Watershed in conjunction with the wastewater change from 1 acre to 3 acres which will allow for better wastewater treatment and an overall reduction in the total number of buildable lots. If LD 2003 happens in July this will limit density of new dwellings in residential portions of the watershed to 1 dwelling per 3 acres.
- The City of Auburn will be asking the LAWPC to take a more active role in ordinance related permit reviews and compliance efforts, so the City of Auburn does not bear the burden of watershed protection efforts alone and ensures Lewiston and Auburn Water participate in watershed protection efforts driven by City Ordinances.
- The City is considering implementing a subsurface wastewater inspection program requiring systems within the Lake Auburn Watershed to be inspected every 5 years or upon sale of a property.
- The City is considering increasing the setbacks from the lake or tributary streams for SSWW Systems, agricultural uses and tilled fields.
- The City is considering changing the Agriculture and Resource Protection part of the watershed (73% of the watershed lands within Auburn) to a Conservation and Natural Resource Protection Zone that would prohibit any new residential uses. If LD 2003

happens in July this will significantly limit density of new dwellings in the Auburn portion of the Lake Auburn Watershed.

- The City is considering changing the Agriculture and Resource Protection part of the watershed (73% of the watershed lands within Auburn) to a Conservation and Natural Resource Protection Zone that would prohibit or significantly restrict the size of any new animal farms. Consultants have found agriculture, specifically animal farms, to be a significant threat to water quality.
- The City is considering amending the Lake Auburn Watershed Boundary in the area of the Gracelawn Gravel Pits based on City Consultant reviews, peer reviews from consultants hired by the Auburn Water District and the City of Lewiston, and the Maine Drinking Water Program to consider new topography, groundwater monitoring data from the pits and City landfill that show groundwater and surface water moves away from the lake. This will accurately reflect the way water drains to or from the lake and correct the actual watershed boundary map that is used for local regulations. Based on peer reviews the City intends to use the conservative line that both FB Environmental and CDM agree drains away from the lake (Graphic attached). It should be noted that open, grandfathered, gravel mining pits are higher generators of sediment and nutrient runoff than developed and vegetated sites with stormwater treatments designed to meet modern stormwater treatment standards. This change will facilitate the development of housing that could replace the gravel mining use, including the blasting of bedrock for mining and require engineered stormwater treatments, site stabilization and interagency review of proposed plans that guarantee stormwater and sewer are not drained into the Lake Auburn Watershed.
- The current ordinance allows a property owner with the well-drained soils, deeper than 36" existing onsite to sell easement rights to nearby parcels to build so-called "septic farms" where multiple lots build concentrated wastewater disposal systems. The proposed ordinance will prohibit this and require a new system to be on the same lot as the home.
- The City is ensuring that all the changes are easier to understand to a homeowner, better for the environment and water quality of Lake Auburn and that the changes result in **reduced** development potential overall in the Auburn portions of the watershed.

Lake Auburn is a sensitive resource that appears to be at a tipping point for a reduced water quality requiring in-lake alum treatments and the status quo cannot be expected to improve water quality and protect public drinking water. The proposed changes are a step in the right direction to reduce development potential in the Lake Auburn Watershed despite a changing regulatory landscape with LD 2003 and ensure better drinking water protections. They provide a significant defense to changing State Regulations that limit local control of residential density where homes are allowed - homes will not be allowed in 73% of the lands within the Auburn part of the Lake Auburn Watershed. The City of Auburn is hopeful that these changes using the best available science can be implemented with increased participation of the City of Lewiston, through the LAWPC. We are also hopeful that these science-based standards

can bring awareness to communities sharing the watershed and resulting in, meaningful watershed protections that can be expanded by LAWPC and AWD to increase protections to the public water supply in the northern portions of the watershed which drain into Lake Auburn.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** May 1, 2023

**Subject:** Executive Session

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

**Executive Session:** On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda. The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405(6). Those applicable to municipal government are:

A. Discussion or consideration of the employment, appointment, assignment, duties, promotion, demotion, compensation, evaluation, disciplining, resignation or dismissal of an individual or group of public officials, appointees or employees of the body or agency or the investigation or hearing of charges or complaints against a person or persons subject to the following conditions:

- (1) An executive session may be held only if public discussion could be reasonably expected to cause damage to the individual's reputation or the individual's right to privacy would be violated;
- (2) Any person charged or investigated must be permitted to be present at an executive session if that person so desires;
- (3) Any person charged or investigated may request in writing that the investigation or hearing of charges or complaints against that person be conducted in open session. A request, if made to the agency, must be honored; and
- (4) Any person bringing charges, complaints or allegations of misconduct against the individual under discussion must be permitted to be present. This paragraph does not apply to discussion of a budget or budget proposal;

B. Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from public funds, as long as:

- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

C. Discussion or consideration of the condition, acquisition or the use of real or personal property permanently attached to real property or interests therein or disposition of publicly held property or economic development only if premature disclosures of the information would prejudice the competitive or bargaining position of the body or agency;

D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both parties agree to conduct negotiations in open sessions;

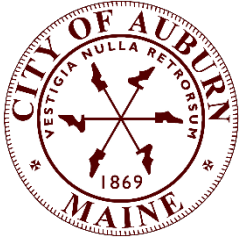
E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.





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- (1) The student and legal counsel and, if the student is a minor, the student's parents or legal guardians are permitted to be present at an executive session if the student, parents or guardians so desire;

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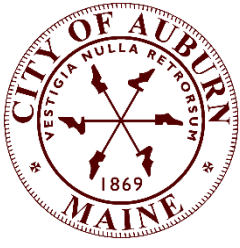
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E. Consultations between a body or agency and its attorney concerning the legal rights and duties of the body or agency, pending or contemplated litigation, settlement offers and matters where the duties of the public body's or agency's counsel to the attorney's client pursuant to the code of professional responsibility clearly conflict with this subchapter or where premature general public knowledge would clearly place the State, municipality or other public agency or person at a substantial disadvantage;

F. Discussions of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute;

G. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes; consultation between a body or agency and any entity that provides examination services to that body or agency regarding the content of an examination; and review of examinations with the person examined; and

H. Consultations between municipal officers and a code enforcement officer representing the municipality pursuant to Title 30-A, section 4452, subsection 1, paragraph C in the prosecution of an enforcement matter pending in District Court when the consultation relates to that pending enforcement matter.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** May 1, 2023

**Order:** 55-05012023

**Author:** Alison F. Pepin, Deputy City Clerk

**Subject:** Waiver of Business License Fee – Phoenix No Limits Karate

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**Information:** Phoenix No Limits Karate, a 501 (c)3 non-profit organization, submitted a request for waiver of a Temporary Food License fee of \$60.00 for their annual Kicks Anti-Bullying fundraising event. The event will be held on June 11<sup>th</sup> at Central Maine Community College.

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**City Budgetary Impacts:** \$60.00

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**Staff Recommended Action:** Consider waiving the fee.

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

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**City Manager Comments:**

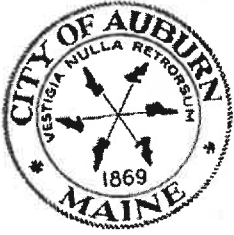
*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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**Attachments:**

- Application
- Request to waive fees
- Order



**CITY OF AUBURN  
BUSINESS LICENSE APPLICATION**

NEW  RENEWAL

If new business, please provide proposed opening date. \_\_\_\_\_

Please check the boxes for all licenses you are applying for:

**Business Name:** Phoenix No Limits

**Office of the City Clerk** Karate  
60 Court St, Auburn,  
ME 04210  
207.333.6600  
www.auburnmaine.gov

**Please Note:** All real estate and personal property taxes related to the business must be current before a license can be issued.

There is a late fee of \$50.00 for renewals that are 30-45 days late, \$100.00 for more than 46 days late, and \$200.00 for reoccurring

**Food Service Establishments:**

\*FSE Mobile Food distribution Unit (12 mths) ...\$100  
*Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use of location.*

FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I) ..... \$500  
Plus actual cost of advertising hearing required for new license. Background check must also be included.

\*FSE Serving Malt and/or Vinous (FSE Class III & IV)..... \$400  
Plus actual cost of advertising hearing required for new license. Background check must also be included.

\*Class A Lounge Serving Malt, Vinous & Spirituous Liquor (Class X) ..... \$1000  
Plus actual cost of advertising hearing required for new license. Background check must also be included.

\*FSE(On/Off), no Alcohol.....\$200  
Includes Prepackaged Foods

\*Bottle Club/BYOB..... \$200  
Plus actual cost of advertising hearing required for new license. Background check must also be included.

\*Temp FSE (Per event max 30 days).....\$60  
A/L Valley Karate Tournament  
Event Name \_\_\_\_\_  
June 11, 2023  
Event Date \_\_\_\_\_

**Other Business Licenses Applying for:**

\*Special Amusement .....\$125  
Plus actual cost of advertising hearing required for new license. Please fill out supplemental questionnaire (pg. 4.

\*Pawnshop/Pawn Broker .....\$100

\*Secondhand Dealer .....\$100

\*Massage Establishment/Therapist..... \$150

State license #: \_\_\_\_\_

Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.

\*Tattoo Artist..... \$100

**\*Above licenses:** Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application. You can do it yourself on-line here: <http://www5.informe.org/online/pcr/>

Bowling Alley (fee per lane) .....\$85  
# of lanes: \_\_\_\_\_

Roller Skating Rinks with Part/Full Kitchen.....\$90

Lodging House, Boarding House, Rooming Houses, Hotels, Motels, etc..... \$100

Seating: \_\_\_\_\_ Occupancy load: \_\_\_\_\_

FSE Off Premise/Retailer-Malt Liquor/Table Wine..... \$200

LICENSING FEE(S) TOTAL DUE: \$ 40.00

NAME OF BUSINESS: Phoenix No Limits Karate BUSINESS ADDRESS: 945 Center St Auburn Me

BUSINESS MAILING ADDRESS: Same

OWNER'S NAME (LOCAL/ONSITE): Donna Harris (CEO) DOB: 02/21/1970 PHONE: 2075771046

OWNER'S ADDRESS: 56 Pride Rd Auburn Me MAILING ADDRESS: Same

PREFERRED EMAIL: phoenixnlkarate@gmail.com

MANAGER'S NAME: N/A PHONE #: \_\_\_\_\_ DOB: \_\_\_\_\_

PREFERRED CONTACT NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

DESCRIPTION OF BUSINESS: Non - Profit Karate School

Hamburgers / Hotdog

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): 501(c) 3

FORM OF BUSINESS ORGANIZATION:  Corporation  Partnership  Sole Proprietorship  LLC  Other

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title

OWNER OF BUILDING/UNIT: Central Maine Community College PHONE # \_\_\_\_\_

OWNER'S ADDRESS: 1250 Turner St. Auburn, Me

HOURS OF OPERATION: Mon: \_\_\_\_\_ Tues: \_\_\_\_\_ Wed: \_\_\_\_\_ Thurs: \_\_\_\_\_  
Fri: \_\_\_\_\_ Sat: \_\_\_\_\_ Sun: \_\_\_\_\_

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years?  Yes  No (If yes, complete the following)

Name: \_\_\_\_\_ Date of conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

**Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials** *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.*

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

\*\*\*READ CAREFULLY BEFORE SIGNING\*\*\*

**Donna Harris**  
 I, \_\_\_\_\_, Owner/Operator of the business, hereby authorize the release of any  
(Print name)  
 criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

**Applicant Signature:**  **Date:** 4/20/2023

**FOR OFFICE USE ONLY**

**REPORT OF INSPECTING OFFICERS:**

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	FIRE INSPECTOR	<u>4-21 DD</u>
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	CODE ENFORCEMENT OFFICER	<u>4-21 KB</u>
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	POLICE	<u>4-21 BS</u>
<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Denied	FINANCE	<u>4-21 TN</u>

**Comments:**

\_\_\_\_\_  
 \_\_\_\_\_

Application date: <u>4-20-2023</u>	License issued on: _____
Fees paid: License fee(s) _____	Public hearing fee _____
Background fee _____	Late fee _____
Total amount paid = \$ _____	<u>Request for waiver-</u>

## Special Amusement Questionnaire:

**Exact entertainment to be provided at establishment:**

Karate Tournament

(Specify hours of entertainment)

Mon: \_\_\_\_\_

Tues: \_\_\_\_\_

Wed: \_\_\_\_\_

Thurs: \_\_\_\_\_

Fri: \_\_\_\_\_

Sat: \_\_\_\_\_

Sun: 9am-2pm

**Describe in detail the room(s) to be used under the permit:**

Consession Stand at Central Maine Community College

**Include a diagram or floor plan of your business. On the diagram please list the following:**

Main Entrance, Secondary Entrances, Fire Escapes, Fire Extinguishers, Location of Stationary Security Personnel, Food Serving or preparation areas, the direction of any speakers, Dancing Area, Locations where alcohol will be sold.

Have any of the applicants, including the corporation ever had a special amusement license denied or revoked?

Yes  No If yes, Please explain (Including location and timeframe):

**PLEASE PROVIDE THE FOLLOWING, IF APPLICABLE:**

CURRENT LIQUOR LICENSE # \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

**PLEASE BE ADVISED THAT THE APPLICANT MAY BE REQUIRED TO COMPLY WITH THE FOLLOWING CONDITIONS:**

Applicant agrees to have two counters or clickers at each entrance. One will be used to document the patrons that have entered the establishment. The second will be used to document the patrons that have exited the establishment. This will give the staff and public safety personnel an accurate count of patrons in the establishment.

Applicant agrees to have the maximum seating and or occupancy capacity clearly listed in each room that is open to the public, and to have security and or staff stationed at all times at all entrances and exits used by the public.

Applicant agrees to, if so ordered by the Chief of Police, to hire sworn members of the Auburn Police Department for security. The rate will be at the current City of Auburn detail rate. These officers will supplement the existing staff or security.

The below chart will be used as a guide in determining the numbers of officers required.

Number of Attendees	Number of Police
1 - 200	2
201 - 400	4
401 - 600	6
601+	One supervisor and one additional officer for each 200 attendees or portion thereof in excess of 601

All requests for modification(s) of the approved Special Amusement license must be submitted in writing to the City of Auburn. Any changes made without approval from the City of Auburn may result in an immediate suspension of the license. Signature on application releases the Auburn Police Department, its agents and representatives from any and all liability of every nature and kind arising out of the furnishing, inspection or collection of such documents, records and other information or the investigation made by the Auburn Police Department.

I do hereby authorize Auburn Police Department and its agents to receive copies of records and/or any information concerning my background, character, bank accounts, businesses, places of employment, schools and any other source necessary for the purpose of obtaining a Special Amusement License.

I have read and understand section 14-600 to 14-609, Special Amusement Permits, of the City of Auburn's business license ordinance.         <sup>DH</sup> (Initial)

## Alison Pepin

---

**From:** Donna Harris <phoenixnkarate@gmail.com>  
**Sent:** Thursday, April 20, 2023 12:32 PM  
**To:** Alison Pepin  
**Subject:** Temporary Food License for Fundraising Event

Hi Allison,

I submitted an application for a temporary food license for our annual fundraising tournament to be held June 11th at Central Maine Community College. I am writing to see if we might have the \$60 fee waived since we are a 501 (c)3 non profit?

Our EIN# is 87-1995-450.

Best Regards,  
Donna Harris  
CEO Phoenix No Limits Karate





**Order 55-05012023**

# City Council Order

## IN CITY COUNCIL

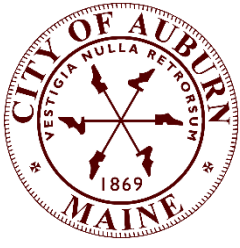
**ORDERED**, that the City Council hereby authorizes the City Clerk to waive the \$60 Food Service license fee for Phoenix No Limits Karate for a fundraising event to be held on June 11, 2023.

---

**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:** May 1, 2023

**Order:** 56-05012023

**Author:** Jennifer Boenig, Downtown Coordinator

**Subject:** Fee waiver for the Exchange Club of Auburn for the Auburn Lobster Festival

---

**Information:** The Exchange Club of Auburn is a nonprofit organization hosting a fundraising dinner during the May 6, 2023 Auburn Lobster Festival. This is an opportunity for the club to serve the community and raise funds to support the Auburn PAL center. The club is requesting council waive the \$60 temporary food license.

*The fees for business licenses shall be paid by the owner or his agent in accordance with the business fee schedule established by the city council. The city council is the only authority allowed to waive fees prescribed by ordinance. An application for waiver of any fees must be presented in writing to the city clerk to be brought to the city council at its next available meeting.*

*(Ord. No. 38-02072011-05, att. §§ 24-31, 2-7-2011)*

---

**City Budgetary Impacts:** Loss of \$60 temporary food license fee.

---

**Staff Recommended Action:** Approve the fee waiver request.

---

**Previous Meetings and History:** NA

---

**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:**

Temporary Food License application  
Fee waiver request letter  
Dinner layout  
Overall event layout



CITY OF AUBURN

BUSINESS LICENSE APPLICATION

NEW  RENEWAL Expires: \_\_\_\_\_

Business Name:

Office of the City Clerk  
60 Court St, Auburn,  
ME 04210  
207.333.6600  
www.auburnmaine.gov  
**Please Note:** All real estate and personal property taxes related to the business must be current before a license can be issued.

Please check the boxes for all licenses you are applying for:

There is a late fee of \$50.00 for renewals that are 30-45 days late, \$100.00 for more than 46 days late, and \$200.00 for reoccurring

**Food Service Establishments:**

- \*FSE Mobile Food distribution Unit (12 mths) ...\$100  
*Not to be located less than 200 ft from nearest food service establishment. Please include a letter from property owner authorizing use of location.*
- \*FSE Serving Malt, Vinous & Spirituous Liquor (FSE Class I) ..... \$500  
  
Public hearing required for new license- \$100 fee  
Background check must also be included.
- \*FSE Serving Malt and/or Vinous (FSE Class III & IV)..... \$400  
  
Public hearing required for new license- \$100 fee  
Background check must also be included.
- \*Class A Lounge Serving Malt, Vinous & Spirituous Liquor (Class X) ..... \$1000  
(Plus, actual cost of advertising hearing)  
  
Public hearing required for new license - \$100 fee.  
Background check must also be included.
- \* FSE (On/Off), no Alcohol.....\$200  
Includes Prepackaged Foods
- \*Bottle Club/BYOB..... \$200  
  
Public hearing required for new license- \$100 fee  
Background check must also be included.
- \*Temp FSE (Per event max 30 days).....\$60

**\*All above licenses:** include copy of floor plan, menu/ draft menu, certified food handler certificate and a copy of all State licenses applicable.

FSE Off Premise/Retailer-Malt Liquor/Table Wine..... \$200

**Other Business Licenses Applying for:**

- \*Special Amusement .....\$125  
Public hearing required for new license- \$100 fee  
Please fill out supplemental questionnaire (pg. 4).
- \*Pawnshop/Pawn Broker .....\$100
- \*Secondhand Dealer ..... \$100
- \*Massage Establishment/Therapist..... \$150  
State license #: \_\_\_\_\_

Please also include 2 copies of a passport size photograph taken within 30 days of application date (annually), copy of current State license and copy of government issued identification.

\*Tattoo Artist..... \$100

**\*Above licenses:** Each applicant for a license shall provide a copy of a criminal background check (to include all present and former names) dated not more than 3 days prior to submission of application. You can do it yourself on-line here: <http://www5.informe.org/online/pcr/>

Bowling Alley (fee per lane) .....  
\$85 # Of lanes: \_\_\_\_\_

Roller Skating Rinks with Part/Full Kitchen...\$90

Coin-op Devices (fee per device).....  
Up to 10 devices..... \$50 Ea  
10 or more devices.... \$30 Ea  
# of devices: \_\_\_\_\_ Total Amt \_\_\_\_\_

Lodging House, Boarding House, Rooming Houses, Hotels, Motels, etc..... \$100

Seating: \_\_\_\_\_ Occupancy load: \_\_\_\_\_

LICENSING FEE(S) TOTAL DUE: \$ \_\_\_\_\_

NAME OF BUSINESS: \_\_\_\_\_ BUSINESS ADDRESS: \_\_\_\_\_

BUSINESS MAILING ADDRESS: \_\_\_\_\_

OWNER'S NAME (LOCAL/ONSITE): \_\_\_\_\_ DOB: \_\_\_\_\_ PHONE: \_\_\_\_\_

OWNER'S ADDRESS: \_\_\_\_\_ MAILING ADDRESS: \_\_\_\_\_

PREFERRED EMAIL: \_\_\_\_\_

MANAGER'S NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_ DOB: \_\_\_\_\_

PREFERRED CONTACT NAME: \_\_\_\_\_ PHONE #: \_\_\_\_\_

EMAIL ADDRESS: \_\_\_\_\_

DESCRIPTION OF BUSINESS: \_\_\_\_\_

TYPE OF PREVIOUS BUSINESS AT ADDRESS (IF KNOWN): \_\_\_\_\_

FORM OF BUSINESS ORGANIZATION:  Corporation  Partnership  Sole Proprietorship  LLC  Other

(If a corporation, must include a copy of corporate papers for new licenses)

If a Corporation, Partnership or LLC, complete the following information of each owner (additional names may be listed on an attached sheet):

Name	<i>Print Clearly</i> Address Previous 5 years	Birth Date	% of Stock	Title

OWNER OF BUILDING/UNIT: \_\_\_\_\_ PHONE # \_\_\_\_\_

OWNER'S ADDRESS: \_\_\_\_\_

HOURS OF OPERATION: Mon: \_\_\_\_\_ Tues: \_\_\_\_\_ Wed: \_\_\_\_\_ Thurs: \_\_\_\_\_  
Fri: \_\_\_\_\_ Sat: \_\_\_\_\_ Sun: \_\_\_\_\_

Has applicant(s) and/or manager ever been convicted of any violation of the law, other than minor traffic violations, of any State of the United States, within the past 5 years?  Yes  No (If yes, complete the following)

Name: \_\_\_\_\_ Date of conviction: \_\_\_\_\_

Offense: \_\_\_\_\_ Location: \_\_\_\_\_

Disposition: \_\_\_\_\_

Include additional pages if needed.

THE OMISSION OF FACTS OR ANY MISREPRESENTATION OF ANY OF THE INFORMATION ON THIS APPLICATION SHALL BE SUFFICIENT GROUNDS FOR THE REFUSAL OF SUCH LICENSE.

**Chapter 14-Business Licenses & Permits-Article II Sec.14-34 Certification from City Officials** *Before a license is issued the City Clerk shall submit the application for certification to the Code Enforcement Officer, Fire Chief, Chief of Police and City Treasurer.*

There is a 14 day review period after receipt of a **completed** application. Incomplete applications will not be reviewed for approval and will be returned for completion. A business must not operate until approved by the required departments. Final approval and issuance of license will be from the City Clerk's Office.

CERTIFICATE OF APPLICANT AND WAIVER OF CONFIDENTIALITY

**\*\*\*READ CAREFULLY BEFORE SIGNING\*\*\***

I, \_\_\_\_\_, Owner/Operator of the business, hereby authorize the release of any  
(Print name)  
 criminal history record information to the City Clerk's Office or Licensing Authority. I understand that this information shall become public record, and I hereby waive any rights of privacy with respect hereto. I further stipulate that I am aware that deliberate falsification of the information herein shall be sufficient cause for denial of a license to operate the business. This application is accurate and true to the best of my knowledge.

**Applicant Signature:** W. J. Shuler **Date:** \_\_\_\_\_

**FOR OFFICE USE ONLY**

**REPORT OF INSPECTING OFFICERS:**

<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	FIRE INSPECTOR _____
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	CODE ENFORCEMENT OFFICER _____
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	POLICE _____
<input type="checkbox"/> Approved	<input type="checkbox"/> Denied	FINANCE _____

**Comments:**

\_\_\_\_\_  
 \_\_\_\_\_

Application date: _____	License issued on: _____
Fees paid: License fee(s) _____ Public hearing fee _____ Background fee _____ Late fee _____	
Total amount paid = \$ _____	

# Special Amusement Questionnaire:

Exact entertainment to be provided at establishment:

---

(Specify hours of entertainment)    Mon: \_\_\_\_\_    Tues: \_\_\_\_\_    Wed: \_\_\_\_\_    Thurs: \_\_\_\_\_  
   Fri: \_\_\_\_\_    Sat: \_\_\_\_\_    Sun: \_\_\_\_\_

Describe in detail the room(s) to be used under the permit:

Include a diagram or floor plan of your business. On the diagram please list the following:

Main Entrance, Secondary Entrances, Fire Escapes, Fire Extinguishers, Location of Stationary Security Personnel, Food Serving or preparation areas, the direction of any speakers, Dancing Area, Locations where alcohol will be sold.

Have any of the applicants, including the corporation ever had a special amusement license denied or revoked?

Yes     No    If yes, Please explain (Including location and timeframe):

PLEASE PROVIDE THE FOLLOWING, IF APPLICABLE:

CURRENT LIQUOR LICENSE # \_\_\_\_\_ EXPIRATION DATE: \_\_\_\_\_

PLEASE BE ADVISED THAT THE APPLICANT MAY BE REQUIRED TO COMPLY WITH THE FOLLOWING CONDITIONS:

Applicant agrees to have two counters or clickers at each entrance. One will be used to document the patrons that have entered the establishment. The second will be used to document the patrons that have exited the establishment. This will give the staff and public safety personnel an accurate count of patrons in the establishment.

Applicant agrees to have the maximum seating and or occupancy capacity clearly listed in each room that is open to the public, and to have security and or staff stationed at all times at all entrances and exits used by the public.

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The below chart will be used as a guide in determining the numbers of officers required.

Number of Attendees	Number of Police
1 - 200	2
201 - 400	4
401 - 600	6
601+	One supervisor and one additional officer for each 200 attendees or portion thereof in excess of 601

All requests for modification(s) of the approved Special Amusement license must be submitted in writing to the City of Auburn. Any changes made without approval from the City of Auburn may result in an immediate suspension of the license. Signature on application releases the Auburn Police Department, its agents and representatives from any and all liability of every nature and kind arising out of the furnishing, inspection or collection of such documents, records and other information or the investigation made by the Auburn Police Department.

I do hereby authorize Auburn Police Department and its agents to receive copies of records and/or any information concerning my background, character, bank accounts, businesses, places of employment, schools and any other source necessary for the purpose of obtaining a Special Amusement License.

I have read and understand section 14-600 to 14-609, Special Amusement Permits, of the City of Auburn's business license ordinance. \_\_\_\_\_ **(Initial)**



# EXCHANGE

## THE EXCHANGE CLUB OF AUBURN

*working to make our community a better place to live*

Auburn City Council

Request for Waiver of Permit Fees

April 20, 2023

Dear Council,

The Exchange Club of Auburn has been serving the people of Auburn for over 75 years. We are excited to have been asked to participate in the inaugural Auburn Lobster Festival on May 6, 2023, by providing lobster dinners. This is an opportunity to serve our community yet again and raise funds to support our work donating to the many small groups and individuals who impact our community. Among the groups we have supported in recent years are the Auburn PAL Center, Project Graduation at Edward Little and St. Dominic's Academy, the Auburn Suburban Little League, the Auburn Middle School Hockey Team, and four Students of the Month and a Student of the Year each at Edward Little and St. Dominic's Academy.

To assist us in our efforts to make our community a better place to live, we request that the permit fees for our participation in the Auburn Lobster Festival be waived.

We thank you for your consideration.

Bill Gladu  
President

**COOKING AREA**

**CHECK-IN/FOOD**

**5 TABLES OF 6**

**6 TABLES OF 6**

**6 TABLES OF 6**

**5 TABLES OF 6**

**5 TABLES OF 6**

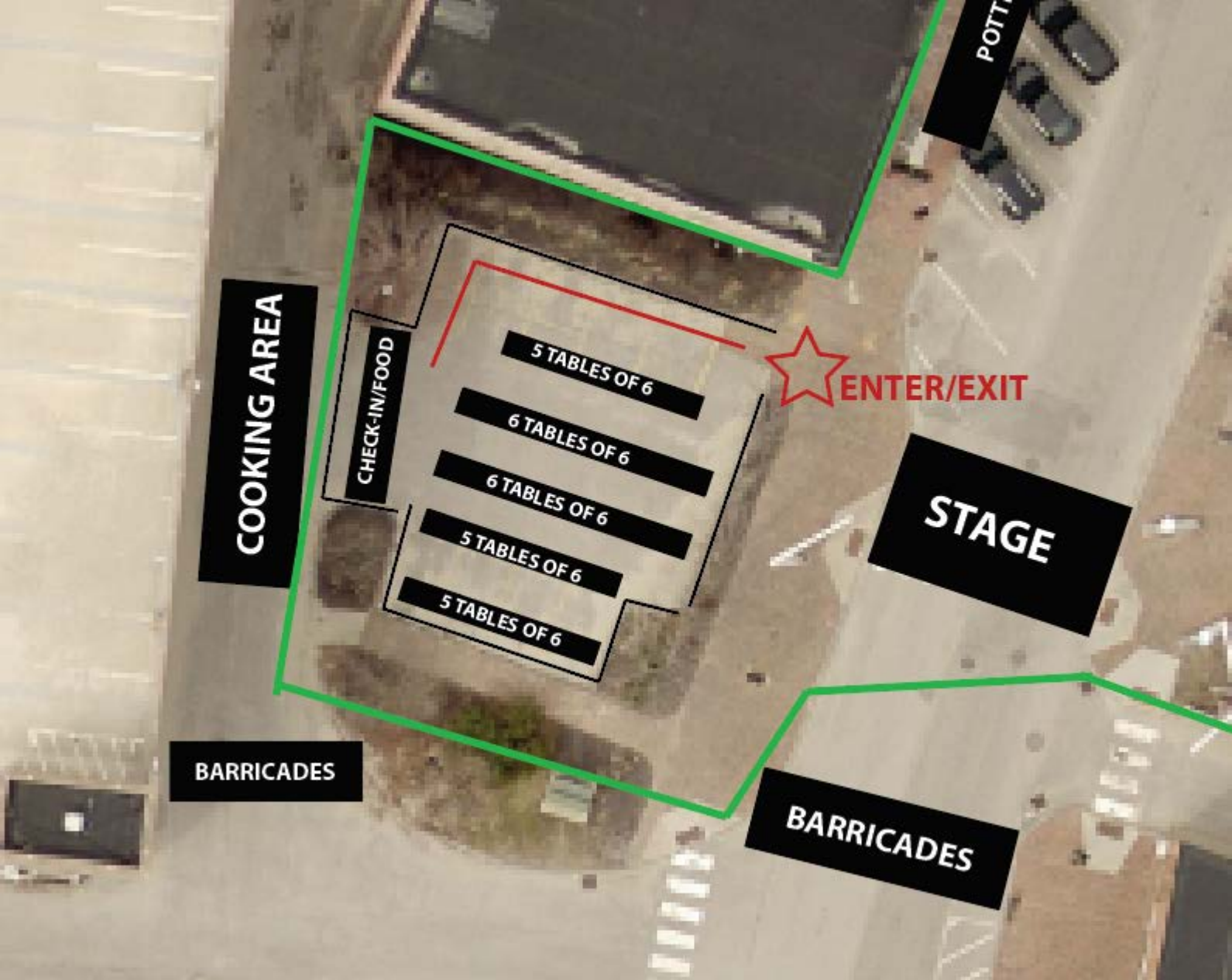
**ENTER/EXIT**

**STAGE**

**BARRICADES**

**BARRICADES**

**POTT**







food truck

food truck

food truck

food truck

ID check

12 toilets on sidewalk

MLA

OP box

1

2

Band Merch

EZ up

Breweries/  
Vendors in  
1-6

3

EZ up

EZ up

Lobster Feed

stage

EZ up

4

ID check

6

5

Buoy photo

Reserved  
Parking

Alcohol  
Permitted



**ORDER 56-05012023**

# City Council Order

## IN CITY COUNCIL

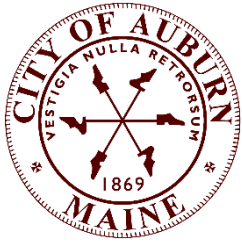
**ORDERED**, that the City Council hereby approves the fee waiver request from the Exchange Club of Auburn for the Auburn Lobster Festival on May 6, 2023.

---

**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:** May 1, 2023

**Order:** 57-05012023

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

**Subject:** Transfer of Forfeiture Assets – Jessica M. Valencia

---

**Information:**

In September of 2021, Auburn Police Department Sergeant Nicholas Gagnon investigated a stolen motor vehicle in which Jessica M. Valencia was a passenger. Sgt. Gagnon developed information during the investigation that the occupants of the vehicle were trafficking illegal narcotics. While conducting a search of the vehicle, Sgt. Gagnon found Valencia in possession of 4 grams of heroin/fentanyl, 40.5 grams of cocaine base, and 1 gram of cocaine HCL, a drug ledger, \$490 in cash and a loaded Ruger .380 caliber semi-automatic pistol. Valencia was charged with aggravated trafficking of Scheduled W drugs Class A, based on the fact she was armed with a firearm in the furtherance of drug trafficking.

---

**City Budgetary Impacts:** The State of Maine, Office of the Attorney General, seeks to transfer \$490.00 U.S. and the Ruger .380 caliber semi-automatic pistol. Currency to the Auburn Police Department. Funds will be used for ongoing K-9 expenses.

---

**Staff Recommended Action:** Vote to accept the transfer of \$490.00 and a Ruger .380 caliber semi-automatic pistol.

---

**Previous Meetings and History:** None

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**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:**

\*None



**ORDER 57-05012023**

# City Council Order

## IN CITY COUNCIL

**ORDERED**, that the City Council hereby accepts the transfer of \$490.00 and a Ruger .380 caliber semi-automatic pistol (Serial #372358035) to the Auburn Police Department (Unified Criminal Court Docket No. CR-2021-02401).

---

**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 APRIL 18, 2023, VOL. 37 PAGE 31**

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

The discussion from the Joint Planning Board and City Council Workshop continued until 7:22 P.M. at which time, the meeting was then moved to Council Chambers resuming at 7:26 P.M.

Mayor Levesque asked for a moment of silence to remember Royce Coburn, former Auburn Planning Board member who recently passed.

Mayor Levesque moved the first open session to the beginning of the meeting to allow members of the public to speak on what was discussed during the workshop, or any item that is not on the agenda.

Jane Costlow, 104 Fourth Street, spoke on what she stated was the intent and purpose of the Ag zone, adding that it was created to prevent sprawl. She suggested asking professionals about what the eco system services of almost 20,000 acres of undeveloped land is, adding that what we need right now is a different process on this really important issue.

Mr. Bosworth, 299 Jordan School Road, said he thinks we are giving up the best resource in the Northeast, adding that if we change the zoning, he will be taxed off his land.

Denis Wheeler, owner of a piece of land on the corner of River Road and Jordan School Road stated that he would like to build a home and retire there. This is a piece of property that was given to him by his mother. Currently, he cannot build a home there due to zoning restrictions.

Joanne Wheeler, spouse of Denis Wheeler said this 2-acre lot of land was gifted to them in 1987 and it is not a farm. She said she believes they should be able to build there. She said that she understands that there is a lot of diversity and a lot of different feelings on this issue, but their feelings should be considered too.

David Griswold, 199 Gamage Avenue talked about woodlot owners stating that many woodlot owners own them for privacy and wildlife and not to just harvest timber. He stated that if there is development within or adjacent to woodlots, it may cause conflict among neighbors for various reasons, one being if you are a woodlot owner with neighbors, it may be difficult to harvest timber. Neighbors may object to the noise from the equipment, and night-time operations during mud season, and it could change their view. He said we need to balance housing and conservation and he hopes the City Council and Planning Board will find a way to do that.

Chloe Myers, resident of Lewiston and owner of Open Heart Farm located at 304 Sopers Mill Road in Auburn stated that she is originally from New York and was searching for a farm for about 5 years in four states before they found their farm here in Auburn. She encouraged the City Council to consider the value and future of food production within Auburn stating that we cannot continue to rely on produce from California to sustain us forever. She also urged the Council to work collaboratively with not only the Sustainability and Natural Resource Board but also with entities like the Good Food Council of Lewiston and Auburn and others.

Peter Moore, landowner on Jordan School and Pownal Road stated that he has a different perspective than most that have spoken. He said that he sees the opportunity for Auburn to have a much bigger future adding that we could do a few more things in Auburn while still protecting the vast majority of



the city. He said he thinks it is atrocious that people do not want to allow people to build a home on their own land. He said what we have is a tax problem stating that we have a high tax rate due to too small a population. He went on to state that we are a city and should behave like a city and allow more development. He said he sees the future of Auburn as a robust urban place that could surpass the City of Portland in both population and vitality and if we could release the creativity and innovation of our citizens and landowners, we could see the city thrive for decades to come, but right now we have our heads in the sand, and we are clinging to the past. He would like the Council to get rid of this ordinance and not replace it with so many restrictions that we are back to where we started back in 1963 when the ordinance was enacted.

Mike Morrissey, 825 Perkins Ridge Road, said that according to the agenda, we were supposed to talk about residential strips, and we did not. When will we address that?

**I. Consent Items**

**1. Order 49-04182023\***

Setting the date for the Special Municipal Referendum Election (June 13, 2023).

**2. Order 54-04182023\***

Authorizing Jason Levesque to vote the shares held by any shareholders for the Lewiston Auburn Railroad Company.

Motion was made by Councilor Walker and seconded by Councilor Staples for passage of the two consent items.

Passage 7-0.

**II. Minutes - April 3, 2023, Regular Council Meeting**

Motion was made by Councilor Staples and seconded by Councilor Milks to approve the minutes of the April 3, 2023, Regular Council Meeting.

Passage 7-0.

**III. Communications, Presentations and Recognitions**

- a. Communication from Lake Auburn Watershed Protection Commission
- b. Communication – City of Auburn Petition to Intervene
- c. Council Communications (about and to the community)

Mayor Levesque announced that a workshop will be held on Monday, April 24<sup>th</sup> at 5:30 pm to discuss the budget.

Councilor Whiting announced that Gerry Denis and he will be leading a walk (Jane's Walk) at 9:00 am on May 6<sup>th</sup> beginning at Rolly's.

City Manager Crowell announced that the budget documents are on our website, all Councilors should have their budget books in their office. Staff is working to fix a broken link on the budget portal.

IV. **Open Session** – This item was taken up at the beginning of the meeting.

V. **Unfinished Business** - None

VI. **New Business**

1. **Order 50-04182023**

Adopting the 5-Year Capital Improvement Plan (CIP).

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

Public comment – No one from the public spoke.

Passage 6-1 (Councilor Gerry opposed).

2. **Order 51-04182023**

Allocating funds from the American Rescue Plan Act (ARPA) to establish the Auburn Victory Garden Program.

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

Public comment – No one from the public spoke.

Passage 7-0.

3. **Order 52-04182023**

Allocating funds from the American Rescue Plan Act (ARPA) to support establishing the Auburn Commercial Agriculture Incentive Program.

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

Public comment – No one from the public spoke.

Passage 7-0.

4. **Ordinance 03-04182023**

Amending Chapter 60 of the City Ordinances, Sec.60-145 (b)(8) - Use regulations by changing the lot size requirement for a cemetery from twenty acres to ten acres if the cemetery is a conservation cemetery. First reading.

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

Public comment – No one from the public spoke.

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

5. **Ordinance 04-04182023**

Amending Chapter 60 of the City Ordinances, Sec. 60-2. Definitions, by adding the

definition of conservation cemetery. First reading.

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

Public comment – No one from the public spoke.

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

**6. Order 53-04182023**

Authorization of funds for East Auburn Tennis Courts.

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

Public comment - No one from the public spoke.

Passage 7-0.

**VII. Open Session – No one from the public spoke.**

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

Mayor Levesque reported that the Lobster Festival is scheduled for May 6th from 1:00 -7:00 pm. The Lobster Festival commercial was played for the public to see. The Mayor also noted that there have been a lot of meetings of the LPC (Legislative Policy Committee), and the School Committee will be meeting tomorrow.

Councilor Staples stated that he is going to propose that we add \$100,000 to our ARPA expenditures in order to provide two \$50,000 grants for businesses that will provide a place for people to do something outside of the home and where they can spend their spare time.

Councilor Morin commented on how popular pickle ball is and he encouraged people to be careful and stretch to avoid injuries.

Councilor Milks announced that Mike Broadbent is the new Superintendent of the Water and Sewer Districts adding that Mike is doing a phenomenal job.

Councilor Whiting stated that the New Auburn walk is called the New Auburn Lost and Found, adding that Mr. Dennison is knowledgeable about what was lost in the big fire of New Auburn.

City Manager Crowell stated that he and the Assistant City Manager attended the Local Government Reimagined Conference that was held in Burlington, Vermont, and gave a recap of the key topic areas from the conference.

Jill Eastman, Finance Director – March Final Finance Report

Motion was made by Councilor Whiting and seconded by Councilor Milks to accept and place on file the March 2023 final finance report.



Passage 7-0.

**IX. Executive Sessions**

**Labor contract negotiations – (Fire), pursuant to 1M.R.S.A. §405(6)(D).**

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

Passage 6-0 (Councilor Walker was not in the room for the vote).

Time in 8:31 pm.

Council was declared out of executive session at 8:37 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 Hawes and seconded by Councilor Morin for passage.

Passage 7-0.

Time in 8:37 pm.

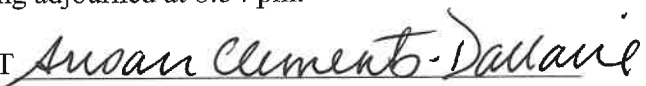
Council was declared out of executive session at 8:54 pm.

**X. Adjournment**

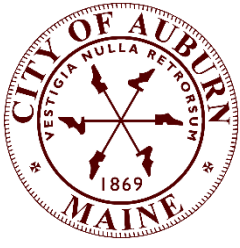
Motion was made by Councilor Walker seconded by Councilor Whiting to adjourn.

Unanimously approved and the meeting adjourned at 8:54 pm.

A TRUE COPY

ATTEST 

Susan Clements-Dallaire, City Clerk



**City of Auburn  
City Council Information Sheet**

**First Reading or Meeting Date:** May 1, 2023

**Ordinances:** 03-04182023 & 04-04182023

**Author:** Planning and Permitting Dept.

**Subject:** Public hearing and second reading on adding conservation cemetery definition and size requirement as a zoning text amendment.

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**Information:**

On March 28, 2023, Auburn Planning Board held a public hearing on a text amendment for Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map. Planning Board recommended the amendments as suggested, but slightly amended for clarification, adding, "burials in conservation cemeteries consist solely of cremains." Staff believes this change is not substantive enough to require another public hearing.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:**

Public hearing and second reading.

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**Previous Meetings and History:**

March 28, 2023- Planning Board Public Hearing  
April 18, 2023- City Council First Reading - passed

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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:**

Planning Board positive recommendation, 03/28/2023 staff report, Sec. 60-145 proposed amendment, Sec. 60-2 proposed amendment, petition with signatures.



City of Auburn, Maine  
Planning & Permitting Department  
Eric Cousens, Director  
60 Court Street | Auburn, Maine 04210  
[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board recommendation to City Council on adding conservation cemetery definition and size requirement as a zoning text change

Date: 04/03/2023

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 March 28, 2023, the Planning Board forwards this report to the City Council.

**PROPOSAL: PUBLIC HEARING/ PETITION/ TEXT AMENDMENT:** The Life Forest submitted a petition to amend Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition and as shown on the proposed text changes available at <https://www.auburnmaine.gov/pages/government/planning-board-agendas> and in the planning department in city hall. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map.

**MOTION:** Evan Cyr makes a motion; Riley Bergeron seconds.

"I make a motion to recommend amending chapter 60 of the city ordinances specifically sec 60-145b8 use regulations and sec 60-2 definitions by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery and adding the definition conservation cemetery to section 60-2 as stated in the petition and included in this meetings materials with the amendment that the definition of conservation cemetery read conservation cemetery means a type of natural cemetery that includes a conservation management plan that holds best practices and provides perpetual protection of the land according to a conservation easement or deed restriction. Burials in conservation cemeteries consist solely of cremains and utilize non-toxic and biodegradable chemicals."

**VOTE:** 7-0-0 Motion passes.



## City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

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

207.333.6601

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Public Hearing on petition to change the minimum size requirement for cemeteries and add the definition of conservation cemetery to Chapter 60 of the zoning ordinance.

Date: March 14, 2023

### **I. PROPOSAL: PUBLIC HEARING/ PETITION/ TEXT AMENDMENT:**

The Life Forest submitted a petition to amend Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition. This item is pursuant to Chapter 60, Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map.

### **II. Materials:**

1. March 14, 2023, Staff Report
2. Proposed Text Change: Sec. 60-145. Use regulations.
3. Proposed Text Change: Sec. 60-2. Definitions.
4. Signed Petition

### **III. Background**

Amendments to the zoning ordinance, including the zoning map, may be initiated by the planning board on its own initiative or upon request by the city council or by a petition signed by not less than 25 registered voters of the city (Sec. 60-1445). The City received the completed application with 48 verified signatures on February 10, meeting the requirements of Sec. 60-1446.

Each proposal to change any zoning ordinance text (other than a change of zoning district name or zoning boundary description) shall include the wording then current, the words of change, the wording if so amended and a statement of the reasons for such change, showing how such change would affect the public health, safety, convenience and welfare (Sec. 60-1447).

One of the primary measures of whether a text change is appropriate is conformance with Comprehensive Plan. As the petition states, the proposed change is consistent with the Future Land Use Plan, Agricultural and Resource Protection (AGRP) District, and the Comprehensive Plan.

Currently, cemeteries are an allowed use in the Agricultural and Resource Protection Zone if they are at least 20 acres. This was originally put in place to avoid having many small cemeteries through the city which could become the municipality's responsibility to maintain over time. Allowing a smaller lot size for conservation cemeteries would not increase the burden of eventual maintenance for the city because first, they only bury cremains, which require smaller plot sizes, and they do not require the regular mowing maintenance of traditional cemeteries. Conservation

cemeteries and memorial forests intend that the look and feel of the land be created by nature. Therefore, unlike traditional cemeteries, there are no gravestones or manicured grass. Parking areas are to be of a gravel base and trails are to be woodland and natural.

**IV. Planning Board Action**

Review the proposed text change pursuant to Chapter Article XVI, Division 2-Amendment to the Zoning Ordinance or Zoning Map, for consistence with the Comprehensive Plan. Hold a Public Hearing and make a motion to approve or deny the proposal.

**V. Suggested Motion:**

I make a motion to recommend amending Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, and Sec. 60-2. Definitions, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Sec. 60-2 as stated in the petition and included in this meeting's materials.

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Chapter 60 of the City of Auburn Ordinances, specifically changing the minimum lot size required for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Chapter 60.

This petition is consistent with the Future Land Use Plan, Agricultural/Rural District (AG) section of the City of Auburn 2021 Comprehensive Plan. The proposed text change is attached.

Printed Name	Address	Signature
Pamela Brousseau	745 W Auburn Rd Auburn	Pamela Brousseau
KATHLEEN SHAW	1200 Sopers Mill Rd Auburn	Kathleen Shaw
DAVID D GREGWOOD	199 GAMAGE AVE AUBURN	David D. Gregwood
Katherine Boss	7 Morse Street Auburn	Katherine Boss
Cindy Cain	976 Old Danville Rd Auburn	Cindy Cain
Zoo Cain	976 Old Danville Rd Auburn	Zoo Cain
Larua Vanasse	1160 Old Danville Rd. Auburn	Larua Vanasse
Roger Violette	145 3rd Street Auburn	Roger Violette
Jennifer Marchigiani	98 Summer St Auburn	Jennifer Marchigiani
MARLYN MAHER	1124 Riverside Dr, Auburn	Marlyn Maher
DIANA IWASZKIEWICZ	110 JACQUES RD AUBURN	Diana Iwaszkiewicz
Robert B Neilson Jr	1045 OLD DANVILLE RD AUBURN	Robert B Neilson Jr
Tammy Neilson	1045 Old Danville Rd, Auburn	Tammy Neilson

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

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Chapter 60 of the City of Auburn Ordinances, specifically changing the minimum lot size required for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Chapter 60.

This petition is consistent with the Future Land Use Plan, Agricultural/Rural District (AG) section of the City of Auburn 2021 Comprehensive Plan. The proposed text change is attached.

Printed Name	Address	Signature
Holly Lasagna	220 W. Auburn Rd, Auburn	Holly Lasagna
Peter Lasagna	220 W. Auburn Rd Auburn	Peter Lasagna
DEBRA PERUCCI	192 Elm Ave Auburn	Debra Perucci
Martha S Deschaines	16 Davis Ave Auburn	Martha S Desch
Gina Melaragno	25 James St. Apt. 3	Gina Melaragno
ADAM SAMUEL BOSS	7 MORSE ST. AUBURN	Adam Samuel Boss
Timothy B MacLeod	210 Comage Ave Auburn ME	Timothy B MacLeod
Trace MacLeod	210 Comage Ave Auburn ME	Trace MacLeod
Rhyanna Larose	164 Bennett Ave, Auburn, ME	Rhyanna Larose
Cassidy Cloutier	164 Bennett Ave, Auburn ME	Cassidy Cloutier
Kim Chabot	2 Grove St Auburn ME	Kim Chabot
Susanne Habowski	26 Vivian St Auburn ME	Susanne Habowski

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



### REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend Chapter 60 of the City of Auburn Ordinances, specifically changing the minimum lot size required for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery; and adding the definition of conservation cemetery to Chapter 60.

This petition is consistent with the Future Land Use Plan, Agricultural/Rural District (AG) section of the City of Auburn 2021 Comprehensive Plan. The proposed text change is attached.

Printed Name	Address	Signature
PATRICIA MELARAGNO	576 Trapp Rd	Patricia Melaragno
CHELSEA A. EATON	576 TRAPP ROAD, AUBURN	Chelsea A. Eaton
Michelle Melaragno	576 Trapp Rd	
Mary Sylvester	208 Maple Hill Rd	Mary Sylvester
Wanda W. Holmgren	208 Maple Hill Rd.	Wanda W. Holmgren
Fred Stone	169 Royal River Rd.	Fred Stone
Karen Thompson	169 Royal River Rd Auburn	Karen Thompson
CHRIS CARSON	110 JACQUES RD AUBURN	Chris Carson
William Sylvester	1128 RIVERSIDE DR, AUBURN	William Sylvester
STANWOOD GRAY	1200 Sopers Mill Rd.	Stanwood J Gray

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











# City Council Ordinance

## IN CITY COUNCIL

### **Amending Chapter 60 of the City Ordinances, Sec.60-145 (b)(8) - Use regulations**

**Be it ordained,** that the Auburn City Council hereby adopts a Zoning text amendment involving use standards related to conservation cemeteries. The proposed text amendment includes amendments to Chapter 60 of the City Ordinances, specifically Sec.60-145 (b)(8)- Use regulations, by changing the lot size requirement for a cemetery from 20 acres to 10 acres if the cemetery is a conservation cemetery as shown on the attached copies with proposed amendments. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance.

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

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

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

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## Sec. 60-145. Use regulations.

(a) *Permitted uses.* The following uses are permitted:

- (1) One-family detached dwellings, including manufactured housing subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6 of article XII of this chapter, on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:
  - a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data.
  - b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed.
  - c. In no case shall any farm residence constructed under the provisions of this section after the effective date of the amended ordinance from which this section is derived continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
  - d. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this article.
- (2) Buildings, equipment and machinery accessory to the principal use including, but not limited to: barns, silos, storage buildings and farm automobile garages.
- (3) Forest products raised for harvest.
- (4) Field crop farms.
- (5) Row crop farms.
- (6) Orchard farms.
- (7) Truck gardens.
- (8) Plant and tree nurseries.
- (9) Greenhouses.
- (10) Handling, storage and sale of agriculture produce and processed agricultural products derived from produce grown on the premises.
- (11) Livestock operations including poultry farms, cattle farms, dairy farms, stud farms, hog farms, sheep ranches, other animal farms, including farms for raising fur-bearing animals.
- (12) Wayside stands.
- (13) Two-family dwellings which are created from the conversion of a one-family dwelling structure which was constructed prior to 1900.
- (14) Adult use and medical marijuana cultivation, but not retail sales of any kind.

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- (15) Marijuana manufacturing accessory to a licensed cultivation site.
  - (16) Ground-mounted and dual-use solar energy generating systems less than one acre in total land area as defined in section 60-1501.
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVII of this chapter:
- (1) Sawmills and their customary accessory land uses and buildings incidental to the harvesting of forest products, subject to the following conditions:
    - a. Sawmill and accessory activity shall not be detrimental to the neighborhood or the city by reason of special danger of fire or explosion, pollution of rivers or perennial streams or accumulation of refuse.
    - b. Wood processing operation shall be located no closer than 75 feet from any river or perennial stream, 250 feet from any zoning district boundary or residential dwelling and shall be limited to four persons employed.
    - c. Where natural vegetation is removed, it shall be replaced within six months with other vegetation which will be equally effective in retarding erosion and will preserve natural beauty.
  - (2) Veterinary hospitals, where operated by licensed veterinarians, including offices and facilities for temporarily boarding animals.
  - (3) Handling, storage and sale of agricultural services, equipment, and supplies accessory to the farming use.
  - (4) Bona fide residences required for farm labor. Any residence constructed for farm labor shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirements of this division. The findings and the conditions upon which such altered use may be continued shall be made a part of the permanent records.
  - (5) Recreational uses of land intended or designed for public use subject to the following conditions:
    - a. No such recreational use shall be expanded or extended so as to occupy additional land area greater than 20 percent of the original area or one acre, whichever is less; or by the construction of a structure or an addition to an existing structure by more than 900 square feet of additional floor space unless the owner or occupant first obtains approval of the planning board in the manner and upon the same terms as approvals of initial recreational uses.
    - b. Any proposed new or expanded recreational use shall be completed on or before the estimated completion date except that the planning board may grant reasonable extension of time where good cause for the failure to complete is shown.
  - (6) Any legally nonconforming summer camp or cottage may be rebuilt if destroyed by fire or other casualty, subject to the following conditions:
    - a. Such reconstruction shall comply with all ordinances applicable to new construction. Such reconstruction need not, however, comply with zoning provisions which would otherwise be applicable except for the provisions of article XII of this chapter.
    - b. In cases where no minimum setback is established by division 5 of article XII of this chapter an open yard space of at least ten feet between the building as reconstructed and each of the property lines shall be maintained.
  - (7) Rifle, pistol, skeet or trap shooting ranges, public or private.

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

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- (15) Compost operations, excluding municipal and industrial waste, to process products such as manure, bedding, animal mortalities, waste feed, produce, forestry by-products, leaves and yard trimmings in compliance with state and federal regulations, subject to the following conditions:
- a. All compost sites shall be evaluated for suitability by a properly qualified professional, including benchmark water testing prior to approval.
  - b. Provisions shall be made to avoid surface and groundwater pollution.
  - c. Provisions shall be made to counteract vermin, insects and odors.
  - d. Must comply with all applicable state department of environmental protection and state department of agriculture rules and regulations and best management practices.
  - e. Shall not be located within the Lake Auburn Watershed Overlay District.
- (16) Adaptive reuse of structures of community significance.
- (17) Assembly, sale, research and development, distribution, instruction, training, demonstration or maintenance of recreational or agricultural equipment, including buildings as accessory structures used in the assembly, sale, distribution, instruction, training, demonstration, or maintenance of recreational or agricultural equipment, subject to the following conditions:
- a. The proposed use is accessory, complementary, or otherwise related to a recreational or agricultural use;
  - b. The recreational or agricultural use has been in existence for at least five years prior to the date of the application for the special exception; and
  - c. The recreational or agricultural use is located on the parcel for which the special exception is requested or is adjacent to the property for which the special exception is requested.
- (18) One-family detached dwellings, including manufactured housing, subject to all the design standards, except the siting requirements of section 60-1010, as set forth in division 6, article XII of this chapter, on parcels containing greater than 6.1, but less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restrictions:
- a. At least 30 percent of the gross annual household income of the farm occupants living in the farm residence will be derived from farm uses or the gross farm income of the farm occupants living in the farm residence is equal to or greater than 30 percent of the city's median household income, according to the most recent census data; and
  - b. No certificate of occupancy shall be issued for any such farm residence until the barns, livestock pens, silos, or other such buildings or structures which are to be erected in connection with the proposed agricultural use as shown on the plans and specifications presented to the municipal officer charged with enforcement are 75 percent completed; and
  - c. The applicant shall demonstrate compliance with the following requirements, said compliance to be first reviewed by the Agricultural Advisory Committee for recommendation:
    1. The applicant shall provide a farm business plan that appears feasible and, if implemented, will meet the definition of a farm.
    2. The parcel can reasonably accommodate the proposed farm.
    3. The applicant shall demonstrate a commitment to the proposed farm use through compliance with the following requirements:
    4. The parcel must contribute to a gross income per year of at least the amount required to meet the definition of farmland in 36 M.R.S.A. § 1102(4), per year from the sales value of



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agricultural products as defined in 7 M.R.S.A. § 152(2) in the two calendar years preceding the date of application for special exception use approval. Gross income includes the value of commodities produced for consumption by the farm household.

5. The proposed residence shall be accessory to farming.
  6. The proposed residence shall not be located in the Lake Auburn Watershed Overlay District.
  - d. The parcel was existing as of October 1, 2017, contains more than five acres of land area, and otherwise meets the requirements of this chapter.
  - e. In no case shall any farm residence constructed under the provisions of this section, after the effective date of the amended ordinance from which this section is derived, continue to be occupied as a residence if the principal agricultural use has been abandoned or reduced in scope below the minimum requirements as shown on the plans and specifications presented to the municipal officer charged with enforcement.
  - f. Any residence constructed under this article shall not be converted to nonfarm residential use except by permission of the planning board based upon a finding that the abandonment or reduction in such use resulted from causes beyond the control of the applicant and not from any intention to circumvent the requirement of this article.
- (19) Ground-mounted and dual-use solar energy generating systems greater than one acre in total land area as defined in section 60-1501, subject to the following conditions:
- a. Must comply with the provisions of article XVIII under this chapter;
  - b. Setbacks, including appurtenant structures and parking areas, shall be subject to the following yard requirements:
    1. *Rear*. There shall be behind every structure associated with a solar energy generating system a rear yard having a minimum depth of 25 feet.
    2. *Side*. There shall be a minimum distance of 15 feet between any structure associated with a solar energy generating system and the side property line.
    3. *Front*. There shall be in front of every structure associated with a solar energy generating system a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot whichever is less.
  - c. Lot coverage shall not exceed 30 percent, as defined under subsection 60-1506(a)(2).
  - d. *Total land area*. Once one percent of the agriculture and resource protection district has been developed into solar energy generating systems, the planning board must find that any additional proposed solar energy generating systems will not materially alter the stability of the overall land use pattern of the agriculture and resource protection district. In making this determination, the planning board shall consider the overall effect of existing and potential solar energy generating systems and if it will be more difficult for existing farms in the area to continue operation due to diminished opportunities to expand, purchase or lease farmland, acquire water rights, or diminish the number of tracts or acreage in farm use in a manner that will destabilize the overall character of the surrounding area. The planning board shall request an assessment of the proposed project based on subsection 60-145(b)(19)d. by the agriculture committee and, if located in the resource protection district, the conservation commission and carefully consider their recommendations.
  - e. All applications shall consider the location of existing grid infrastructure and plan to limit the need to extend the amenities for optimal efficiency.

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- f. If a solar energy generating system is proposed on forestland in the agriculture and resource protection district, on a parcel adjacent to prime farmland or land currently used for farming, clearing of forestland or the use of prime farmland may be permitted under the following conditions:
1. The presence of the solar energy generating system will not result in unnecessary soil erosion or loss that could limit agricultural productivity on the subject property or abutting properties.
  2. At the time of decommissioning of any solar energy generating system approved by the planning board, the current sitting planning board shall review the site and proposed decommissioning plan for the conversion of the parcel into prime farmland or forestland, as applicable under the current ordinance standards.
  3. A survey of critical wildlife habitat is provided at the time of application, if a project is located in an area determined to be essential habitat, as defined by the state department of inland fisheries and wildlife, an IF&W recommendation shall be secured before a planning board ruling.
  4. A vegetative cover plan is provided that demonstrates, where feasible, the replanting of forested areas disturbed during construction and preservation of prime soils throughout the life of the project.
- g. *Prime soils.* All solar energy generating systems proposed in the agriculture and resource protection district shall include a soil analysis. Such analysis shall demonstrate if the site proposed for development contains prime farmland as defined by the United States Department of Agriculture (USDA). Least productive agricultural soils shall be considered first for development unless it can be demonstrated to the planning board that:
1. Non-prime farmland is not reasonably available on the subject property.
- h. All applications for solar energy generating systems in the agriculture and resource protection district shall be subject to the following provisions:
1. Siting of the overall facility and individual panels shall keep with the existing contours of the land;
  2. Only pile driven, or ballast block footing shall be used so as to minimize the disturbance of soils during installation;
  3. To the extent possible, infrastructure shall not be located on steep slopes; and
  4. A plan for topsoil maintenance shall be provided at the time of application to the planning board.
- i. All operations and maintenance plans shall also include:
1. A plan prioritizing the ability to co-mingle agricultural and energy generation land uses including but not limited to: apiaries, grazing or handpicked crops.
  2. A plan that provides habitat for native plants and animals and native pollinators.

(Ord. of 9-21-2009, § 3.31B; Ord. No. 32-02072011-07, 2-7-2011; Ord. No. 06-08012011-07, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 06-06052017, 6-19-2017; Ord. No. 04-05202019, 6-3-2019; Ord. No. 17-11182019, 12-9-2019; Ord. No. 05-05182020, 6-1-2020; Ord. No. 11-03012021, §§ 5, 6, 3-15-2021)



# City Council Ordinance

## IN CITY COUNCIL

### **Chapter 60 of the City Ordinances, specifically Sec. 60-2. Definitions**

**Be it ordained**, that the Auburn City Council hereby adopts a Zoning text amendment involving definitions for conservation cemeteries. The proposed text amendment includes amendments to Chapter 60 of the City Ordinances, specifically Sec. 60-2. Definitions, by adding the definition of Conservation Cemetery to Sec. 60-2 as shown on the attached copies with proposed amendments. This item is pursuant to Chapter 60 Article XVII Division 2- Amendment to the Zoning Ordinance.

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

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

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

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## 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:

*Accessory structure or building* means an uninhabited building, at least five feet in distance from the principal building, used for a purpose which is customarily subordinate and incidental to that of the principal building or to the principal use of the land and which is located on the same lot as the principal building use. The term "accessory buildings," in residential districts, includes tool sheds, wood sheds, detached garages and swimming pools. No accessory building shall house a home occupation or professional office or be used as a sales outlet in a residential district.

*Accessory use* means a subordinate use of land or building which is customarily incidental and subordinate to the principal building or to the principal use of the land and which is located on the same lot with the principal building or use.

*Adaptive reuse* means a special exception permitting a structure of community significance to be used for one or more purposes, not otherwise permitted in the district in which the building is located, but which the planning board has determined will contribute to the preservation of a structure of community significance, including without limitation, the following uses:

- (1) Bed and breakfast homes or inns;
- (2) Restaurants, diners or cafes;
- (3) Art studios and galleries;
- (4) Performing arts centers;
- (5) Medical and dental clinics;
- (6) Office space;
- (7) Municipal and government uses; and
- (8) Retail sales as an accessory use.

*Adult day center* means a supervised facility providing a program of education, crafts or recreation for adults over the age of 55 years.

*Animal unit* means one living animal of any species.

*Antique shop* means a building, or portion of building, where artifacts from generally recognized previous eras are sold or traded as the primary commercial activity.

*Apartment.* See the term *Dwelling unit*.

*Architectural features* means exterior building elements intended to provide ornamentation to the building massing, including but not limited to, eaves, cornices, bay windows, window and door surrounds, light fixtures, canopies, and balconies.

*Art galleries* means a building or place where works of art or other objects of value are kept, displayed, produced and offered for sale to the general public.

*Artist studio, residential* means a dwelling where up to 50 percent of the total floor space can be used for the production of art and/or craft products. The term "residential artist studio" shall not include galleries or studios open to the public for display or sales. All artist studios shall be designed to meet all residential safety and occupancy requirements and shall be considered to be accessory to the residential use.

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*Automobile* means a passenger vehicle propelled by a self-contained motor. The term "automobile" also includes motorcycles, all-terrain vehicles, trucks and recreation vehicles (RVs).

*Automobile and marine paint and body shops* means a building in which the business of automobile and marine paint and bodywork is conducted. Such use may also include as an accessory use a facility for the orderly display and sale of vehicles which have undergone substantial body repair on the premises. No such facility shall display, outdoors or indoors, or offer for sale more than ten vehicles at any one time.

*Automobile and marine repair and service station* means a building, lot or both in or upon which the business of general motor repair and vehicle service is conducted, but excluding junk and/or wrecking businesses.

*Automobile, commercial*, means a vehicle the primary use of which is commercial in character.

*Automobile filling station* means a building or lot having pumps and storage tanks at which fuel, oil or accessories for the use of motor vehicles are dispensed, sold or offered for sale at retail, where repair service is incidental and no vehicle storage or parking space is offered for rent.

*Automobile garage, private*, means an accessory building or portion of a main building designed, arranged or used for housing of private motor vehicles, only one of which may be a commercial vehicle. Not more than 50 percent of the space in such a garage shall be used for housing vehicles other than those owned by occupants of the premises.

*Automobile parking lot, private*, means a parcel of land, lot or portion thereof required, in accordance with these regulations, for off-street automobile parking.

*Automobile repair and service station* means a building, lot or both in or upon which the business of general motor vehicle repair and service is conducted, but excluding junk and/or wrecking business.

*Automobile sales lot* means a lot arranged, designed or used for the storage and display of motor vehicles or any unoccupied trailer for sale.

*Automobile scrap yard* means any land or building used for the dismantling, storage and salvaging for reuse of automobiles or other vehicles not in running condition.

*Automotive towing and storage* means a business engaged in/or offering the services of a towtruck or towing service whereby motor vehicles are towed or otherwise removed from one place to another by the use of a motor vehicle specifically designed for that purpose. Storage of towed vehicles is considered to be the keeping of vehicles in a secured yard for not more than 120 days until claimed or disposed of in accordance with the laws of the state.

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

*Bed and breakfast home* means an accessory use to a single-family dwelling involving the renting of four or fewer guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast only to house guests. Such establishment shall be owned and operated by the resident of the dwelling. The term "bed and breakfast home" also includes a tourist home.

*Bed and breakfast inn* means a dwelling involving the renting of more than four but fewer than ten guestrooms to transient guests who are staying for a limited duration (seven consecutive days and/or 60 accumulated days in a calendar year) and the serving of breakfast to house guests only. Such use may provide a restaurant, function rooms and places of public assembly.

*Boardinghouse or lodginghouse* means a dwelling which, for compensation, lodging, or lodging and meals are provided to more than four persons and where a proprietor or owner may reside in the building. No provisions for cooking in individual rooms other than a main kitchen is allowed.

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*Building* means a structure having one or more stories and a roof, designed primarily for the shelter, support or enclosure of persons, animals or property of any kind. (See the term *Structure*.)

*Building envelope* means the ground area on a lot and the space above it on which a building may be constructed.

*Building form* means the overall shape and dimensions of a building.

*Building height* means the vertical distance from the grade of the top of the highest roof beams of a flat roof, or to the mean level of the highest gable or slope of a hip roof. When a building faces on more than one street, the height shall be measured from the averages of the grades at the center of each street front.

*Building inspector* means the building inspector of the City of Auburn, Maine, or their duly authorized agent.

*Building line* means a line beyond which the foundation wall and/or any enclosed porch, vestibule of other enclosed portion of a building shall not project.

*Building, principal,* means a building in which is conducted the principal use of the lot on which it is situated.

*Care home* means a rest, nursing, or convalescent home established to render domiciliary nursing care and board for chronically ill or convalescent patients, or persons who are infirm because of mental or physical conditions, but excluding a child care home or one for the care of mentally retarded patients, alcoholics, psychotics or drug addicts.

*Cellar* means that portion of a building below the first floor joists having at least one-half of its clear ceiling height below the mean level of the adjacent ground. A cellar shall not be used for habitation.

*Cemetery* means a place used for the permanent interment of dead bodies or cremated remains thereof. A cemetery may be a burial park of earth interments, a mausoleum for vault or crypt interments, a columbarium for cinerary interments, or a combination of one or more thereof.

*Child care home* means a child boarding home, summer camp, foster family home or other place providing domiciliary arrangements for compensation, of three or more children, unrelated to the operator by blood, marriage or adoption, under 18 years of age. A facility providing child day care less than 24 hours per day, per child, to more than five children shall not be considered a child care home. The term "child care home" includes any family-type facility which provides child care to children placed by order of any court of competent jurisdiction, or by any public welfare department, or other governmental agency having responsibility for placing children for care, or placed by child-placing agency licensed under state law.

*Child day care center* means a facility conducted or maintained by anyone who provides, for consideration, care and protection for more than 12 children under 16 years of age, unrelated to the day care center operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care center, but is classified as a nursery school.

*Child day care home* means an accessory use of a residence by a person residing on a premises to provide on a regular basis, and for consideration, care and protection for up to 12 children under 16 years of age, unrelated to the day care home operator, who are unattended by parents or guardians, for any part of the day. Any facility, the chief purpose of which is to provide education, shall not be considered to be a day care home, but is classified as a nursery school. A child day care home shall not be located closer to another child day care home than 500 feet measured along the street frontage. Child day care homes shall be reviewed under the city's home occupation regulations (article IX of this chapter) and shall meet the following:

- (1) All outdoor play areas, used in conjunction with the day care operation, shall be fully enclosed by a fence, a minimum of four feet in height.
- (2) If the property utilizes a private sewerage disposal/septic system a written verification from a site evaluator, stating that the current system can handle the change of use to include the children in the proposed day care, shall be submitted.

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*Church* means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which buildings, accessory buildings and uses are maintained and controlled by a religious body organized to sustain public worship.

*Clinic* means an establishment where patients are accepted for treatment by a group of physicians practicing medicine together, but shall not offer domiciliary arrangements; medical and dental.

*Club, private,* means any building or rooms, which serve as a meeting place for an incorporated or unincorporated association for civic, social, cultural, religious, literary, political, recreational or like activities, operated for the benefit of its members and not open to the general public.

*Community based residential facilities (CRF)* means dwelling units providing communal domiciliary arrangements for a group of unrelated persons under supervision of the state government human service agencies, for the transition of formerly institutionalized persons back into the mainstream community living and participation, a halfway house, or a group home.

*Comprehensive plan* means the master development plan of the City of Auburn, Maine, any amendments, or additions thereto, part or portion thereof adopted by the city council upon recommendations of the planning board of Auburn, Maine, pursuant to 30-A M.R.S.A. § 4323.

*Conservation cemetery* means a type of natural cemetery that includes a conservation management plan that upholds best practices, and provides perpetual protection of the land according to a conservation easement or deed restriction. Burials in conservation cemeteries utilize non-toxic and biodegradable materials.

*Convenience store* means a business establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table, other articles of household use and gasoline pump service is offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises.

*Court* means an open, unoccupied space, other than a yard, on the same lot with a building or group of buildings which is bounded on two or more sides by such building or buildings and every part of which is clear and unobstructed from its lowest point to the sky.

*Dental clinic* means an establishment where patients are accepted for treatment by a group of dentists practicing dentistry together.

*Development standard(s)* means building standards that establish basic parameters governing building form, including the envelope for building placement in three dimensions and certain permitted and required building elements such as storefronts, balconies, street walls, etc. The development standards establish both boundaries within which development may take place and what requirements apply.

*Director* means the director of planning and any successor or other official designated from time to time by the city council to enforce the provisions of this chapter.

*District or zone* means an area within which certain uses of land and buildings are permitted or denied pursuant to municipal review, and certain others are prohibited.

*District, overlay,* means a special district or zone which addresses special land use circumstances and environmental safeguards and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning district shall continue subject to compliance with the regulations of the overlay zone or district.

*Dormitory* means a building or portion thereof used for sleeping purposes in connection with a school, college or other educational institution.

*Driveway* means private ways intended for internal vehicular circulation on a lot or within an automobile parking lot.

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*Dump* means any premises used primarily for disposal by abandonment, discarding, dumping, reduction, burial, incineration or any other means and for whatever purpose of garbage, trash, refuse, dead animals, waste materials of any kind, junk; but not untreated sewage, animal waste, discarded machinery, or vehicles or parts thereof. The establishment of any dump shall be approved by the city council of the City of Auburn.

*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.

*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.

*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.

*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.

*Eave* means the edge of a roof which projects beyond the exterior wall.

*Encroachment* means any architectural feature, structure or structural element, such as a gallery, fence, garden wall, porch, stoop, balcony, bay window, terrace, or deck that breaks the plane of a vertical or horizontal regulatory limit exceeding into a setback, the public frontage, or above a height limit.

*Erected* includes the terms "built," "constructed," "reconstructed," "enlarged" and/or "retained on."

*Facade* means the vertical surface of a building.

*Family* means one or more persons occupying a single housekeeping unit and using common cooking facilities, provided that unless all members are related by blood or marriage, no such family shall contain over four persons.

*Farm* means any parcel of land which is used in the raising of agricultural products, livestock or poultry, or for dairying.

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

- (1) Cattle: One bovine animal unit per acre of cleared hay-pasture land.
- (2) Horse: 1.5 animal units per acre of cleared hay/pasture land.



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- (3) Sheep: Three animal units per acre of cleared hay/pasture land.
  - (4) Swine: Two animal units per acre of cleared land.
  - (5) Other livestock farms: The required lot size shall be determined by municipal officer charged with enforcement and shall conform to the lot size for similar sized animals.

*Floodplain overlay* means those areas of the city which are directly affected by flooding as shown on the flood insurance rate maps (FIRM) as established by the Federal Emergency Management Agency and that shall comply with the pertinent regulations found in division 2 of article XII of this chapter pertaining to the Floodplain Overlay District.

*Floor area of building* means the total number of square feet of floor area of all stories in a building, excluding cellars, uncovered steps and uncovered porches. All horizontal measurements shall be made between exterior faces of walls.

*Form based code* means a land development regulation that fosters predictable built results and a high-quality public realm by using physical form (rather than separation of uses) as the organizing principle for the code.

*Form based code zoning district* means one of the five areas on the regulating plan, including Transect 4.1 (T-4.1), Transect 4.2 (T-4.2), Transect 5.1 (T-5.1), Transect 5.2 (T-5.2), and Transect 6 (T-6).

*Frontage* means the length of a lot extending between the side lot lines of a lot which borders an accepted portion of a street. Maine Turnpike frontage does not apply to this definition.

*Frontage line* means the lot line(s) of a lot fronting a street or other public way.

*Greenhouse* means an enclosed structure where trees, shrubs, vines and plants are propagated, grown or maintained. Activities associated with a greenhouse include:

- (1) The sale of greenhouse products and related supplies; and
- (2) The storage of material used in the maintenance of plants and growing items sold.

*Grocery store* means a small retail establishment having an interior selling space of less than 3,000 square feet where general food supplies for the table and other articles of household use are offered for sale. Such a use may include the sale of food vended in disposable containers for consumption on or off the premises; a corner market, a mom and pop store.

*Ground area of building* means the total number of square feet of horizontal surface covered by a building, including covered porches and accessory buildings. All measurements shall be made between exterior faces of walls, foundation, piers or other means of support.

*Group home.* See the term *Community based residential facilities.*

*Guesthouse* means a detached dwelling that is intended, arranged or designed for occupancy by transient, nonpaying visitors.

*Habitable space* means that area within a dwelling which has headroom of not less than seven feet when measured vertically upward from the finished floor, provided that any such area next below the roof of a dwelling shall be counted only if it is connected with the story next below by a permanent inside stairway. The floor area of any porch, cellar room, garage or shed attached to such dwelling shall not be counted in any measure of habitable space.

*Half-story* means a story directly under a sloping roof in which the points of intersection of the bottom of the rafters with the interior faces of the walls are less than three feet above the floor level.

*Historic site* means a parcel of land, a particular building, or a group of buildings that have played a significant role in the history of the community, and identified as such by the state historic preservation committee.

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*Historic or archaeological resources* means areas identified by a governmental agency such as the state historic preservation commission as having significant value as historic or archaeological resources and any areas identified in the municipality's comprehensive plan.

*Hog farm* means any land or building used for the purpose of keeping, feeding or raising 20 or more swine per piggery. Establishment of this use requires approval from the city health department.

*Home occupation* means the accessory use of a dwelling unit for a business or commercial venture engaged in, by the person residing in the dwelling unit, and which allows up to one person who does not reside on the premises to be employed by that home occupation.

*Hospital* means any institution receiving inpatients and rendering medical, surgical and/or obstetrical care. The term "hospital" includes general hospitals and institutions in which service is limited to special fields such as cardiac, eye, nose and throat, pediatric, orthopedic, skin, cancer, mental health, tuberculosis, chronic disease and obstetrics. The term "hospital" also includes sanitariums, including those wherein mentally retarded and mental patients, epileptics, alcoholics, senile psychotics or drug addicts are cared for or treated.

*Hotel* means a building in which the primary use is transient lodging accommodations offered to the public on a daily rate of compensation and where ingress and egress to the sleeping rooms is primarily through an inside lobby or office, supervised by a person in charge at all hours. Such facilities may include accessory uses such as restaurants, bars, nightclubs, function rooms, places of public assembly and/or recreational facilities.

*Household pet* means any animal kept as a pet and normally housed at night within the owner's dwelling or an accessory building on the same lot, including laying hens, but not including any animal normally raised as livestock or poultry or any animal raised for commercial gain. No household pet shall be kept that creates a public nuisance by reason of:

- (1) Objectionable effects perceptible outside the owner's property, such as excessive or untimely noise or offensive odors; or
- (2) Being a hazard to the health, safety and welfare of neighbors, invited guests or public servants visiting the property in the pursuit of their normal duties.

*Illustrative plan* means a plan or map that depicts (i.e. illustrates but does not regulate) the streets, lots, buildings and general landscaping of the proposed Downtown Auburn/New Auburn Form-Based Code District.

*Industrial use, heavy*, means the use of real estate, building or structure, or any portion thereof, for assembling, fabricating, manufacturing, packaging or processing operations.

*Industrial use, light*, means the use of real estate, building or structure, or any portion thereof, for manufacturing or fabrication which will not create a nuisance by noise, smoke, vibration, odor or appearance.

*Institution* means any building or open area used only by an educational, religious, medical, charitable, philanthropic, or nonprofit organization, either public or private.

*Institution, philanthropic*, means a private, nonprofit organization that is not organized or operated for the purpose of carrying on a trade or business, no part of the net earnings of which inures to the benefit of any member of said organization and which either:

- (1) Provides volunteer aid to the sick and wounded of the armed forces in time of war and relief services to victims of natural or manmade calamities; or
- (2) Provides all or any of the following: religious, social, physical, recreational and benevolent service.

*Institution, private educational*, means any private school or educational institution, however designated, which offers an academic curriculum of college, professional, preparatory, high school, middle school, elementary, kindergarten or nursery school instruction, or any combination thereof; but not a training program of trade, craft,

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technical or artistic instruction operated by a governmental entity. No private educational institution shall be deemed a home occupation. (See the terms *Training school* and *School*.)

*Institution, research*, means an agency for scientific research of technical development including offices, libraries, laboratories, testing facilities and equipment incidental to such research and development.

*Junkyard or automobile graveyard* means any land or building used for the abandonment, storage, keeping, collecting or bailing of paper, rags, scrap metal, other scrap or discarded material, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition, machinery or parts thereof. Establishment and operation of this use requires annual approval from the City Council of Auburn, Maine.

*Kennel* means any building and/or land used, designed or arranged for the boarding, breeding or care of dogs, cats, pets, fowl or domestic animals, kept for purposes of show, hunting or as pets, except horses.

*Land use permit* means a permit required for the use of property that is legally permitted under the provisions of this chapter.

*Landscape services* means the actual planting, bed preparation, installation of landscape materials and maintenance of the landscape, planting and materials. Activities associated with landscaping include: the storage of materials and equipment related to the performance of landscaping, the temporary storage of trees, shrubs and plants pending installation in an existing landscape plan and the application and storage of pesticides and fertilizers by a licensed person.

*Lawn maintenance service* means the care and upkeep of the landscape after its installation and consists of such activities as mowing of the lawn, pruning of trees and shrubs, application by hand of fertilizer and weed control, insect and disease control, planting and care of flower beds, replacement of dead plants, incidental repairing of walls and paved surfaces, cleaning of fountains and pool basins, irrigation of lawns, cultivation of soil around trees and shrubs, rolling and reseeded of lawns, raking of leaves, winterization of trees and shrubs and snow removal.

*Library* means a place containing books and other material for reading, study or reference, provided that no such material is offered for sale.

*Livestock* means, but may not be limited to, any horses, mules, donkeys, cattle, goats, sheep, or swine.

*Lodge, private*. See the term *Club, private*.

*Lot* means for zoning purposes, as covered by this chapter, a lot is a parcel of land under one ownership or joint ownership of at least sufficient size to meet minimum zoning requirements for use, coverage and area, and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on an accepted public street and may consist of:

- (1) A single lot of record;
- (2) A portion of a lot of record;
- (3) A combination of complete lots of record;
- (4) A parcel of land described by metes and bounds; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter;
- (5) Lots shown on a plan approved by the planning board of the City of Auburn.

*Lot frontage/width* means the front of a lot shall be construed to be the portion nearest the street. For the purpose of determining yard requirements or corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage, and yards shall be provided as indicated under the definition of yards in this section.

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*Lot line, rear*, means the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said front lot line.

*Lot measurements* means the following measurements:

- (1) The depth of a lot shall be considered to be the uninterrupted distance between the midpoints of lot frontage and the midpoint of the rear lot line unless the lot meets the exception provided for by section 60-39.
- (2) The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot, measured across the rear of the required front yard, provided, however, that the width between the side lot lines at their foremost points (where they intersect the street line) shall not be less than 80 percent of the required lot width except in the case of a lot on the turning circle of a cul-de-sac, where the 80 percent requirement shall not apply.

*Lot of record* means a lawfully laid out lot which is part of a subdivision recorded in the proper office of the registry of deeds, or a lawfully laid out lot or parcel described by metes and bounds, the description of which has been so recorded.

*Lot types* means the diagram which follows illustrates terminology used in this chapter with reference to corner lots, interior lots, reversed frontage lots and through lots. In the diagram above, the lots designated by letters are defined as follows:

- (1) Corner lot, defined as a lot located at the intersection of two or more streets. A lot abutting on a curved street or streets shall be considered a corner lot if straight lines drawn from the foremost points of the side lot lines to the foremost points of the side lot lines to the foremost point of the lot meet at an interior angle of less than 135 degrees. (See lots marked A(1) in diagram)
- (2) Interior lot, defined as a lot other than a corner lot with only one frontage on a street other than an alley.
- (3) Through lot, defined as a lot other than a corner lot with frontage on more than one street other than an alley. Through lots with frontage on two streets may be referred to as double frontage lots.
- (4) Reversed frontage lot, defined as a lot in which the frontage is at right angles or approximately right angles to the general pattern in the area involved. A reversed frontage lot may also be a corner lot or an interior lot. (See A-D and B-D in diagram.)

*Lot, undersized*, means for zoning purposes, as covered by this chapter, an undersized lot is a parcel of land of insufficient size to meet minimum zoning requirements for area or width or depth.

*Major or principal arterial highway* means the highway that:

- (1) Serves the major traffic movements within urbanized areas such as between central business districts and outlying residential areas, between major intercity communities, or between major suburban centers;
- (2) Serves a major portion of the trips entering and leaving the urban area, as well as the majority of the through traffic desiring to bypass the central city;
- (3) Provides continuity for all rural arterials which intercept the urban area. The term "major or principal arterial highways" includes Washington Street (State Routes 4 and 100, U.S. 202), Minot Avenue (State Routes 11 and 121), Union Street/Center Street/Turner Road (State Route 4), Veterans Memorial Bridge and approaches (State Routes 11 and 100, U.S. Route 202), North Bridge/Court Street to in town Minot Avenue Intersection (Turner Street), Court to Center Street (State Route 4).

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*Major recreational use of land* means permanent use of at least 100 acres of outdoor space limited to ski areas with at least two lifts and public and private golf courses with a minimum of 18 holes.

*Major retail development* means a single building in excess of 100,000 square feet of new ground floor retail space.

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

*Mining, quarrying, or earth removing* means the excavation of any earth materials.

*Minor arterial highway* means the highway that:

- (1) Serves trips of moderate length at a somewhat lower level of travel mobility than principal arterials;
- (2) Provides access to geographic areas smaller than those served by the major arterial highway system; and
- (3) Provides intra-community continuity but does not penetrate identifiable neighborhoods. Examples are Riverside Drive, Mill Street, South Bridge (Broad Street to Mill Street), Main Street, Mechanics Row, High Street (Minot Avenue to Academy Street), Academy Street (High Street to Main Street), Elm Street, Spring Street (Minot Avenue to Court Street), Turner Street (Union Street to Turner Road), Mount Auburn Avenue (Center Street to Turner Street), Lake Street, Court Street (Union Street to in town Minot Avenue Intersection), Hotel Road (Manley Road to Poland Spring Road).

*Mobile home development*, intended to be generic, includes mobile home parks, mobile home subdivisions, and mobile home condominiums.

*Mobile home park* means a parcel of land under single ownership in rural residence and suburban residence districts which has been planned and improved for the placement of not less than three mobile homes for nontransient use.

*Mobile homes, newer*, means those units constructed after June 15, 1976, commonly called "newer mobile homes," which the manufacturer 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 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.

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*Motel* means a building or group of detached buildings intended primarily to provide sleeping accommodations to the public on a daily rate of compensation and having a parking space generally located adjacent to a sleeping room. Such facilities may include a main kitchen or snack bar for the use of motel guests only.

*Municipal sanitary landfill* means a disposal site for household, commercial and industrial wastes, sludge or incinerator ash operated or controlled for operation by the city in a controlled manner involving the covering of deposited wastes with layers of earth so as to reduce health hazards and public nuisances from vermin, insects, odors and wind-borne debris. The location and design of sanitary landfills also require precautions against ground and surface water contamination through clay lining, water impoundment, aquifer avoidance and similar techniques.

*Municipal uses* means any lawful use of a building or of land carried on by the city sanitary landfill shall not be deemed a municipal use.

*Museum* means a building or place where works of art or other objects of permanent value are kept and displayed, provided such objects are not offered for sale.

*Nonconforming building* means a building lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

*Nonconforming lot* means a lot lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform to the dimensional regulations of the district in which it is located.

*Nonconforming use* means a use of a building or of land lawfully existing at the time this or any previous zoning ordinance became effective and which does not conform with the use regulations of the district in which it is located.

*Nursery* means an outdoor place where live trees, shrubs, vines and plants are propagated, grown or maintained before permanent planting. Activities associated with nursery a business include: the sale of nursery products and related gardening supplies, the storage of material used in the maintenance of plants and growing items sold and the use of power-motorized equipment required by the nursery.

*Nursery, child*, means a facility providing a program less than 24 hours per day per child for the care of infants up to the age of 2½ years.

*Nursery, wholesale*, means a nursery where plants, trees, shrubs and vines are propagated and/or grown and sold only at wholesale to industry related buyers such as retail nurseries, greenhouses and landscape contractors. A wholesale nursery may also provide landscape services accessory to the nursery use provided.

- (1) At least one-half of the area of the lot (up to a maximum of three acres) is in active nursery production in a husband type manner; and
- (2) The plants and trees propagated, grown and nurtured in the nursery are used as the primary products by the owner/operator of the landscape service.

*Office* means a building, or portion of a building wherein services are preformed involving predominantly administrative, professional or clerical operations.

*Office trailer* means a movable vehicle or structure designed for year round or temporary occupancy for purposed of supervising construction; for business actually engaged in the business of selling manufactured housing, mobile homes and trailers; and as temporary office space for a business during the period in which permanent office space is being constructed.

*Open space, common* means land within or related to a development which is not individually owned and is designed and intended for the common use or enjoyment of the residents of a development and may include such complementary structures and improvements as are necessary and appropriate.

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*Outpatient addiction treatment clinic* means a program or facility operated for the purpose of and specializing in the care, treatment and/or rehabilitation of persons suffering with addictions, including but not limited to gambling addition, alcohol or controlled substance addictions. The term "outpatient addiction treatment clinic" includes, but is not limited to, substance abuse treatment programs licensed by the State of Maine Department of Behavioral and Developmental Services Office of Substance Abuse. An outpatient addiction treatment clinic shall not be located within 2,000 feet of any property that is occupied by a church, school, family day care home, small day care facility, day care center, or public park or playground on the date of application for a license for such a facility. The term "outpatient addiction treatment clinic" does not include an inpatient or residential addiction treatment program, or a program consisting solely of support group activities without treatment by licensed health practitioners, such as Alcoholics Anonymous, Narcotics Anonymous, and similar programs.

*Parapet* means a low wall along the edge of a roof or the other portion of a wall that extends above the roof line.

*Parking space, off-street*, means a rectangular area, not less than nine feet by 18 feet, forming a parking stall within or without a structure, not located in any public right-of-way.

*Performing arts center* means a public or private space used to create and present various performing and visual arts. For the purposes of this definition, the term "performing arts center" also includes educational and training uses associated with the various performing and visual arts.

*Personal services* means the furnishing of labor, time and effort by a person as an independent contractor not involving the delivery of a specific end product.

*Place of worship* see definition of church.

*Planning board* means the planning board of the City of Auburn, Maine.

*Primary entrance* means a section of building elevation which contains the street level principal entrance of the business, including the businesses on upper floors or in a basement.

*Principal use* means the principal use for which a lot or main building thereon is designed, arranged or intended and for which it is or may be used, occupied or maintained.

*Professional office* means rooms and/or buildings used for office purposes as the principal use by members of any recognized profession, including doctors, dentists, lawyers, accountants, engineers, architects, veterinarians, etc.

*Realm, private* means the physical and social domain that is considered private by their physical location and visual association being away from public view. This is considered areas behind the front building facade along with side and rear yard areas.

*Realm, public* means the physical and social domain of the public that is held in common either by their physical presence or visual association. This includes but is not limited to sidewalks, plazas, squares, parks, streets, front yards, civic buildings and civic spaces.

*Recreational uses of land* means permanent uses of outdoor space which are intended or designed for public use and include but are not limited to ski areas, golf courses (both public and private), driving ranges, horse boarding and riding facilities, miniature golf, paintball, horse and dog racing, snowmobile races, motorhome or recreational vehicle parks or commercial campgrounds and facilities for mass gatherings when used for two or more events during a calendar year.

*Regulating plan* means the adopted map that shows the Form Based Code zoning districts, which correspond to the special requirements of the form based code.

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*Restaurant* means an eating place in which food is prepared and vended for immediate consumption on the premises without further preparation by the customer. The takeout of food on an infrequent basis is not prohibited.

*Restaurant, carry-out*, means an eating place in which all food is vended in disposable containers for consumption on or off premises at the customer's choice; a fast-food restaurant.

*Restaurant, drive-in*, means an eating place in which the business transacted is conducted by a customer from within his automobile or in which consumption of goods sold normally takes place within the customer's automobile on the establishment's premises.

*Retail* means a principal use encompassing the sale of commodities or goods in small quantities directly to the consumer. The term "retail" sales does not include sales of professional, financial and governmental services and personal services, including but not limited to a hotel and its accessory uses (restaurants, salons, gift shops, recreational facilities, convention space, etc.).

*Retail space* means the areas of a building, within a climate controlled environment, devoted to the display of commodities or goods for sale directly to the consumer and including customer sales transaction areas and areas associated with customer access.

*Rifle, pistol, skeeter trap shooting range* means a rifle, pistol, skeet or trap shooting range operated by an individual or club. Such a range may be opened to the general public or developed for the exclusive use of the individual, or club and invited guests.

*Road* means any public or private traveled way or any portion thereof.

*Roof* means the covering for a building which is an integral part of the structure for the purpose primarily of protecting the interior of the building or covering a porch or other similar permanent portion thereof, excluding awnings, stoop coverings, or similar additions which are removable without substantially impairing the original structure.

*Sawmill* means a unit designed to saw logs into lumber, firewood or other processed wood products.

*School* means an educational institution offering an academic curriculum; not the teaching of the crafts or a training school offering a program of trade, technical instruction or physical education. (See the term *Training school*.)

*Shared housing* means housing consisting of two or more families occupying a single dwelling and using common cooking facilities. Shared housing shall permit the same number of families at the same density as allowed in the zoning district where the property is located subject to all applicable codes relating to building, housing, life safety, health and zoning as would be applied to independent living units located in the same structure. Approval for shared housing shall be secured from the department of community development and planning subject to the codes and ordinances indicated in this definition, prior to establishing a shared housing arrangement in any building.

*Shelter for abused persons* means dwelling facilities complying with the laws administered by the state government human services agencies, providing temporary domiciliary arrangements for children and adults unable to protect their own interest and welfare because of critical family circumstances.

*Shopping center or office mall* means a planned integrated complex of three or more retail stores and/or offices sharing a common structure and developed according to a unified plan. Such uses may include a common pedestrian circulation system and off-street automobile parking facilities.

*Sign* means any device, display surface, structure or object in public intended for visual communications.

*Sign, mobile mounted*, means a temporary sign which is mounted or for mounting on wheels or a mobile platform or which is portable.



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*Sign, official business directional*, means any off-premise sign permitted to be erected pursuant to article II of chapter 42.

*Sign, on-premises*, means any sign that advertises, calls attention to, or indicates the person occupying the premises on which the sign is erected or maintained or the business transacted thereon, or advertises the property itself or any part thereof as for sale or rent, and which contains no other matter.

*Sign, standing*, means any sign that is not attached to a building.

*Sign, temporary*, means any movable sign, including its supporting structure, intended to be maintained for not more than 90 days in any calendar year.

*Site-built home* means a building constructed on-site which is designed to be used as a dwelling on foundations, when connected to the required utilities.

*Slaughterhouse (abattoir, dressing plant)* means any building, place or establishment in which is conducted the slaughtering of livestock and/or poultry for commercial purposes.

*Special exception* means a use that would not be appropriate generally or without restriction throughout the district, but which, if controlled as to number, area, location or relation to the neighborhood, would promote the public health, safety, welfare, order, comfort, convenience, appearance, prosperity, or general welfare. Such a use may be permitted in such district as a special exception, if specific provision for such special exception is made in this zoning chapter and reasonable restrictions imposed by the planning board are complied with.

*Specialty shop* means a retail business offering products of a similar kind and nature designed for a particular use, purpose or occasion and distinguished from a store offering the same type of product together with other products of a nonhomogeneous quality.

*Stable, riding*, means any building or structure used or designed for boarding, breeding or care of horses, other than horses used for farming or agricultural purposes.

*Standing* means a person who holds title, right or interest in a property which may include a written option, contract to purchase the property or a leasehold interest or may be a person who can show how his actual use or enjoyment of property will be adversely affected by the proposed decision as an abutter as defined in section 60-1473.

*Story* means that portion of a building between the surface of any floor and the surface of the other floor or roof next above it, but not including the lowest portion so contained if more than one-half of such portion vertically is below the mean finished grade of the ground adjoining such building unless such space is used for business or as habitable space, in which case it shall count as a story.

*Story, half*, means a story under the gable, hip or gambrel roof, the plates of which on at least two opposite exterior walls are more than two feet above the floor of such story.

*Street* means the following:

- (1) A public way laid out and established by the state, county commissioners of the County of Androscoggin;
- (2) A way accepted by the municipal officers of the city;
- (3) A way as to which a petition for improvements has been allowed under the provisions of this chapter for which the cost of the improvements has been provided for by the developer in either a cash amount or as provided for in this chapter; or
- (4) A way on a plan of a subdivision duly approved by the planning board.

*Street frontage*. See the term *Frontage*.

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*Street line* means a line defining the edge of a street right-of-way separating the street from abutting property or lots.

*Street, primary* means the street that is considered to be more intensely used than the other on a corner or double sided lot.

*Street, secondary* means the street that is considered to be less intense to the other on a corner or double sided lot.

*Structure of community significance* means a building that by virtue of its historic, social, cultural or economic contribution to the community, as determined by the planning board, is entitled to a special exception allowing its adaptive reuse. The planning board may consider a building's age, as well as any evidence of its role in the historic, social cultural, or economic history of the community, in determining whether a building qualifies for this designation.

*Structure or building* means a combination of materials to form a construction that is safe and stable including, among other things: stadia, reviewing stands, platforms, automobile parking garages, stagings, windmills, observation towers, trestles, sheds, coal bins, shelters and display signs, but not fences of any kind.

*Subdivision* means a division of land as defined in 30-A M.R.S.A. § 4401.

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

*Supermarket* means a retail establishment having an interior selling space of 3,000 square feet or more where general food supplies for the table and other articles of household use are offered for sale.

*Swimming pool* means any manmade receptacle or excavation housing a surface area of 250 square feet, or more, designed to hold water to a depth of at least 24 inches, primarily for swimming or bathing whether in the ground or above the ground.

*Theater, indoor*, means a building designed and/or used primarily for the commercial exhibition of motion pictures or plays to the general public.

*Theater, outdoor*, includes only those areas, buildings or structures designed and used for the commercial outdoor exhibition of motion pictures to passengers in parked motor vehicles.

*Tourist home*. See the term *Bed and breakfast home*.

*Townhouse* means a single-family dwelling unit that is one of two or more residential buildings having a common or party wall separating the units.

*Trailer or RV* means any vehicle or structure, except a device exclusively used upon stationary rails or tracks, mounted on wheels for use on highways and streets; propelled or drawn by its own or other motor power; and designed and constructed to provide living and/or sleeping quarters for one or more persons or for the conduct of a business, profession, trade or occupation for use as a selling or advertising device. If the wheels of a trailer are removed, except for repairs, it is deemed a building subject to all the regulations thereof. A trailer shall not be considered an accessory building.

*Trailer home* means a travel trailer, camping trailer or other similar vehicle capable of being hauled by a passenger automobile or light truck and designed primarily for temporary occupancy for recreational purposes or other seasonal use. A trailer home shall not be considered an accessory building.

*Training school* means a public or private school or training institution which offers a training program of trade, technical instruction, or physical education. A training school shall not be deemed a home occupation.

*Transect (rural-to-urban)* means a cross-section of the environment showing a range of different building development zones. The rural-to-urban transect of the human environment is divided into multiple transect zones

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that describe the physical form and character of a place according to the intensity of its land use and building development pattern.

*Transmission towers* means a structure that has the sole purpose of transmitting radio, television, cellular telephone or telephone waves from one location to another.

*Useable open space* means open or green space that is accessible for the use and enjoyment of residents, shall not be steep sloped (over ten percent slope), shall not include wetlands, parking or required buffer areas, and may include any required yard area or open areas for play.

*Variance* means a relaxation of the terms of the zoning ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. The term "variance" is authorized for only dimensional and supplemental regulations. Establishment of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the district or adjoining districts.

*Wayside stand* means a structure designed, arranged or used for the display and sale of agricultural products primarily grown or produced on the premises upon which such stand is located. A wayside stand may be located on premises that the products are not grown upon provided such premises is owned by the grower.

*Wholesale* means sales chiefly to retailers, other merchants, industrial and/or commercial users mainly for resale or business use.

*Yard* means a required open space on a lot unoccupied and unobstructed by any principal structure or portion of a principal structure.

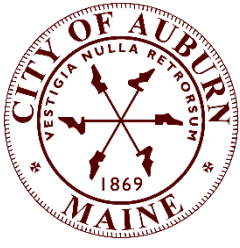
*Yard, front*, means the open space extending across the full width of lot between the front lot line and nearest line of the principal building or any enclosed portion thereof. The depth of such yard shall be the shortest horizontal distance between the front lot line and the nearest point of the building or any enclosed portion thereof.

*Yard, rear*, means the open space extending across the full width of lot between the rear line of the lot and the nearest line of the building or any enclosed portion thereof. The depth of such yard is the shortest horizontal distance between the rear lot line and the nearest point of the building. When the rear lot line is less than ten feet long or if the lot comes to a point at the rear, the depth of the rear yard is measured to an assumed rear lot line as follows, the lot line generally opposite or parallel to the front lot line, except in a through lot. If the rear lot line is less than ten feet long or the lot comes to a point at the rear, said rear lot line is assumed to be a line not less than 20 feet long, lying wholly within the lot, parallel to the front lot line, or in the case of a curved front lot line, parallel to the chord of the arc of said lot line.

*Yard, side*, means the open space between the side lot line, the side street line, or the proposed side street line and the principal buildings, or any portion thereof, extending from the front yard to the rear yard, or, in the absence of either of such yards, to the front lot line and/or rear lot line. The width of a side yard shall be the shortest distance between the side lot line and the nearest point of the principal building or any portion thereof.

*Zone*. See the term *District*.

(Ord. of 9-21-2009, § 2.2; Ord. No. 13-09062011-05, 9-6-2011; Ord. No. 12-09062011-04, 9-19-2011; Ord. No. 04-03072016, 5-16-2016; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 1, 4-24-2017; Ord. No. 08-08072017, 9-11-2017; Ord. No. 13-11062017, 11-20-2017; Ord. No. 16-11182019, 12-9-2019; Ord. No. 11-03012021, 3-15-2021)



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** May 1, 2023

**Order:** 58-05012023

**Author:** Jill M. Eastman, Finance Director

**Subject:** Authorizing Issuance of General Obligation Bonds and A Tax Levy Therefor

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**Information:** This is the Annual Capital Improvement Projects for FY 23-24 that we are recommending for bonding. Please see attached sheet that describes the projects being funded.

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**City Budgetary Impacts:** This is a 10-year bond, interest only for FY 24 and principal and interest payments for 10 years.

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**Staff Recommended Action:** Passage First reading and Public Hearing.

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**Previous Meetings and History:** Discussed at the 4-24-2023 workshop

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**City Manager Comments:**



I concur with the recommendation. Signature:

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**Attachments:**

Order



# City Council Order

## IN CITY COUNCIL

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

Be It Ordered by the Auburn City Council, following a public hearing duly called and held as required by Article 8, Section 8.13 of the Auburn City Charter, that there be and hereby is authorized the issuance and sale of the City's general obligation bonds and notes in anticipation thereof, on either a taxable or a tax-exempt basis, in the principal amount not to exceed \$13,000,000, the proceeds of which, including original issue premium, if any, and investment earnings thereon, are hereby appropriated to finance the following capital equipment and capital improvements (including costs of issuance for the bonds)(the "Projects"), all constituting part of the City's FY23 Capital Improvement Program:

### CAPITAL IMPROVEMENT PLAN FY 24 BONDS

Description		TOTAL
City Clerk	Record Restoration	\$ 50,000
Econ Dev & Planning	Dangerous Building Demolition	\$ 300,000
Econ Dev & Planning	Comprehensive Plan Program	\$ 160,000
Facilities	PAL Center	\$ 1,500,000
Facilities	Public Safety Facility-Engine 2 New Auburn	\$ 3,000,000
City Wide Vehicles	Police Vehicle Replacement	\$ 175,500
City Wide Vehicles	Public Works Vehicle Replacement	\$ 25,000
City Wide Vehicles	Recreation Mini Bus Replacement	\$ 80,000
Transportation	Traffic Calming and Pedestrian Safety	\$ 100,000
Engineering	Reclamation	\$ 1,500,000
Engineering	Reconstruction	\$ 1,500,000
Engineering	Major Drainage	\$ 500,000
Engineering	MDOT Match	\$ 1,500,000
Engineering	Resurfacing	\$ 750,000
Engineering	Retaining Walls	\$ 250,000
Fire	Apparatus Replacement	\$ 60,000
Fire	Excavation Equipment	\$ 50,000
IT	Security Camera Project	\$ 50,000
Airport	Operations Truck, Self-service fuel dispensing & Roof repair	\$ 140,000
LATC	Bus Purchase	\$ 50,000

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



# City Council Order

Police	Patrol Rifle Replacement	\$ 21,000
Police	TASER Upgrade	\$ 169,000
Public Works	Replace 12 yard plow trucks (2)	\$ 601,600
Public Works	Replace Front End Loader	\$ 250,000
Public Works	Replace One Ton Truck w/Plow (2)	\$ 150,000
Recreation	Update Basketball Court w/New Logo	\$ 35,000
Administration	Contingency	\$ 32,900
<b>TOTAL BOND CIP</b>		<b>\$ 13,000,000</b>

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to prepare, issue, and sell the bonds and notes authorized hereby, at one time, or from time to time, as one or more separate issues, as term bonds or serial bonds or some combination thereof, and to establish, determine and approve the date, form, minimum denomination, interest rates, maturities (with the last maturity not to exceed the maximum term permitted by law), provisions for early redemption, with or without premium, and all other details, terms and provisions of such bonds and notes, not inconsistent herewith, including the form and manner of their sale and award as she may approve, such approval to be conclusively evidenced by the execution thereof.

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to designate the bond or notes authorized hereby, or a portion thereof, as qualified tax-exempt obligations under and as permitted by Section 265 of the Internal Revenue Code of 1986, as amended.

THAT the bonds and notes authorized hereby shall be signed by the City’s Finance Director and its Treasurer, attested by the City Clerk under the seal of the City.

THAT the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City, to take all steps necessary and expedient in respect to the aforesaid borrowing, and to prepare, negotiate, execute, and deliver such agreements, investment agreements, bond purchase agreements, preliminary and final official statements, escrow agreements, continuing disclosure agreements, tax compliance agreements, assignments, certificates and other documents (collectively referred to as the “Bond Documents”), as may be necessary or advisable, as determined and approved by the Finance Director, in connection with the issuance delivery of the bonds and notes authorized hereby, which Bond Documents may be in such form and contain such terms, conditions and provisions including, without limitation, the waiving of the City’s sovereign or governmental immunity with respect to the enforceability of any of the forgoing, as may be approved by the Finance Director, such approval to be conclusively evidenced by the execution thereof.

THAT if the bonds or notes authorized hereby, or any part of them, are issued on a tax-exempt basis, the Finance Director be and hereby is authorized and empowered, in the name of and on behalf of the City,

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## City Council Order

to covenant and certify that no part of the proceeds of such bonds or notes shall be used directly or indirectly to acquire any securities or obligations or property, the acquisition or use of which would cause the bonds or notes to be “private activity bonds” or “arbitrage bonds” within the meaning of Sections 141 and 148 of the Internal Revenue Code of 1986, as amended, and to further authorize and provide that the City will file any required reports and take any other action that may be necessary to insure that interest on the bonds or notes will remain exempt from federal income taxation, and will refrain from any action that would cause interest on the bonds or notes to be subject to federal income taxation.

THAT if the actual cost of any Project differs from the estimated cost, whether due to completion, delay or abandonment of such Project or for any other reason, the Finance Director is authorized and empowered, in the name of and on behalf of the City, in her discretion, to reallocate proceeds of the bonds or notes to any other listed Project, or to any other project or improvement that the City Council has approved or may in the future approve as part of the City’s annual capital improvement plan.

THAT in order to finance temporarily the Projects described above, the Finance Director be and hereby is authorized and empowered to expend up to \$13,000,000 either from available funds of the City or from the proceeds of bond anticipation notes which would be reimbursed or refinanced from bond proceeds.

THAT to the extent not payable from other funds, an amount sufficient for the payment of the annual payments of principal and interest on the bonds and notes authorized hereby shall be included in the tax levy each year until the debt represented by said bonds or notes is extinguished.

THAT the City’s Finance Director, Treasurer, Clerk, and other proper officials of the City be and hereby are authorized and empowered, in the name of and on behalf of the City, to do or cause to be done all such acts and things as may be necessary or advisable to carry out the provisions of this order.

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

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

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## City Council Order

THAT the authority to issue the bonds or notes authorized hereby shall automatically expire 2 years from the date of approval of this Order.

THAT the City may pay certain costs of the Projects prior to the issuance of the bonds and notes (referred to as "original expenditures"); to that end, the City hereby declares its official intent to reimburse itself for such original expenditures from the proceeds of such bonds and notes, and this Order shall constitute a Declaration of Official Intent pursuant to Treasury Regulation §1.150-2, and shall be kept available for public inspection during reasonable business hours at the office of the City Clerk.

A Public Notice describing the general purpose of the borrowing and the terms thereof was published on or before April 14, 2023, in the Sun Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

NOTE: Must be approved by roll call vote.

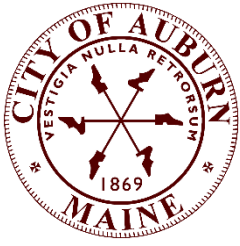
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**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** May 1, 2023

**Resolve:** 01-05012023

**Author:** Jill M. Eastman, Finance Director

**Subject:** Resolve Adopting the 2023-2024 Annual Appropriation and Revenue Resolve (Public Hearing & First Reading)

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**Information:** In accordance with the City Charter, Article 8, Section 8.6, prior to the fiscal year the City Council shall adopt an annual appropriation resolve making appropriations by department, fund, services, strategy or other organizational unit and authorizing an allocation for each program or activity.

The Council has been supplied with a resolve to adopt the annual appropriations for the City of Auburn, which includes final figures for revenue, total appropriation and municipal budget.

The school appropriation has been incorporated into this annual appropriation resolve for the City of Auburn.

This is the public hearing first reading of the Appropriation Resolve for FY 23-24.

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**City Budgetary Impacts:** With this FY 24 Proposed Budget the tax levy increase is 3.79%, which is below CPIU at 6.5% . At this time, the estimated proposed mil rate increase is 3.57%.

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**Staff Recommended Action:** Staff recommends passage of the budget on the second reading.

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**Previous Meetings and History:** Preliminary budget presentation April 3, 2022 and final Manager's Budget presentation April 18, 2023, Budget workshop April 24, 2023.

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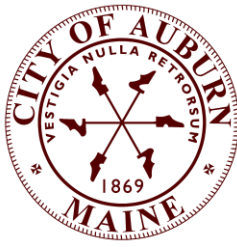
**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:**

Resolve for the 2023-2024 Annual Appropriation and Revenue excluding School Department Articles.



# City Council Resolve

## IN CITY COUNCIL

**RESOLVED**, that the following be, and hereby is the Annual Appropriation and Revenue Resolve of the City of Auburn for the fiscal year 2023-2024, which includes the amounts appropriated herein and revenues from all sources beginning July 1, 2023 and ending June 30, 2024.

The estimated aggregate amount of non-property tax revenue is \$61,696,924 with a municipal revenue budget of \$22,606,704 and a School Department revenue budget of \$39,090,220.

The aggregate appropriation for the City of Auburn is \$112,871,272, with a municipal budget of \$51,011,866 County budget of \$2,972,037 and a School Department budget of \$58,887,369 which received School Committee approval on May 3, 2023, and school budget approved at the May 15, 2023 Council Meeting pursuant to the School Budget Validation vote on June 13, 2023, in accordance with Maine Revised Statutes, Title 20-A § 1486 and based on the budget submitted to the Auburn City Council on April 18, 2023, by the City Manager, and notification was posted on the City of Auburn website on April 27, 2023 that a public hearing would be held on May 1, 2023 at 7:00 p.m. and said hearing having been held on that date, and as amended by the City Council, the same is hereby appropriated for the fiscal year 2023-2024 beginning July 1, 2023 for the lawful expenditures of the City of Auburn and the County of Androscoggin taxes, and said amounts are declared not to be in excess of the estimated revenue from taxation and sources other than taxation for the fiscal year of 2023-2024.

**RESOLVED**, The City is authorized to accept grants and forfeitures and to expend sums that may be received from grants and forfeitures for municipal purposes during the fiscal year beginning July 1, 2023, and ending June 30, 2024, provided that such grants and forfeitures do not require the expenditure of other funds not previously appropriated.

**RESOLVED**, that fifty percent (50%) of all real estate taxes assessed as in the annual commitment, committed to the Tax Collector, shall be due proportionately from each tax payer on September 15, 2023 and the remaining fifty percent (50%) shall be due on March 15, 2024.

Except as may be provided by resolve regarding payments in accordance with an installment payment plan, any real estate taxes remaining uncollected on September 16, 2023 and March 16, 2024 respectively shall bear interest at a rate of 4% per annum from and after such dates.

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

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

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



## City Council Resolve

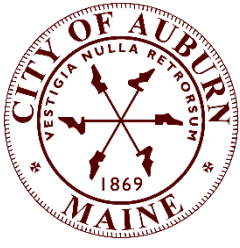
Personal property taxes shall be due and payable on or before September 15, 2023. Any personal property taxes remaining unpaid on September 16, 2023, shall bear an interest rate of 4% per annum from and after such date. Interest on all delinquent taxes shall be computed on a daily basis and shall be collected by the Tax Collector. The Tax Collector is authorized to accept tax prepayments.

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** May 1, 2023

**Resolve:** 02-05012023

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

**Subject:** Resolve supporting Congressman Golden's proposal for a two-year framework

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**Information:** Councilor's Whiting and Staples requested a resolve supporting Congressman Golden's initiative for to create a framework for passing a budget and begin dealing with the serious problem of ongoing federal deficits.

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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:** Consider passage

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

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**City Manager Comments:**



I concur with the recommendation. Signature:

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**Attachments:** N/A



# City Council Resolve

## IN CITY COUNCIL

### **RESOLUTION IN SUPPORT OF REPRESENTATIVE JARED GOLDEN'S PROPOSAL FOR A TWO-YEAR BUDGET FRAMEWORK**

**WHEREAS**, Congressman Golden is proposing a two-year agreement establishing the bottom line for the next two federal fiscal years, and;

**WHEREAS**, the proposal will also leave final appropriations to be determined through the normal congressional budget process, and;

**WHEREAS**, once an agreement has been reached, Congress could raise the debt limit in tandem with the budgeting process to ensure that the agreement is followed, and;

**WHEREAS**, State and local governmental bodies like ours come to agreement, making difficult decisions on budgets, and;

**WHEREAS**, citizens have a right to expect that our President and Congress do the same, without jeopardizing our nation's credit rating, and;

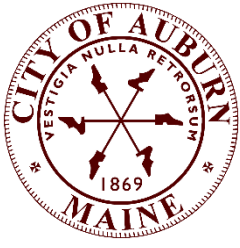
**NOW THEREFOR**, the Auburn City Council hereby supports Representative Golden's two-year budget framework proposal to stabilize the national debt.

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** May 1, 2023

**Order:** 59-05012023

**Author:** Jonathan P. LaBonte

**Subject:** Modification to Auburn-Lewiston Municipal Airport Interlocal Agreement

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**Information:** The included order modifies the existing interlocal agreement with the City of Lewiston that established the Auburn-Lewiston Municipal Airport. The specific amendment changes the Board of Directors appointment process from a mix of municipal staff, elected officials, members of the public, and several non-profit organizations to targeted municipal areas of expertise at the staff level, with the addition of AVCOG.

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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:** Consider passage.

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

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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:**

Auburn-Lewiston Municipal Airport Interlocal Agreement

INTERLOCAL AGREEMENT

This document was scanned from its original format. Errors may have occurred during the scanning process. The original document is on file at the Auburn-Lewiston Airport.

This agreement is made and entered into by and between the Cities of Auburn and Lewiston, both political subdivisions of the State of Maine in accordance with the State of Maine Interlocal Cooperation statute (Chapter 115 Title 30A). As amended, this agreement supersedes agreements filed with the Office of Secretary of State in Volume 30, pp. 396-404, November 15, 1977 and in Volume 32, pp. 192-199, December 11, 1978.

ARTICLE I - PREAMBLE

Incorporation

Pursuant to Resolutions passed by the Auburn City Council November 6, 1978 and March 19, 1979 and Resolutions passed by the Lewiston Board of Mayor and Aldermen on November 1, 1970 and March 20, 1979; there is hereby created an independent corporate entity to be known as the "Auburn-Lewiston Municipal Airport", hereinafter called the "Airport Board" or "Board"; and pursuant to the State of Maine Non Profit Corporation Act 13-B MRSA para. 403, Articles of Incorporation shall be filed with the Secretary of State.

Purpose

The purpose of the Airport Board will be to operate, maintain and improve the Auburn-Lewiston Municipal Airport, hereinafter called the "Airport"; and to plan, acquire facilities for, construct and operate as may be necessary to provide optimum air transportation service for Auburn, Lewiston and the surrounding area. In addition, the purposes of the corporation shall be to foster, encourage, and assist the physical location, settlement, or resettlement of industrial, manufacturing, and other business enterprises at the Auburn-Lewiston Municipal Airport including the Airpark.

ARTICLE II - DELEGATION OF POWERS TO THE AIRPORT BOARD

The Cities of Auburn and Lewiston delegate or otherwise transfer to the Airport Board the management of the existing Auburn-Lewiston Municipal Airport, its property situated on the Hotel and Lewiston Junction Roads in Auburn, consisting of land and buildings, easements, fixtures, equipment and tools and all other property both real and personal which is a part of or used at the existing airport facility together with all leases, bank accounts, accounts receivable and all other intangible property previously administered by the Auburn-Lewiston Airport Committee.

Without limiting the generality of the foregoing, there is delegated the power to construct industrial and/or commercial buildings on any or all of the real property conveyed to the Cities of Lewiston and Auburn by Deeds of the United States of America dated December 18, 1947 and December 15, 1948 in book 611, page 459 and book 621, page 627 respectively, and to execute mortgages to secure all or part of the construction costs thereof provided, however, that any such mortgage shall first be approved by the Cities of Lewiston and Auburn.

*SETS  
BOUNDARIES*

*ABILITY TO  
MORTGAGE*



## ARTICLE III - AIRPORT BOARD ORGANIZATIONAL STRUCTURE

### Board of Directors

#### Section 1. Membership

The Board will consist of seven members. The Finance Director of Lewiston and the City Manager of the City of Auburn or their designated representatives will be members of the Board by virtue of their respective offices. A third member of the Board shall be a Councilor of the City of Lewiston and shall be nominated by the Mayor and confirmed by the Lewiston City Council at their first regular meeting. A fourth member of the Board shall be a Councilor of the City of Auburn and shall be nominated by the Mayor and confirmed by the Auburn City Council at their first regular meeting. A fifth member of the Board will be a resident of the City of Auburn and will be appointed by the Auburn City Council. The sixth member of the Board will be a resident of the City of Lewiston and will be appointed by the Lewiston City Council. The seventh member of the Board shall be nominated by the Chamber of Commerce and will be elected by the above six members. The seventh member shall be a resident of Auburn or Lewiston, but will not hold any public municipal office or be a member of any municipal board or committee. After the first election of the seventh member, that member thereafter will be a resident of the alternate city of the previous seventh member. If the six are unable to agree upon the naming of a seventh member to the Board, any Justice of the Superior Court or Supreme Judicial Court will, on petition of any three members, select the seventh member of the Board. In the event the Lewiston Finance Director or the Auburn City Manager shall die, become incapacitated, resign or is discharged from said offices, their respective City Council shall appoint a member to the Board and such member shall serve only until the respective offices are filled.

The third and fourth members of the Board shall only serve while a Councilor of the City of Lewiston and a Councilor of the City of Auburn, respectfully. In the event that either of said additional members and the fifth, sixth or seventh members shall cease to be residents of their respective Cities or should die, become incapacitated, resign from the Board or are discharged from membership, a successor shall be appointed in the same manner as indicated above to serve out the remainder of his term.

By a majority vote of four members, formal written notice may be given by the Board to the appointing authority of any member of the Board requesting the removal of said member. The decision of the appointing authority shall be binding.

Members of the Board will serve without compensation but may be reimbursed for their actual expenses incurred in the performance of their duties upon approval of the Board.

#### Section 2. Terms of Office (After Initial Appointments) **AMENDED**

Lewiston Finance Director - By virtue of the office.

Auburn City Manager - By virtue of the office.

Lewiston Councilor - While a Councilor of the City of Lewiston.

Auburn Councilor - While a Councilor of the City of Auburn.

Fifth Member (Auburn Resident) - Three year term.

Sixth Member (Lewiston Resident) - Three year term.

Seventh Member (Alternating Resident) - Three year term.



## Election of Officers

The Directors will annually elect a Chairperson, Vice-Chair, Treasurer, Secretary and such other officers as it may establish in its By-Laws. All Officers of the Board shall be elected annually by ballot of the members of the Board and shall hold office until their successors are chosen and qualified. The Secretary need not be a member of the Board.

The duties of the Chairperson and other officers will be those established in the By-Laws of the Airport Board; and in addition, such duties as may from time to time be prescribed by the Board of Directors and shall otherwise be those duties usually appertaining to their offices. The Treasurer will furnish to the Board a bond, payable to the Airport, issued by a surety company authorized to transact business with the State and satisfactory to the Board of Directors in such sum as the Directors may prescribe and conditioned upon the faithful performance of his duties.

The Directors may appoint an Airport Director on a full-time basis to direct the general administration of the Airport and Industrial Park. The Directors may also, on their own initiative or upon recommendation of the Airport Director, employ such engineers and experts, agents, officers, clerks, and other employees, as it deems necessary for the proper operation and administration of the Airport and may prescribe their duties and compensation.

## ARTICLE IV - GENERAL ADMINISTRATION

### Fiscal Year, Rates and Charges

The Board of Directors will adopt a fiscal year and will adopt and may thereafter amend by-laws for the conduct of the affairs of the Board. The Directors will also establish a schedule of reasonable rates for the use of the landing area, ramps and other Airport facilities. In fixing such rates, the Directors will take into account the total capital investment of the Airport Board and the Cities of Auburn and Lewiston, the expense of properly maintaining the Airport facilities and the nature, frequency and extent of the use of the Airport facilities which the tenant or licensee propose to make.

### Office of the Airport

The Directors will establish an office at the Airport, at which their business may be conducted and in which maps, plans, records and other papers relating to the operation of the Airport will be kept, but the Directors may vote to hold their meetings at either the Lewiston City Building, the Auburn City Building or the Airport. The Directors will, at all times, keep full and accurate accounts of receipts, expenditures, liabilities and assets which will at all reasonable times be open to inspection.

### Annual Report - Financial Statement

The Airport Board will make an annual report of its activities and submit audited financial statements for the preceding fiscal year to the Mayor and Council of the City of Auburn and the Mayor and Council of the City of Lewiston.

Seal

*NEEDS Amending*

The Airport Board will have a seal consisting of a circular die bearing the words "Auburn-Lewiston Municipal Airport - 1978" which may be used whenever deemed advisable by the Board of Directors on papers and documents issued or executed by it or its officers or employees on its behalf.

Estimating Annual Expenses and Revenues

The Board will annually prepare a budget for its next fiscal year itemizing expenses of operations, maintenance and repairs, costs of contemplated capital improvements and payments of principal and interest on fixed indebtedness and other borrowings. The budget will also include such other details as to present assets, surplus, accounts receivable, expenses and liabilities as the Board shall deem advisable and as the Cities of Lewiston and Auburn may reasonably require. The Board will also estimate the anticipated revenues of the Board for the forth-coming fiscal year to be derived from rentals of buildings and equipment, fees charged for the use of the Airport facilities, sale of surplus property and any other source.

City Contribution

In any year in which the anticipated expenses of the Airport Board exceed anticipated revenues, the Directors shall give notice of the estimated net deficit to the Cities of Lewiston and Auburn in time for inclusion in their respective budgets for the next fiscal year. The Cities agree to meet jointly prior to May 20th to review the Airport Board's budget. Each City will include 50% of the estimated deficit in the budget as finally approved in its own budget for the coming fiscal year and will make provisions through assessment of taxes or otherwise to obtain sufficient revenues to pay the same. If the Cities are unable to agree on a budget, each City will include in its respective budget for the coming fiscal year an amount equal to the sum appropriated to the Airport's budget for the previous year.

*NO REDUCTIONS TO DEFICIT*

ARTICLE VI - GENERAL PROVISIONS REGARDING BOKKOWING

Issuance of Notes

The Airport Board is authorized to issue, from time to time, its temporary notes and renewal notes in anticipation of revenues. The aggregate amount of such temporary notes shall not exceed the total of anticipated revenues for the fiscal year in which the temporary notes are to be issued, and any such temporary notes will be payable during such fiscal year. If the budget for the existing fiscal year has not yet been approved, the aggregate amount of such temporary notes shall not exceed the revenues budgeted for the previous fiscal year.

*MAY ISSUE BONDS*

Appeal Process

In the event of default in the payment of any such notes, the Airport Board will be entitled to exercise the remedies provided by the Revised Statutes of 1964, Title 30, Section 5053, and any amendments thereto in collecting the same.

ARTICLE VII - CONTRACTS

The Airport Board is authorized to enter binding contracts with other persons, corporations and governmental bodies or agencies thereof, including contracts to lease the use of land, buildings or other Airport facilities presently existing or to be constructed for the purposes set forth in Article I upon such terms as the Directors



shall approve. The Airport Board may also negotiate for, receive and use grants and loans from any governmental body or agency which are available for use in the furtherance of any of the purposes of the Airport Board. The Auburn-Lewiston Airport shall continue to be a "municipal airport" for the purposes of state statutes regarding state aid for airport construction, extension and improvement and the Airport Board shall receive such state aid to which the Cities of Lewiston and Auburn acting jointly would have been entitled.

#### ARTICLE VIII - DISPOSAL OF SURPLUS PROPERTY

When the Directors determine that any of the Airport Board's real or personal property or interests therein are no longer necessary to the accomplishment of the purposes of the Airport, it may dispose of the same, subject to any restrictions which may be imposed by the Federal Government or its regulatory agencies having administrative jurisdiction over the Airport Board's operation, upon such terms as it considers advisable. Any proposed disposal of real estate or personal property having a value in excess of One Thousand Dollars (\$1,000.00) shall be first approved by the Lewiston and Auburn City Councils.

#### ARTICLE IX - ACQUISITION OF PROPERTY & RIGHT OF EMINENT DOMAIN

##### Acquisition of Property

The Airport Board may acquire by purchase, lease, gift, or in any other manner such real and personal property, easements, air rights and property rights, whether or not located in Auburn, as may be necessary or convenient to the accomplishment of its purposes, provided that the purchase of any such personal property that is in excess of the sum of Five Hundred (\$500.00) Dollars shall be made only after public advertising giving notice thereof and the submission of competitive bids therefore. The Airport is authorized to extend its runways and related facilities over or across the public highways of the City of Auburn where alternative means of access are or can be made available to persons served by the highway and where such construction would not unduly interfere with some other existing public purpose of the City or State.

##### Crossing Public Utilities

The Board of Directors is authorized to recommend to both the Lewiston City Council and the Auburn City Council the taking by eminent domain of any part of the right-of-way or facilities of the Lewiston and Auburn Railroad Company, including the interest of any person or company who may then be leasing the same, where such action is reasonably necessary to the accomplishment of the purposes of the Airport Board. Where it is otherwise proposed that the runways or other installations of the Airport shall cross or otherwise interfere with property or service of a public utility and where consent of the utility to such crossing is refused, application shall be made to the Public Utilities Commission to determine the place, manner of crossing and the conditions upon which the same is made. Such runway or other installation interfering with the property or service of the public utility shall thereafter be constructed only to the extent permitted by and subject to conditions imposed by the Public Utilities Commission and such work shall be performed under its supervision.

##### Procedure in Eminent Domain Proceedings

The Airport Board may exercise the power of eminent domain in the names of the Cities of Auburn and Lewiston in the manner provided by 6 MSRA, Section 122 to acquire property required for expansion of or proper operation of the Airport after first obtaining the consent of the Lewiston and Auburn City Councils.

#### ARTICLE X - PROPERTY TAX EXEMPT

The real and personal property rights of the Airport Board will be exempt from taxation.

#### ARTICLE XI - RULES AND REGULATIONS

The Board of Directors shall adopt and publish rules and regulations governing the use of the Airport and related facilities.

##### Violation

Any. violation of those regulations which require compliance with standards of safe conduct by persons and corporations using the Airport and its related facilities shall constitute a misdemeanor punishable by a fine of up to One Hundred (\$100.00) Dollars.

##### Enforcement

The access ways, landing areas, taxiways, ramps, terminal and other parts of the Airport, used in common by persons operating aircraft or other motor vehicles, passengers or guests at the Airport are declared to be public areas with respect to which the regulatory provisions of the Maine Revised Statutes and the Ordinances of the City of Auburn are also applicable.

#### ARTICLE XII - TERMINATION AND MODIFICATION

The Airport Board will remain in existence for an indefinite term and until terminated by majority vote of the Auburn City Council and a majority vote of the Lewiston City Council. This agreement may also be modified by a majority vote of the Auburn City Council and by a majority vote of the Lewiston City Council. In the event that either municipal body shall vote to modify or terminate this agreement, notice in writing shall immediately be given to the Board of Directors and to the City not initiating the action. In case of decision to terminate, the Board of Directors shall within seven (7) days meet and vote as may be necessary to accomplish the same and the management and control of all of the operations and facilities of the Airport shall be returned to the Cities of Auburn and Lewiston. When both the Auburn City Council and Lewiston City Council have voted to modify this agreement, the Board of Directors shall promptly take such action including amending the articles of incorporation as may be necessary to carry out the terms of the amendment.

In the event that the Airport Board is dissolved, the Cities of Auburn and Lewiston agree to share equally the lifetime contingent liability associated with the Maine State Retirement Plan in which the Board may have elected to participate as an independent local district.

Witness page is on file at the Auburn Lewiston Municipal Airport.



## **AMENDMENT**

**December 6, 2007**

### ARTICLE III - AIRPORT BOARD ORGANIZATIONAL STRUCTURE

#### Board of Directors

##### Section 1. Membership

The Board will consist of *nine* members. The Finance Director of Lewiston and the City Manager of the City of Auburn or their designated representatives will be members of the Board by virtue of their respective offices. A third member of the Board shall be a Councilor of the City of Lewiston and shall be nominated by the Mayor and confirmed by the Lewiston City Council at their first regular meeting. A fourth member of the Board shall be a Councilor of the City of Auburn and shall be nominated by the Mayor and confirmed by the Auburn City Council at their first regular meeting. A fifth member of the Board will be a resident of the City of Auburn and will be appointed by the Auburn City Council. The sixth member of the Board will be a resident of the City of Lewiston and will be appointed by the Lewiston City Council. The seventh member of the Board shall be nominated by the Chamber of Commerce and will be elected by the above six members. The seventh member shall be a resident of Auburn or Lewiston, but will not hold any public municipal office or be a member of any municipal board or committee. *The eighth member of the board shall be an employee representative of the Androscoggin Valley council of governments. The ninth member would be a employee representative of the Lewiston Auburn Economic Growth Council.* After the first election of the seventh member, that member thereafter will be a resident of the alternate city of the previous seventh member. If the eight other members are unable to agree upon the naming of a seventh member to the Board, any Justice of the Superior Court or Supreme Judicial Court will, on petition of any *five* members, select the seventh member of the Board. In the event the Lewiston Finance Director or the Auburn City Manager shall die, become incapacitated, resign or is discharged from said offices, their respective City Council shall appoint a member to the Board and such member shall serve only until the respective offices are filled.

The third and fourth members of the Board shall only serve while a Councilor of the City of Lewiston and a Councilor of the City of Auburn, respectfully. In the event that either of said additional members and the fifth, sixth, seventh, members shall cease to be residents of their respective Cities or should die, become incapacitated, resign from the Board or are discharged from membership, a successor shall be appointed in the same manner as indicated above to serve out the remainder of his term.

*In the event the employee representative of the Androscoggin Valley Council of Governments or the Employee representative of the Lewiston Auburn Economic Growth Council shall die, become incapacitated, resign or is discharged from said offices, their respective agency director shall appoint a member to the Board and such member shall serve only until the respective offices are filled.*

By a majority vote of five members, formal written notice may be given by the Board to the appointing authority of any member of the Board requesting the removal of said member. The decision of the appointing authority shall be binding.

Members of the Board will serve without compensation but may be reimbursed for their actual expenses incurred in the performance of their duties upon approval of the Board.

Section 2. Terms of Office (After Initial Appointments)

Lewiston Finance Director - By virtue of the office.

Auburn City Manager - By virtue of the office.

Lewiston Councilor - While a Councilor of the City of Lewiston.

Auburn Councilor - While a Councilor of the City of Auburn.

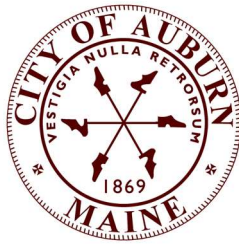
Fifth Member (Auburn Resident) - Three-year term.

Sixth Member (Lewiston Resident) - Three-year term.

Seventh Member (Alternating Resident) - Three-year term.

*Eighth Member (AVCOG) - By virtue of position*

*Ninth Member (LAEGC) - By virtue of position*



# City Council Order

## IN CITY COUNCIL

**ORDERED**, that the City Council hereby modifies, pursuant to Article XII, the interlocal agreement that established the Auburn-Lewiston Municipal Airport as follows:

### ARTICLE III - AIRPORT BOARD ORGANIZATIONAL STRUCTURE

#### Board of Directors

##### Section 1. Membership

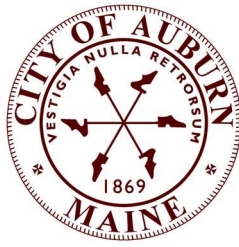
The Board ~~will~~ shall consist of ~~nine~~ five members. The Auburn City Manager and the Lewiston City Administrator shall each designate two staff members from their respective cities based on experience in transportation, public works, finance, or economic development. The Finance Director of Lewiston and the City Manager of the City of Auburn or their designated representatives will be members of the Board by virtue of their respective offices. ~~— A third member of the Board shall be a Councilor of the City of Lewiston and shall be nominated by the Mayor and confirmed by the Lewiston City Council at their first regular meeting. A fourth member of the Board shall be a Councilor of the City of Auburn and shall be nominated by the Mayor and confirmed by the Auburn City Council at their first regular meeting. A fifth member of the Board will be a resident of the City of Auburn and will be appointed by the Auburn City Council. The sixth member of the Board will be a resident of the City of Lewiston and will be appointed by the Lewiston City Council. The seventh member of the Board shall be nominated by the Chamber of Commerce and will be elected by the above six members. The seventh member shall be a resident of Auburn or Lewiston, but will not hold any public municipal office or be a member of any municipal board or committee. After the first election of the seventh member, that member thereafter will be a resident of the alternate city of the previous seventh member. If the eight are unable to agree upon the naming of a seventh member to the Board, any Justice of the Superior Court or Supreme Judicial Court will, on petition of any five members, select the seventh member of the Board.~~

The ~~fifth~~ eighth member of the board shall be the Executive Director of an employee representative of the Androscoggin Valley Council of Governments or their designee. ~~The ninth member would be a employee representative of the Lewiston Auburn Economic Growth Council. In the event the Lewiston Finance Director or the Auburn City Manager shall die, become incapacitated, resign or is discharged from said offices, their respective City Council shall appoint a member to the Board and such member shall serve only until the respective offices are filled. In the event the Executive Director employee representative of~~

**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

~~the Androscoggin Valley Council of Governments or the Employee representative of the Lewiston Auburn Economic Growth Council shall die, become incapacitated, resign or is discharged from said offices, their respective agency director vacates the position without naming a representative to serve the AVCOG Board Chair shall appoint a member to the Board and such member shall serve only until the respective offices is are filled.~~

~~The third and fourth members of the Board shall only serve while a Councilor of the City of Lewiston and a Councilor of the City of Auburn, respectfully. In the event that either of said additional members and the fifth, sixth or seventh members shall cease to be residents of their respective Cities or should die, become incapacitated, resign from the Board or are discharged from membership, a successor shall be appointed in the same manner as indicated above to serve out the remainder of his term.~~

~~By a majority vote of four *five* members, formal written notice may be given by the Board to the appointing authority of any member of the Board requesting the removal of said member. ——— The decision of the appointing authority shall be binding.~~

Members of the Board will serve without compensation other than the compensation from the entity they represent but may be reimbursed for their actual expenses incurred in the performance of their duties upon approval of the Board.

## Section 2. Terms of Office (After Initial Appointments)

~~Auburn Staff – By virtue of the appointment~~

~~Auburn Staff – By virtue of the appointment~~

~~Lewiston Staff – By virtue of the appointment~~

~~Lewiston Staff – By virtue of the appointment~~

~~AVCOG Executive Director - By virtue of the position~~

~~Lewiston Finance Director – By virtue of the office.~~

~~Auburn City Manager – By virtue of the office.~~

~~Lewiston Councilor – While a Councilor of the City of Lewiston. Auburn Councilor – While a Councilor of the City of Auburn.~~

~~Fifth Member (Auburn Resident) – Three-year term. Sixth Member (Lewiston Resident) – Three-year term.~~

~~Seventh Member (Alternating Resident) – Three-year term.~~

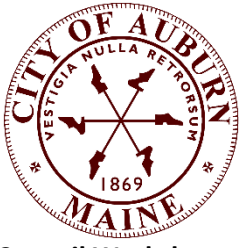
~~Eighth Member (AVCOG) – By virtue of position Ninth Member (LAEGC) – By virtue of position~~

**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:** May 1, 2023

**Order:** 60-05012023

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

**Subject:** Incentive Funds

---

**Information:**

City staff is seeking a change in how previously approved Bond funds can be used to incentivize downtown development. Generally, Bond funds must be expended on improvements that are and remain city-owned for the term of the Bond issue. Notwithstanding this general requirement, under certain circumstances, and if certain requirements of both State and Federal Tax law are met, Bond funds may be used, either directly (expended by the city) or indirectly (loan / granted to a business), to further economic development activities in the city. While both the direct expenditure and the business loan / grant paths are available to the city, City staff believe that a loan / grant program would make the potential use of available Bond funds significantly more incentivizing to local businesses. Therefore, City staff proposes allowing these available Bond funds to be allocated by the City Manager in the form of a business development forgivable loan / grant to a qualifying business / developer, to be used by the business / developer post-closing on the property. This forgivable loan / grant program will authorize the City Manager to approve up to Two Hundred Fifty Thousand Dollars (\$250,000) in incentive funds per project until all available Bond funds (not to exceed 5% of the total Bond issue) are depleted. To ensure funds remain protected from loss or misuse, the staff is requesting that the City Manager be authorized to provide funds to a qualifying business / developer through a forgivable loan process that will establish both acceptable uses of the funds and clear benchmarks that must be met in order for funds to be disbursed.<sup>1</sup> Upon project completion (issuance of an occupancy permit), the forgivable loan will convert to a grant. Failure to use the funds appropriately or to achieve the benchmarks or to complete the project within a predetermined timeframe will trigger loan repayment over a predetermined period at an interest rate that will cover the costs of managing the collection process. The staff makes this recommendation after significant discussions and negotiations with several developers who want to build substantial projects within the city.

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**City Budgetary Impacts:**

This program will not impact the city's budget as only current approved funds will be used.

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**Staff Recommended Action:**

Approve Order as presented.

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<sup>1</sup> Per guidance from the City's Bond Counsel, under applicable IRS regulations, the city may not impose any obligation or condition with respect to any grant other than obligations or conditions designed to ensure that the grant funds are expended for the approved governmental purpose on an acceptable timeline.

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**Previous Meetings and History:** NONE

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**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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**Attachments:**

NONE

**CITY OF AUBURN  
NOTICE OF PUBLIC HEARING**

Pursuant to Section 8.13 of the City Charter, notice is hereby given that the Auburn City Council will hold a first reading on Monday, May 1, 2023, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street on a proposed order authorizing the reallocation of up to \$400,000 of unspent proceeds from the City's 2020 General Obligation Bonds to finance a forgivable loan / grant program intended to incentivize private development and investment in the City of Auburn.

The order is available for inspection on the City's website:  
**[auburnmaine.gov/pages/government/budget-fy24](http://auburnmaine.gov/pages/government/budget-fy24)**.

Following the public hearing and first reading, the City Council expects to conduct a second reading, public hearing and take final action on the order at its May 15, 2023 meeting. Following the public hearing, the City Council will finalize the amount of bond proceeds to be reallocated, which amount may be increased by up to 10%.

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

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



# City Council Order

## IN CITY COUNCIL

**TITLE: ORDER - Reallocating Unspent Proceeds from the City's 2020 General Obligation Bonds.**

WHEREAS, on November 12, 2020, the City of Auburn issued its 2020 General Obligation Bonds in the aggregate principal amount of \$8,460,000 (the "2020 Bonds") pursuant to City Council Order No. 67-06012020 (adopted June 15, 2020) (the "2020 Bond Order"), \$900,000 of the proceeds of which was authorized to be used to finance economic development activities and described as the Downtown Vision project (referred to as the "Downtown Vision Project"); and

WHEREAS, there remain unspent proceeds of the 2020 Bonds borrowed for the Downtown Vision Project, which excess proceeds the City Council desires to reappropriate and reallocate to be used as part of a loan forgiveness / grant program to promote and support economic development activity and private capital investment in the City (referred to as the "Downtown Investment Incentive Program");

NOW, THEREFORE, by the City Council of the City of Auburn, be it hereby ORDERED:

THAT the City Council makes the following findings and determinations:

- There is an urgent and growing need to promote and support economic development activity and private capital investment in the City of Auburn.
- The City's financial support for qualified development projects through the Downtown Investment Incentive Program would incentivize the creation of significant new development activities in the City.
- Based on the foregoing, the City's promotion of and financial support for qualified projects through the Downtown Investment Incentive Program will generate substantial direct and indirect economic and other public benefits for the City and its residents and constitutes a good and valid public purpose and will contribute to the creation of new employment opportunities and the economic growth and well-being of the inhabitants of the City.
- Any adverse economic effect on or detriment to the City in the promotion of and financial support for qualified projects through the Downtown Investment Incentive Program is outweighed by the public benefit that will follow from the investment in and development of such qualified economic development projects, including but not limited to the creation of new employment opportunities, the economic growth and well-being of the City and the betterment of the health, welfare and safety of its inhabitants.

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

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

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



## City Council Order

THAT the excess proceeds of the 2020 Bonds, in the amount not to exceed \$400,000 be and hereby are appropriated from the amount borrowed as part of the 2020 Bonds (the "Reallocated Bond Proceeds") for the Downtown Vision Project to fund the Downtown Investment Incentive Program.

THAT the City Manager be and hereby is authorized and empowered, in the name and on behalf of the City, establish a loan forgiveness / grant program (the "Loan and Grant Program") to promote and support economic development activity and private capital investment in the City and to allocate Reallocated Bond Proceeds to such economic development activity and private capital investment in and adjacent to the City's downtown as he shall deem suitable and appropriate.

THAT the City Manager be and hereby is authorized and empowered, in the name and on behalf of the City, to establish and implement eligibility criteria and performance benchmarks appropriate to the administration of such Loan and Grant Program, which criteria and benchmarks (including the appropriate time schedule) may be established and implemented on a programmatic or a project specific basis, or some combination thereof (the "Project Incentive Requirements").

THAT the City Manager be and hereby is authorized and empowered, in the name and on behalf of the City, to approve up to Two Hundred Fifty Thousand Dollars (\$250,000) in incentive funds per project under the Loan and Grant Program, until all available Bond funds (but not to exceed 5% of the issue price of the 2020 Bonds) are depleted, which funds shall be disbursed for a qualifying project initially through a forgivable loan financing structure (a "Forgivable Loan") that will establish the particular Project Incentive Requirements for a qualifying project that must be met in order for funds to be disbursed.

THAT the City Manager be and hereby is authorized and empowered, in the name and on behalf of the City, to determine that the particular Project Incentive Requirements for a given Forgivable Loan have been adequately met and that, following such determination, the City Manager be and hereby is authorized and empowered, in the name and on behalf of the City, to convert the Forgivable Loan to a grant that need not be repaid by the recipient; provided further that if the City Manager determines that the particular Project Incentive Requirements for a given Forgivable Loan have not been adequately met, then such Forgivable Loan shall be repaid to the City under terms and conditions to be established by the City Manager.

THAT the City Manager be and hereby is authorized and empowered in the name and on behalf of the City, to do or cause to be done all such acts and things, and to execute and deliver, all such agreements, certificates, and other documents as may be necessary or advisable to carry out the provisions of this Order.

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**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
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**Dana Staples**, At Large  
**Phillip L. Crowell, Jr.**, City Manager



# City Council Order

A Public Notice describing the repurposing of the unspent proceeds of the 2020 Bonds was published on or before Saturday, April 29, 2023, in the Sun Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on May 15, 2023.

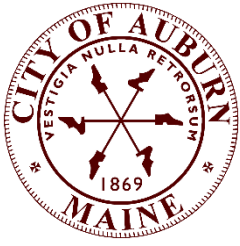
NOTE: Must be approved by roll call vote.

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**Richard Whiting**, Ward One  
**Joseph Morin**, Ward Four  
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**Phillip L. Crowell, Jr.**, City Manager



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** May 1, 2023

**Order:** 61-05012023

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

**Subject:** CDBG/HOME Action Plan for Program Year 2023

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**Information:**

Each year the Business & Community Development Department presents the Annual Action Plan, detailing the use of Auburn's CDBG funds & the Auburn-Lewiston Consortium's HOME funds. This plan is designed to address community needs as detailed in the 5 year Consolidated Plan which was adopted in 2020.

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**City Budgetary Impacts:**

Auburn's annual CDBG allocation is \$534,778, with an additional \$1,142,538 of unspent allocations from previous years and an expectation of \$200,000 in program income. The Auburn-Lewiston HOME Consortium annual allocation is \$546,921, with an additional \$672,674 of unspent allocations from previous years and an expectation of \$48,000 in program income. Auburn's share of the consortium dollars is \$880,169. These federal grant dollars cover staff salary/benefits as well as program activities for the Business and Community Development program.

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ACTIVITIES	PY2023 Budget	CDBG	Auburn Home
Administration	\$217,575	\$122,406	\$95,169
Program Delivery	\$24,910	\$24,910	
Economic Development	\$50,000	\$50,000	
Public Service Grants	\$100,000	\$100,000	
Public Improvements (Infrastructure)	\$1,005,000	\$1,005,000	
Homeowner Rehab	\$575,000	\$575,000.	
New Construction	\$785,000		\$785,000
<b>TOTAL EXPENDITURES</b>	<b>\$2,757,485</b>	<b>\$1,877,316</b>	<b>\$880,169</b>

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**Staff Recommended Action:**

Vote to adopt the 2023 CDBG & HOME Action Plan as presented.

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**Previous Meetings and History:**

Public Hearing February 13, 2023

Public Comment Period April 1 - May 1st, 2023

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**City Manager Comments:**



I concur with the recommendation. Signature:

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**Attachments:**

Partner Presentation List, PY23 CDBG & HOME Action Plan



City of Auburn, Maine  
Business & Community Development  
60 Court Street | Auburn, Maine 04210  
[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

The following Community Development Office partners will provide a two-minute synopsis of their program services, impact and unmet needs seen within the Auburn community.

<b>Safe Voices</b>		<b>Elise Johansen</b>
	CDBG	Provided program funds to expand the impact of SafeVoices operations which serve Auburn residents.
<b>Auburn Recreation</b>		<b>Dawn LaBonte</b>
	CDBG	Provided program funds for scholarships for income qualified families.
<b>Seniors Plus</b>		<b>Heather Davis &amp; Patrice Currier</b>
	CDBG	Provided program funds to expand Meals on Wheels and Information & Assistance for Auburn residents.
<b>IRC of Maine</b>		<b>Fatuma Hussein</b>
	Unfunded Partner	Provided partnership and space within Community Development office to expand available housing navigation services.
<b>Rumford Group Homes</b>		<b>Melissa McEntee, Michelle Worthley &amp; Jeff Tardif</b>
	HOME-ARP	Provided program funds and office space within Community Development to expand available case management services for homeless families and individuals.
<b>Housing Resources for Youth</b>		<b>John Hodge</b>
	HOME-ARP	Provided program funds and space within Community Development office to expand host family facilitation and case management for homeless youth in Auburn school system.
<b>Auburn McKinney-Vento Liaison</b>		<b>Sasha Anastasoff</b>
	Unfunded Partner	Expanding partnership with Community Development staff and contracted service providers to respond to the unmet needs of homeless youth in Auburn school system.
<b>Auburn Adult Education</b>		<b>Kathryn Saunders</b>
	CDBG-CV	Provided program funds to expand transportation services and connectivity resources for students completing high school requirements and certifications.
<b>Community Credit Union</b>		<b>Jennifer Hogan</b>
	Unfunded Partner	Expanding partnership with Community Development staff to provide services to homeless and underserved Auburn residents.





*Photo by Falco Focus Maine Droning Auburn*

# **ACTION PLAN**

## PROGRAM YEAR 2023

**Community Development Block Grant  
& Auburn-Lewiston HOME Consortium**

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# Executive Summary

## AP-05 Executive Summary - 91.200(c), 91.220(b)

### 1. Introduction

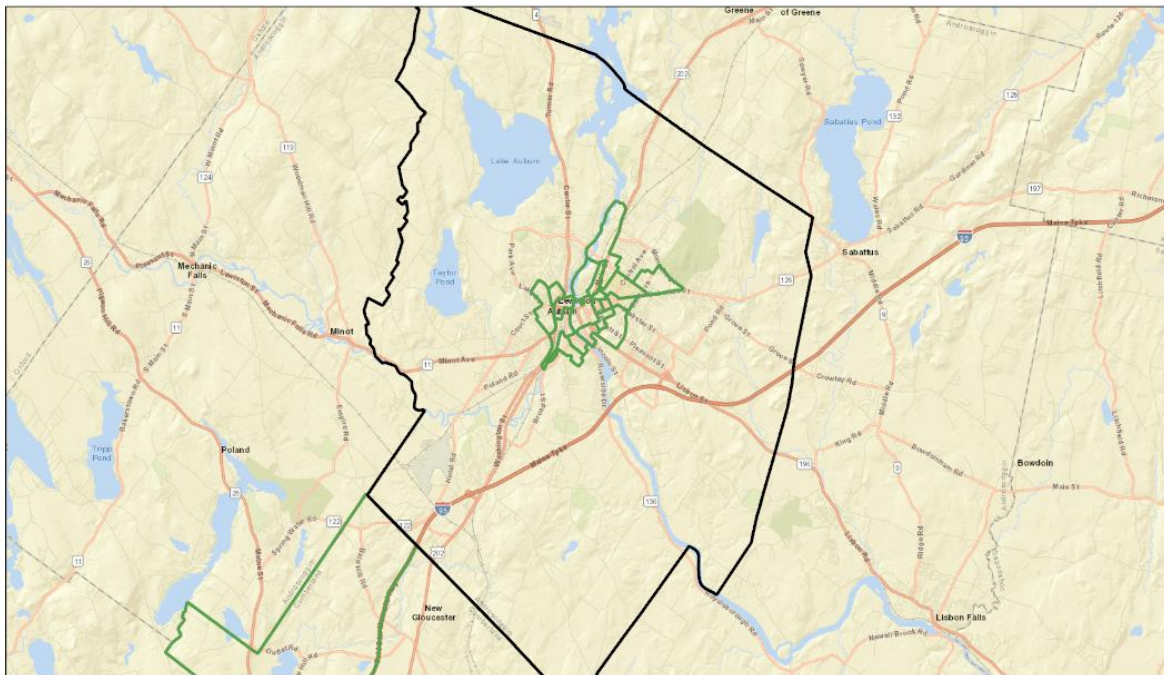
The City of Auburn Community Development Office (ACDO) is submitting its PY23 Action Plan (AP) to the U.S. Department of Housing and Urban Development (HUD). With the national purpose of the Community Development Block Grant (CDBG) program being to create thriving urban communities by providing suitable living environments, affordable housing, and economic opportunities for low and moderate-income individuals, the ACDO is determined to make a significant impact within Auburn and the Auburn-Lewiston consortium jurisdiction. In addition, the HOME Investment Partnership (HOME) program aims to provide low-income households with affordable housing, further emphasizing the ACDO's commitment to improving the lives of those in need.

The ACDO has developed a comprehensive plan, the 2020-2024 Consolidated Plan (PLAN), for the CDBG program and the HOME program, which includes the cities of Auburn and Lewiston. By identifying various community challenges and unmet needs, setting priorities, and describing how federal resources will address these issues, the ACDO is laying the foundation for significant progress. Moreover, this PLAN established clear goals, objectives, and performance benchmarks to measure progress, providing a framework for determining the prioritization of requests and the development of individual program guidelines.

With a focus on assisting low and moderate-income individuals and families, CDBG funds are targeted to areas of the community in need of improvement, particularly those with a high proportion of low- and moderate-income individuals. The ACDO is dedicated to using the funds for housing improvements, infrastructure improvements, job creation, and providing essential social services. While there is flexibility in the use of funds, the ACDO is committed to meeting the national objective and ensuring that CDBG-funded social service spending remains within the 15% annual allocation cap.

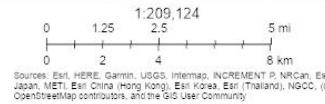
This AP outlines the proposed activities and fourth-year budget for advancing the goals and objectives set forth in the PLAN. The Comprehensive Housing Affordability Strategy (CHAS) data contained within the PLAN, updated with the most recent available data (2015-2019 ACS) for this AP, demonstrates that nearly half of each city's households qualify, highlighting the pressing need for assistance for 5,055 households in Auburn and 8,230 households in Lewiston. These totals represent nearly 51% of all households in both cities are considered at or below 80% HUD Area Median Family Income (HAMFI), qualifying them as low-to-moderate-income under the CDBG or HOME programs. Therefore, by taking significant steps towards addressing these issues as described within this AP, the ACDO is playing a crucial role in making a positive impact on the lives of those in need within the Auburn and Lewiston communities.

CPD Maps - Consolidated Plan and Continuum of Care Planning Tool



February 21, 2023

- Override 1
- Low Mod Blockgroup



**Low-Mod Block Group - ESRI**

**2. Summarize the objectives and outcomes identified in the Plan**

This could be a restatement of items or a table listed elsewhere in the plan or a reference to another location. It may also contain any essential items from the housing and homeless needs assessment, the housing market analysis or the strategic plan.

The ACDO intends to work towards measurable outcomes established when the 2020-2024 Consolidated Plan was adopted. This PLAN established the 4 goals and outcome expectations indicated below. Data provided demonstrates PLAN-to-Date impact totals for program years 20, 21 & year to date for Program year 2022, cumulatively representing 52% of the 5-year goals established in 2020.

	<b>PLAN Objectives</b>	<b>PY20 &amp; PY22</b>	<b>PY22 YTD</b>	<b>Total</b>	<b>Total % of PLAN</b>
Goal #1	Provide Safe & Affordable Housing				
Rental Units Rehabilitated	100	5	7	12	12%
Homeowner Units Rehabilitated	50	15	1	16	32%

Tenant Base Rental Assistance	125	20		20	16%
Goal #2	Improved Infrastructure & Reduce Blight				
Persons Assisted	3,000	2,020	1,570	3,590	120%
Goal #3	Promote Economic Opportunities				
Jobs Created/Retained	10	11		11	110%
Businesses Assisted	10	7		7	70%
Goal #4	Provide Essential Services				
Persons Assisted	1,200	1,584	371	1,955	163%

**Table 1 - GOALS OF THE 2020-2024 CONSOLIDATED PLAN**

### 3. Evaluation of past performance

This is an evaluation of past performance that helped lead the grantee to choose its goals or projects.

Of the four established goals within the PLAN, only Goal #1 is behind on its 60% target. Rental & Homeowner rehab projects were delayed for over a year (PY20-PY21) while the COVID-19 pandemic limited the amount contractors who could be working within client homes. The subsequent post-lockdown construction material price increases and contractor shortage has slowed the post-COVID resumption of projects, but progress is beginning to be made within the spring-2023 construction season. While these efforts resulted in a limited number of new projects, new programs and funds were added to the ACDO's portfolio, including the HOME-ARP plan, OLHCHH, MSHA, and the city's ARPA. However, these projects are not included in the HUD Action Plan report.

Missing the target for Tenant-Based Rental Assistance (Security Deposit grants for income-qualifying tenants) is a product of the COVID-19 pandemic and the resulting Emergency Rental Assistance program funded by Maine State Housing Authority (MSHA). During an 18-month period between 2021 and 2022, MSHA funded over \$290 million in rent and utility payments for more than 34,000 Maine residents. These factors slowed the need for Security Deposit programs by keeping tenants in their current units. The dramatic increase in average rental rates caused additional challenges to this goal. TBRA programs must abide by High-Home rental rates. As the going rates were much higher than the HUD-required cap for rental rates, many units were overpriced and, therefore, would not qualify for the assistance.

Although not behind in impact, two public infrastructure projects were put on hold during PY21 & PY22 due to higher-than-expected prices. These projects include the redevelopment of crosswalks within the Downtown district and lead abatement projects within public parks. These will be rebid and carried out in late PY22 & PY23.

Lastly, The U.S. Department of Housing & Urban Development (HUD) is closely monitoring the Community Development Offices of Auburn and Lewiston after a city audit revealed compliance issues. During PY21



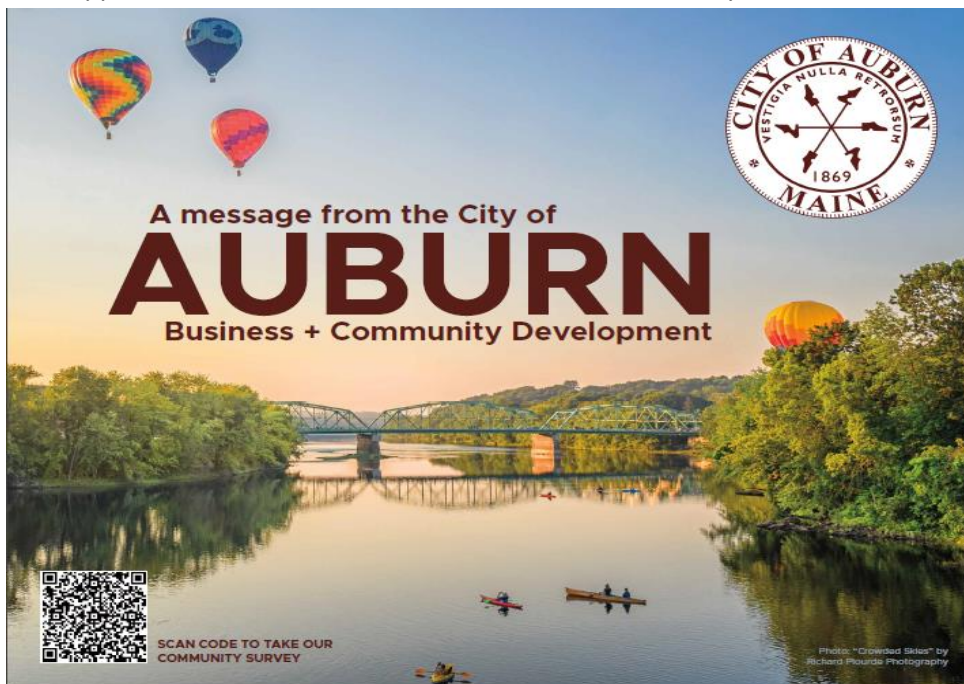
& PY22, corrective actions were taken, and new policies, guidelines, and staff were implemented to ensure compliance with federal regulations.

#### 4. Summary of Citizen Participation Process and consultation process

Summary from citizen participation section of plan.

It is important to note that the development of the Action Plan for the city of Auburn and the Auburn-Lewiston Consortium is done in compliance with relevant HUD guidelines and the Auburn Citizen Participation Plan. To accomplish this, a community needs survey was circulated in multiple languages and utilized digital and paper surveys to reach as many households as possible. The survey was available for response from December 1st, 2022, to March 30th, 2023. It was completed by over 130 households, comprised of over 300 residents. Additionally, direct consultation efforts were made with area service providers to further understand the community's needs.

In addition to the consultation process, and prior to the development of this Plan, the Auburn City Council held a pre-plan Public Hearing in which residents spoke to the needs of the community and opinions on priorities. This was followed by a 30-day public comment period before the adoption of the CDBG and HOME Action Plans and budgets. The final Action Plan was made available for public input on April 1, 2023, and concluded with a final Public Hearing held by the City Council on May 1st, 2023. Public Notices for these hearings and the solicitation of public input were run in the Sun Journal newspaper, posted on the city's website, and shared on social media accounts to ensure maximum public input. The Action Plan and supplemental information were also available on the City's website.



**Direct Mailer sent to ever residential address within Auburn**

LAWRENCE HIGH SCHOOL

# All the world's a stage for singing custodian

By KAITLYN BURTON  
MORNING SENTINEL

FAIRFIELD — If you ever find yourself in the halls of Lawrence High School, don't be surprised to hear the soothing voice of a long-time staffer there who fills the hallways with song as he completes his daily work.

There are times when custodian Terrance Coley Sr. has tried to restrain himself from singing, being careful not to interrupt the schoolwork around him. But when he stops singing, students and faculty will come looking for him asking what's wrong, Coley said.

"I do it every day," he said. "If I don't, these kids, they get throwin' it."

Anyone looking for a more formal performance can attend a Lawrence High athletic event where Coley likely will be singing the national anthem. Coley, 47, has been singing at games since 2007 and has become a pillar of the local music community not just because of his performances, but because of his connection with students, athletes and fans. He has performed at Lawrence games, Colby College games and in January he sang before his largest audience yet — nearly 19,000 people who attended an NBA game between the host Orlando Magic and Oklahoma City Thunder.

He will sing at just about any sporting event, Coley said, and although baseball is his favorite sport to watch — a New York City native, he's die-hard Yankees fan — he doesn't have a preference when it comes to singing at one event over another. He loves the energy of the fans at Lawrence games and is happy to turn up for whoever asks.

"Any game they want me to sing at, any game, they know I'm ready," he said. Growing up in New York City, he went to LaGuardia High School and sang in the Harlem Boys Choir. He composes his own songs and has original music on Spotify under "Poppa". Including a song he wrote for his wife Cathi called "Never Let You Go."

He has taken time to create a distinctive style for singing the anthem. D. Leron Fields, a Lawrence graduate and the longtime band director at the school, said it becomes clear when hearing Coley in the hallways that he sings from his heart and soul.

"I'd be hard pressed to find somebody who does it with more heart," Fields said of Coley's rendition of the anthem.

Coley connects with students and is an uplifting personality, Fields said, calling him the "rising tide that lifts all boats."

"You want to be around him because he's heartfelt



PHOTO COURTESY OF RAMSEY STEVENS  
Terrance Coley Sr. sings the national anthem before the start of the Class A girls state title game in basketball between Lawrence High School and Brunswick on March 3 at the Augusta Civic Center.

and sincere and he's upbeat," Fields said.

Ryan Pellerin is a Fairfield native who works for the Orlando Magic and arranged for Coley to sing before the game against the Thunder in January. Pellerin, who's the son of Lawrence boys basketball coach Jason Pellerin, has worked with the Magic for about two years and had worked awhile to get Coley booked to sing "The Star Spangled Banner."

Coley and his wife had to pay for the travel, but Jason Pellerin works with it at the stadium for a sound check, and the program gathered donations to go toward the trip. So the couple took the opportunity to go to Florida a few days early, escape the Maine winter and have a proper vacation.

On the day of the Magic game, Coley arrived early at the stadium for a sound check, thankful that his wife was there to keep him calm and focused. Even after ten years of singing the anthem, Coley said he still gets nervous every time. But when the music started, Coley was calm and ready to face an audience of thousands.

"I still can't believe that happened," he said. His reputation for singing the anthem began when he started working for the school district more than 15 years ago. As Coley sang during his shift, his voice caught the attention of Bill McManus, the athletic director at the time.

McManus set up the first time Coley sang — at an award ceremony for elementary school students.

Afterward, the students came up to him and wanted his autograph. McManus died in December and Coley said he's deeply thankful for the path McManus set him on those many years ago.

"He's in my thoughts every time," Coley said. Before moving to Maine, Coley was working at a restaurant in New York City. But he was worried about his son's safety in the city, a concern that only grew following the terrorist attacks of Sept. 11, 2001. The family decided they needed to move and Coley's partner at the time had family in Maine.

"I needed a change. I needed to get out of the city," he said. Although moving from the Big Apple to rural Maine may represent a culture shock, Coley had family in South Carolina growing up, and Maine reminds him of that, and his new home was not so unfamiliar after all.

The Magic game was not the only bucket-list performance Coley got to check off this year. He also sang the anthem at the girls Class A state championship basketball game in early March, where Lawrence defeated Brunswick and took home the Gold Ball.

It's the Lawrence community that keeps him coming back to sing game after game, he said. "I don't need awards or anything because they make me feel like a superstar," Coley said.

CENTRAL MAINE COMMUNITY COLLEGE (CMCC)  
LIFE (CMCC)  
Central Maine Community College (CMCC) is seeking bids for:  
Full-body adult patient for medical-surgical high-fidelity nursing simulation.

Proposals must be submitted by Wednesday, April 12, 2023 at 10:00am. If interested in receiving a copy of the RFP, please visit [www.cmcc.edu/bids](http://www.cmcc.edu/bids). To register interest, please contact Margaret Aube at [margaret.aube@cmcc.edu](mailto:margaret.aube@cmcc.edu) or call (207)753-8413.

NOTICE TO CONTRACTORS  
INVITATION FOR BIDS  
Mr. Blue Regional School District R51 is conducting a competitive bid process for the Mr. Blue Middle School Career and Technical Education Addition Project at Mr. Blue Middle School in Lumberton, Maine. Bids will be opened and read aloud by the R51 at 9:00 a.m. April 13, 2023. Project Description: Approximately 5,000 SF addition to create hands-on learning spaces for career and technical education classes. Drawings available on or about March 29, 2023, contact Architect at [mbw@mbwarchitects.com](mailto:mbw@mbwarchitects.com), 207-266-9872. Opened project walkthrough March 30, 2023 requires pre-registration with the Architect. See bid Advertisement for Bids at <https://www.construction.com/bids/regions/maine/>

# LIVING STATIONS OF THE CROSS PLANNED IN AUBURN, RUMFORD

Students at Maine Catholic schools and in parish faith formation programs plan to present the Living Stations of the Cross around the state leading up to Easter Sunday, April 9.

The Stations of the Cross began as the practice of pious pilgrims traveling to Jerusalem to retrace the final journey of Jesus Christ to Calvary. They have been prayed for centuries, allowing Christians who are unable to make a pilgrimage to the Holy Land to spiritually follow in the steps that Jesus took from his arrest and judgment to his crucifixion, death and burial, according to a news release continuing to force Mainers to make tougher decisions about paying for necessary household expenses, pushing for policies that will help older ratepayers on fixed incomes is a priority for AARP Maine, according to a news release from Jane Margesson, AARP Maine communications director.

Here is a list of local presentations scheduled:

**Palm Sunday, April 2**

**Rumford**  
The Living Stations of the Cross will be presented by youth ministry members at 7 p.m. at St. Athanasius & St. John Church, 126 Maine Ave.

**Good Friday, April 7**

**Auburn**  
Students at Saint Dominic Academy will present the Living Stations of the Cross beginning at 10:45 a.m. in the Calahan Memorial gym of the academy's Auburn campus, 121 Grace lawn Road.

# Witness hearings on CMP rate cases set for Lewiston, Hallowell

Maine's Public Utilities Commission wants to hear from Mainers regarding current Central Maine Power rate cases.

All Maine consumers deserve utility service that meets their daily needs at a reasonable price. With inflation continuing to force Mainers to make tougher decisions about paying for necessary household expenses, pushing for policies that will help older ratepayers on fixed incomes is a priority for AARP Maine, according to a news release from Jane Margesson, AARP Maine communications director.

Most Mainers cannot afford a utility rate hike right now, Margesson noted. The Maine PUC plans to hold local

public witness hearings regarding the CMP rate cases. At these meetings, residents are invited to voice concerns and ask questions.

The first will be held Tuesday, April 4, at 6 p.m. at the Ramada Inn, 400 Pleasant St. in Lewiston.

The second will be held Thursday, April 6, at 4 p.m. at the Maine Public Utilities Commission, 26 Katherine Drive in Hallowell. A remote participation option is available.

Those who would like to attend the April 6 public witness hearing virtually must register in advance by contacting the commission at [publichearings@maine.gov](mailto:publichearings@maine.gov) or 207-387-3831 and providing an email address no later than 4 p.m. Monday, April 3.

# Farmington church to present Living Hope cantata April 7, 9

FARMINGTON — A Living Hope cantata is scheduled to be presented at 7 p.m. Friday, April 7 and Sunday, April 9, by New Hope Baptist Church, 268 Parkham St.

The 15-voice choir, accompanied by orchestration, will sing seven songs arranged by Tom Foutke and Thomas Grass.

Titles include "The Glories of Christ," "He Comes in the Name of the Lord," "Behold, the Love of God Grants Us Joy," "On Sunday Morning," "His Glories Now We Sing," "Our Living Hope" and a reprise of the first song, according to a news release from Sandi Robert, church member.

Interspersed will be readings and Scripture along with a violin/flute duet of "Were You There," "O Love Divine," a piano solo of "Christ Arose" and a men's ensemble singing "O Sacred Head, Now Wounded."

All are invited to attend this free concert. For more information, call 207-778-9696.

Interspersed will be readings and Scripture along with a violin/flute duet of "Were You There," "O Love Divine," a piano solo of "Christ Arose" and a men's ensemble singing "O Sacred Head, Now Wounded."

All are invited to attend this free concert. For more information, call 207-778-9696.

# LEWISTON CRIBBAGE LEAGUE NAMES MARCH 30 PLAYERS

The Lewiston Senior Cribbage League has announced its cribbage results for March 30.

Mike Cielinski and Doris Davis placed first, Bill Burroughs and Pauline Quimby, second; Pauline Cornish and Ron Cloutier, third; Anita Maheux and Reggie Dubois, fourth; and Aaron Burke and Pat Belanger, fifth.

The league welcomes new player DOBIS Davis.

League play is at 9 a.m. Thursdays at the Lewiston Armory/Lewiston Senior Center, 60 Central Ave. in Lewiston.

Players are encouraged to come early for practice play. The doors open at 8 a.m. For more information, call Labbe at 207-252-9553.

## COMMUNITY DEVELOPMENT BLOCK GRANT CONSOLIDATED PLAN 2020-2024 Consolidated Plan Notice of Availability of Documents for Public Comment AND Notice of Public Meeting For DRAFT Annual Action Plan, Year Four including Budgets (July 1, 2023-June 30, 2024)

The FY2023 DRAFT Annual Action Plan and budgets for CDBG and HOME are available for review at the Economic and Community Development Department, 3rd Floor City Hall, 27 Pine Street, Lewiston, ME. Copies of the draft Action Plan and budgets will be made available beginning on April 1, 2023 on the Economic and Community Development Department page of the City's website at CDBG & HOME Information | Lewiston, ME - Official Website ([lewisstonmaine.gov](http://lewisstonmaine.gov)). In addition to the web, copies of the Draft Annual Action Plan and budgets will be available at the Economic and Community Development Office located on the 3rd Floor of Lewiston City Hall.

The 1st public hearing of the DRAFT Annual Action Plans and budgets will be held during the Lewiston City Council's regular meeting on April 18, 2023 at 7:00 pm. The second public hearing will be held on May 2, 2023 at 7:00 pm at the regular City Council meeting when the CDBG and HOME budgets and plans are reviewed for adoption by City Council. The public comment period will begin on April 1, 2023 and end on May 1, 2023.

Written comments on the DRAFT Annual Action Plan should be directed to: Lincoln Jeffers, Director of Economic and Community Development Department, 3rd Floor City Hall, 27 Pine Street, Lewiston, ME 04240 or via email at [ecdd@lewisstonmaine.gov](mailto:ecdd@lewisstonmaine.gov)

The City of Lewiston is an EOE. For more information please visit our website at [www.lewisstonmaine.gov](http://www.lewisstonmaine.gov) and click on the Non-Discrimination Policy.

Lincoln Jeffers  
Director of Economic & Community Development

## PUBLIC HEARING

The Auburn Business & Community Development Department announces a public hearing to be held by the Auburn City Council on May 1, 2023 for the purpose of receiving public input from residents regarding the Auburn CDBG & Auburn-Lewiston Home Consortium Annual Action Plan.

This plan, which can be found on the city of Auburn website or by scanning the QR Code below, details how CDBG & HOME funds, as provided by the U.S. Department of Housing & Urban Development (HUD), will be expended during program year 2023.

Public comments will be accepted during the public hearing. Comments can also be submitted to [CDBG@AuburnMaine.gov](mailto:CDBG@AuburnMaine.gov) or delivered in person to the Business & Community Development Office until May 1, 2023. To request printed copies, translations, or other accommodations email [CDBG@AuburnMaine.gov](mailto:CDBG@AuburnMaine.gov) or call the Community Development Office at (207) 333-6601

## Public Notices

CS is a permanent and independent record of government and court actions. These include state and local government meetings, rule making, available contracts, zoning changes, and many other court proceedings, such as foreclosures, probate, and estate actions are required to publish notices to ensure notification of affected parties, as well as the general public. These notices also alert business owners, large and small, to potential government contractual jobs, helping to ensure economic activity across a level playing field. Public notices have existed to ensure transparency in all levels of government since the founding of the United States. State and local notices are published in Maine newspapers and are also recorded at [mainenotices.com](http://mainenotices.com), where anyone can browse or search notices, and sign up to receive email alerts when relevant notices appear.





City of Auburn, Maine (Official)

February 2 · 🌐

REMINDER: Auburn's Community Development office is seeking YOUR input in the development of programs and services. Results will be used to influence programs and services offered by the city & our non-profit service providers. Please share your feedback at: <https://www.auburnmaine.gov/.../community-development...>



Community Survey SM Posting

## 5. Summary of public comments

This could be a brief narrative summary or reference an attached document from the Citizen Participation section of the Con Plan.

As part of the community survey process, the city requested general unmet needs letters be submitted to the consortium contact information provided herein.

On December 5, 2022, the city received an email (Commenter #1 - Kathy Shaw) requesting the city dedicate staff "promote, advocate and facilitate progress" towards promoting and funding local food production.

On February 13, 2023, the Auburn City Council held a pre-action Plan public hearing.



This Public Hearing can be seen at timestamp 2h:18min by following the link below.

[https://www.youtube.com/watch?v=ZgNiBOW1tlw&list=PL8ustjJZ3Nvgf5BewLlePuiT\\_TICZy3i9&index=2](https://www.youtube.com/watch?v=ZgNiBOW1tlw&list=PL8ustjJZ3Nvgf5BewLlePuiT_TICZy3i9&index=2)

During this meeting, two residents spoke. The first (Commenter #2 - Larry Pelletier) continued reading an article published by AARP, which they began reading during the first open session earlier that night. This article focused on the causes of homelessness.

The second resident (Commenter #3 - Andrew Titus) asked for reporting on previous year impact metrics and for the new plan to include specific goals relating to lifting people out of poverty.

On March 28, 2023, the Community Development Department presented to the New Auburn Association at Rolly's Diner at 87 Mill St., Auburn, ME 04210. 13 people attended. During the meeting, 4 attendees spoke. Commenter #1, Larry, asked if the rehab programs could help with his water lines. Commenter #3, Tina, asked if the rehab programs could help with building accessible ramps and if painting over lead paint would make a residence lead-safe. Commenter #3, Betty, asked if applications could be made available offline. Commenter #4, Ben, wanted to know if zoning regulations have changed. He owns a multi-unit building and is interested in creating a new unit.

## **6. Summary of comments or views not accepted and the reasons for not accepting them**

Commenter #1 – The ACDO has piloted and launched the Neighborhood Corner Store program. This was funded by the City Council with American Rescue Plan Act funds and provides funds to local grocery retailers which expand their healthy and local grocery offerings. This ongoing program is expected to be fully executed by the end of 2023.

Commenter #2 – The ACDO has made extensive steps to increase direct services for the unhoused community during PY22. Activities providing services to the Qualified Populations under HOME-ARP will continue in PY23. Additionally, the ACDO has developed new integration with MSHA to provide Coordinated Entry into the Homelessness Continuum of Care & ACDO staff moving forward.

Commenter #3 – The ACDO publishes the Consolidated Annual Performance Evaluation Report (CAPER), which provides plan-to-date impact data and budget expenditures. This report is released publicly, and public hearings are held by the City Council each time they are completed. The ACDO will provide a similar summary within the current Action Plan to better inform the community.

## **7. Summary**

### **STRATEGY #1: PROVIDE SAFE & AFFORDABLE HOUSING**

**Description:** Auburn is utilizing its CDBG program funds to leverage its Lead Hazard Control program and reduce hazardous housing units occupied by vulnerable populations. The use of HOME funds for new unit development projects is also a positive step towards increasing affordable housing options in the city.

In March 2023, the ACDO released a Notice of Funding Opportunity for projects creating new, affordable housing units within Auburn. This will likely attract more, smaller-scale developers and organizations with shovel-ready (and zoning compliant) projects to apply for funding and create more housing options for residents.

Tenant-Based Rental Assistance (TBRA) in the form of Security deposits will continue within this budget and is funded both with HOME funds and existing HOME-ARP funds.

Leveraging additional ARPA & MSHA-funded programs such as the Downtown Façade grant and Accessory Dwelling Unit Development program will also help to revitalize the city's downtown area and provide more housing options for residents. Overall, Auburn is taking proactive steps to address its housing needs and improve the quality of life for its residents.

### **STRATEGY #2: IMPROVE INFRASTRUCTURE & REDUCE BLIGHT**

**Description:** CDBG funds will be used to address blight remediation and continue the Neighborhood Challenge grant program. These initiatives can have a significant impact on improving the quality of life for residents and increasing community pride. Additionally, the development of publicly owned infrastructure and amenities within targeted neighborhoods can enhance the attractiveness of these areas to potential residents and businesses.

Public Infrastructure projects will be completed within qualified LMI census tracts (Downtown, Union St & New Auburn) and will focus on increasing pedestrian improvements to increase safety in residential neighborhoods and encourage more foot traffic and support to local businesses. Addressing distressed buildings and code violations can improve the overall appearance and safety of the community and may also have a positive impact on property values.

Overall, these efforts demonstrate a commitment to improving the community and creating a more livable and attractive city for residents and visitors alike.

### **STRATEGY #3: PROMOTE JOBS AND ECONOMIC OPPORTUNITY**

The city is stimulating entrepreneurship and providing business loans to income-qualified businesses. These loans can be a valuable source of funding for small businesses and help create jobs and stimulate economic growth.

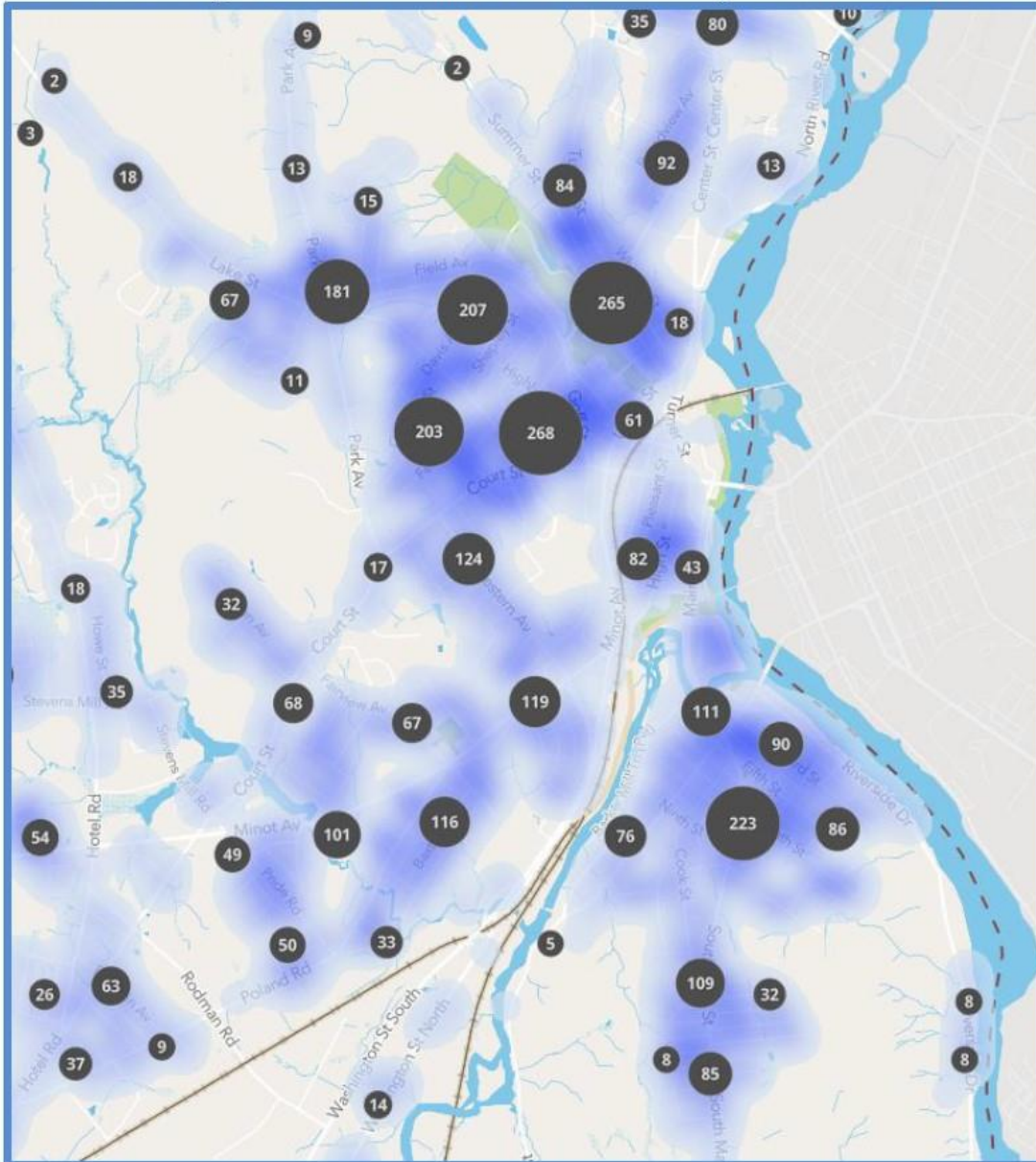
### **STRATEGY #4: PROVIDE ESSENTIAL SERVICES**

**Description:** The city is responding to identified needs within the community by spending a portion of the funds available under the Public Service cap to create a position that serves as a Community Assistance Coordinator. This position will coordinate with the General Assistance program and Community Development staff to assist residents in accessing community assistance programs offered by the city and third-party organizations.

Additional funds will still be available to continue supporting homeless people and seniors in the community by funding organizations that have successfully served these populations within the city in the recent past. These priorities were identified as the top 3 services by respondents to the community survey and represent the growing needs observed by regional service providers.

**Identified: Auburn Neighborhoods with high concentration of homes built prior to 1978.**

These homes have a potential for Lead Paint Hazards which causes negative health effects in children.



**Lead Concentration Map**

## PR-05 Lead & Responsible Agencies - 91.200(b)

### 1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following are the agencies/entities responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Agency Role	Name	Department/Agency
Lead Agency	AUBURN	
CDBG Administrator	AUBURN	City of Auburn Business & Community Development
HOPWA Administrator		
HOME Administrator	AUBURN	City of Auburn Business & Community Development
HOPWA-C Administrator		

Table 2 – Responsible Agencies

### Narrative

In 2001, Auburn and Lewiston formed a consortium in order to receive HOME Investment Partnerships Program funds. The consortium agreement between Auburn and Lewiston for HOME Investment Partnerships Program funds is structured to meet the funding threshold for HOME funds. Auburn serves as the program sponsor and uses 5% of the available HOME funds to cover the overall administration of the program for the consortium, while the remaining 5% of ADMIN funds are split evenly between both cities. The current year's program fund allocations are divided equally between the two cities, with each city responsible for conducting programs and required monitoring in compliance with HUD regulations. The City of Auburn, as the Representative Member, is responsible for managing and monitoring another member's programs if they do not meet HUD standards. However, there is currently no notice that such action is required.

### Consolidated Plan Public Contact Information

The PY23 Action Plan is the 4th year of the 2020-24 Consolidated plan. Comments may be submitted at any time to the Auburn Community Development Office, 60 Court Street, Auburn, ME 04210, tel. 333-6601 or via e-mail at [CDBG@auburnmaine.gov](mailto:CDBG@auburnmaine.gov).

## **AP-10 Consultation - 91.100, 91.200(b), 91.215(l)**

### **1. Introduction**

In addition to a public survey and public hearings held by the City Council, the ACDO has been in continual dialogue with Maine State Housing, the Auburn & Lewiston Housing Authorities, private developers, and community service providers in a concerted effort to develop new needs assessment data and improve communications channels between service providers. These efforts are substantially focused on activities that address the needs of individuals who are homeless, at risk of homelessness, or otherwise identified as a Qualified Population (QP) under the HOME-ARP program requirements.

This Annual Action plan can and should recognize the tandem development and submissions of the Annual Action plans and the HOME-ARP plan. The development of these two plans included direct outreach and solicitation of needs assessment data from organizations and partners, as outlined below. Further, activities within the HOME-ARP plan will be reported in the CAPER without increasing the anticipated 5-year impact goals of the PLAN.

The city has also increased its direct consultation and resiliency planning with the local Emergency Management Agency, state and local health agencies, and first responders such as local Police, Fire, and Sherriff departments. These partnerships are in response to emergent climate changes, civil emergencies such as homelessness, food insecurity, and substance/mental health concerns within the community.

### **Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l)).**

The ACDO is working with homeless service providers and other organizations to prevent and eliminate homelessness in Maine. The Continuum of Care (COC) is an excellent example of a collaborative effort among service providers serving a particular geographic area to develop programs that address housing and homelessness. It's also positive to see that Lewiston and Auburn are part of the Maine State Continuum of Care and that a HUB Coordinator has been appointed to facilitate the development of a coordinated entry for COC services while quantifying locally generated housing service data.

The Lewiston-Auburn Alliance for Services to the Homeless (LAASH) is another excellent example of a local collaborative effort to improve access to services and housing for persons who are homeless or at risk of homelessness. Auburn and Lewiston Community Development staff participate in LAASH, which meets monthly to focus on local homeless issues and provide a forum for educating its members.

The establishment of working partnerships with mental health and service agencies is also commendable. The city's contracted position for Project Support You (PSY), staffed by a certified mental health and crisis intervention specialist from Tri-County Mental Health Services, is an excellent example of a program that

co-responds to police and medical calls involving individuals suffering from substance or mental health issues.

It's concerning to report that a majority of the private sector homeless shelters operating within the cities are not participating in the Maine CoC outreach provider program and are not contributing to the Homeless Management Information System (HMIS) data. Full participation in these comprehensive data-sharing systems is essential to provide accurate information about the local homeless population and provide strategic case management referrals and information sharing by many of the participating service providers in the state.

**Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.**

The HOME-ARP program has been instrumental in creating a Housing Resource Coordinator position, which serves as a Coordinated Entry (CE) point to the Maine CoC for at-risk and other Qualified Populations in the jurisdiction. This role collaborates with various stakeholders, including local homeless service providers, community advocates, and mental healthcare providers, to provide much-needed support to those in need.

Furthermore, the City of Auburn has integrated its Community Development Office, General Assistance, and Public Health Offices to maximize its efforts and work in tandem with organizations like LAASH. These three offices continue to share resources and coordinate services and referrals with the HUB Coordinator to offer more comprehensive assistance to the homeless and at-risk populations. The HOME-ARP plan has also created new positions, which work in collaboration with the HUB Coordinator, local Housing Navigators, and private service providers to provide outreach and direct services to qualified individuals.

Increased coordination with the city Public Health Manager and the McKinney-Vento Liaison within the Auburn school system has served to demonstrate a dramatic increase in McKinney-Vento qualified youth within the Auburn school system. As of March 2023, 199 students have been reported as homeless or living in substandard housing (including 39 unaccompanied youth). This rate represents 11.5% of the total enrolled population, a notable uptick from the 69 reported students at the same time last year.

**Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS**

The Auburn Community Development Office (ACDO) has successfully collaborated with the Maine State Housing Authority (MSHA) to gain direct access to the Homeless Management Information System (HMIS) for city staff. This agreement involves MSHA covering the cost of the software licenses while ACDO and

General Assistance staff perform MSHA-approved outreach and Coordinated Entry assessments to ensure efficient data collection and analysis.

Looking ahead, the City of Auburn plans to apply for Emergency Shelter and Housing Assistance Program (ESHAP) funding in November 2023 to further diversify funding and sustain direct services for homeless and at-risk residents. This initiative also aims to strengthen the integration of city-provided services within the broader Continuum of Care framework, reinforcing the city's commitment to preventing and eliminating homelessness in the area.

## **2. Agencies, groups, organizations and others who participated in the process and consultations**



**Table 2 – Agencies, groups, organizations who participated**

1	<b>Agency/Group/Organization</b>	MAINE STATE HOUSING AUTHORITY
	<b>Agency/Group/Organization Type</b>	Housing PHA
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy Non-Homeless Special Needs Market Analysis
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	Agency was consulted as a data source for Point in Time reporting and continued coordination of the Continuum of Care. Consultation and coordination of activities are ongoing. ACDO staff has consulted with the MSHA HUB Coordinator to ensure that the plans being developed will be complementary in nature. The city integrates data from MSHA Outlook 2023 into its plan development.
4	<b>Agency/Group/Organization</b>	AUBURN HOUSING AUTHORITY
	<b>Agency/Group/Organization Type</b>	Housing PHA
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Public Housing Needs

	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO and AHA staff work regularly to coordinate affordable housing needs and security deposit programs.
5	<b>Agency/Group/Organization</b>	Androscoggin Council of Governments
	<b>Agency/Group/Organization Type</b>	Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Economic Development
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO consults with AVCOG on Environmental Reviews and transportation issues.
6	<b>Agency/Group/Organization</b>	Androscoggin Emergency Management Agency
	<b>Agency/Group/Organization Type</b>	Agency - Managing Flood Prone Areas Agency - Emergency Management Other government - County
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The ACDO staff consults with EMA staff regarding emergency housing resources and coordinates responses to the housing crisis.
7	<b>Agency/Group/Organization</b>	Auburn Fire Department
	<b>Agency/Group/Organization Type</b>	Agency - Emergency Management Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Non-Homeless Special Needs

	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	City Public Health and ACDO team meets semi-annually with Fire Department leadership to coordinate services and referrals provided.
8	<b>Agency/Group/Organization</b>	Auburn Police Department
	<b>Agency/Group/Organization Type</b>	Agency - Emergency Management Other government - Local
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	City Public Health and ACDO team meets semi-annually with Police Department leadership to coordinate services and referrals provided.
10	<b>Agency/Group/Organization</b>	CATHOLIC CHARITIES OF ME - SEARCH
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-homeless Services-Health Services-Education
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Families with children
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO staff consults with the agency to assess the needs of homeless persons and asylum seekers.

11	<b>Agency/Group/Organization</b>	COMMUNITY CONCEPTS FINANCE CORPORATION
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Health Services-Education Services-Employment Services - Broadband Internet Service Providers
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Families with children Non-Homeless Special Needs Economic Development
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO staff work with CCFC team members regarding financial literacy and homebuyer education needs within the community.
12	<b>Agency/Group/Organization</b>	COMMUNITY CONCEPTS, INC.
	<b>Agency/Group/Organization Type</b>	Services-Health Services-Education Services-Employment Child Welfare Agency
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Families with children Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The ACDO staff have consulted regularly with CCI executive leadership about homelessness and financial capability services.

13	<b>Agency/Group/Organization</b>	City of Auburn Recreation Dept
	<b>Agency/Group/Organization Type</b>	Services-Children Services-Elderly Persons
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Families with children Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	The city of Auburn solicits information from Recreation program directors regarding the unmet needs of their clients.
14	<b>Agency/Group/Organization</b>	Lewiston-Auburn Alliance for Services to the Homeless (LAASH)
	<b>Agency/Group/Organization Type</b>	Services-homeless Service-Fair Housing
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Needs - Veterans Homelessness Needs - Unaccompanied youth Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO Staff are regular participants in LAASH monthly service provider meetings.
15	<b>Agency/Group/Organization</b>	City of Lewiston - General Assistance
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-homeless Other government - Local

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	General Assistance departments from both cities communicate regularly regarding presenting needs and available resources that can be shared between cities and residents.
16	<b>Agency/Group/Organization</b>	LEWISTON-AUBURN TRANSIT COMMITTEE
	<b>Agency/Group/Organization Type</b>	Other government - Local Regional organization Planning organization
	<b>What section of the Plan was addressed by Consultation?</b>	Non-Homeless Special Needs Economic Development
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO works with the Director of Transportation to gain valuable input on plans for new affordable housing developments and access via public transportation feasibility and improvement studies.
17	<b>Agency/Group/Organization</b>	SAFE VOICES
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Children Services-Victims of Domestic Violence Services-homeless Child Welfare Agency
	<b>What section of the Plan was addressed by Consultation?</b>	Homeless Needs - Chronically homeless Homeless Needs - Families with children
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO consults with agency leadership to assess unmet needs of the DV population.

18	<b>Agency/Group/Organization</b>	Seniors Plus
	<b>Agency/Group/Organization Type</b>	Services-Elderly Persons
	<b>What section of the Plan was addressed by Consultation?</b>	Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO consults with agency leadership to assess unmet needs of the Senior population.
19	<b>Agency/Group/Organization</b>	LA Metro Chamber of Commerce
	<b>Agency/Group/Organization Type</b>	Services-Education
	<b>What section of the Plan was addressed by Consultation?</b>	Non-Homeless Special Needs Economic Development
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO works with the agency to assess the needs of the job-seeking population through its efforts with Strengthen L/A.
20	<b>Agency/Group/Organization</b>	Auburn Adult Education
	<b>Agency/Group/Organization Type</b>	Services-Education Services-Employment
	<b>What section of the Plan was addressed by Consultation?</b>	Non-Homeless Special Needs Economic Development Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO consults with agency program staff to determine unmet needs within the community, specifically around access barriers to continued education, including transportation.

21	<b>Agency/Group/Organization</b>	Maine Center for Disease Control and Prevention
	<b>Agency/Group/Organization Type</b>	Other government - State
	<b>What section of the Plan was addressed by Consultation?</b>	Lead-based Paint Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO consults with CDC regularly through collaborative work on Lead Abatement and EBLL child poisoning cases.
22	<b>Agency/Group/Organization</b>	Rumford Group Home Inc - Leeds Family Center
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-homeless
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children Homelessness Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO consults with agency leadership to assess the unmet needs of the local homeless population.
23	<b>Agency/Group/Organization</b>	An Angel's Wing Inc.
	<b>Agency/Group/Organization Type</b>	Services - Housing Services-Persons with Disabilities Services-homeless
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Anti-poverty Strategy



	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO consulted with the agency regarding unmet needs related to substance abuse and mental health disorders in the jurisdiction.
24	<b>Agency/Group/Organization</b>	COMMUNITY CREDIT UNION
	<b>Agency/Group/Organization Type</b>	Services - Narrowing the Digital Divide Business Leaders
	<b>What section of the Plan was addressed by Consultation?</b>	Economic Development Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO consulted with the agency regarding unmet needs within the jurisdiction related to housing, economic, and financial capability assistance needs within the community.
25	<b>Agency/Group/Organization</b>	Goodwill Northern New England
	<b>Agency/Group/Organization Type</b>	Services-Children Services-homeless Services-Health Services-Employment
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Families with children Non-Homeless Special Needs
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO consulted with the agency regarding unmet needs within the jurisdiction related to job training needs for youth within the community.
26	<b>Agency/Group/Organization</b>	Pleasant St Drop-in Center
	<b>Agency/Group/Organization Type</b>	Services-homeless

	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Chronically homeless Homeless Needs - Families with children
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO consulted with the agency regarding unmet needs within the jurisdiction related to homeless assistance needs within the community.
27	<b>Agency/Group/Organization</b>	NUTRITION CENTER OF MAINE, ST. MARY'S HEALTH SYSTEMS
	<b>Agency/Group/Organization Type</b>	Services-Health
	<b>What section of the Plan was addressed by Consultation?</b>	Non-Homeless Special Needs Anti-poverty Strategy
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO consulted with the agency regarding unmet needs in the jurisdiction related to housing, homelessness, and access to healthy foods within the community.
28	<b>Agency/Group/Organization</b>	AUBURN SCHOOL DEPARTMENT, 60 COURT STREET, AUBURN, ME 04210
	<b>Agency/Group/Organization Type</b>	Services-Education Child Welfare Agency
	<b>What section of the Plan was addressed by Consultation?</b>	Housing Need Assessment Homeless Needs - Families with children
	<b>Briefly describe how the Agency/Group/Organization was consulted. What are the anticipated outcomes of the consultation or areas for improved coordination?</b>	ACDO staff consulted the McKinney-Vento Liaison within the school department regarding homeless and unaccompanied youth being serviced under the McKinney-Vento Act.

**Identify any Agency Types not consulted and provide rationale for not consulting**

No agency types were intentionally not consulted.

**Other local/regional/state/federal planning efforts considered when preparing the Plan**

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Maine State Housing Authority	The Cities of Auburn and Lewiston have formed a consortium to qualify for HOME Investment Partnerships Program funds, with the grant funds shared by both cities. The 3-year HOME Consortium plan includes a consultation process with Maine State Housing Authority for the recertification. Lewiston and Auburn Community Development staff both participate in the Lewiston-Auburn Alliance for Services to the Homeless (LAASH), which meets monthly. As part of developing the 2020-2024 Consolidated Plan, Auburn and Lewiston Community Development staff worked closely on the plan’s development and implementation. Both Lewiston and Auburn have continued the development of new, affordable rental units. General Assistance and Public Health offices coordinate with the Coordinated Entry system and emergency shelters.
Natural Hazard Mitigation Plan	Androscoggin EMA	This plan addresses the potential impacts of climate change and social emergencies utilizing the HAZUS method, a model for estimating the risk of damage from earthquakes, floods, solar flares, hurricanes, and other known hazards. This plan identifies a potential 866 households (1,225 individuals) that would need sheltering in response to flood impacts. Additionally, this plan estimates that 2,323 individuals would require emergency shelter options in response to a potential increase in hurricane damage.
Analysis of Impediments to Fair Housing Choice	Maine State Housing Authority	Published in October 2019, this plan recognizes similar impediments at the state level as are seen locally, including a Lack of Affordable Housing unit development, Racial and Ethnic barriers, and zoning difficulties posed by NIMBYism efforts (discrimination by communities and neighbors).
Hope & Opportunity for ME	Coordinated Community Plan (CCP) Planning Committee	This HUD-funded Youth Homelessness Demonstration Program (YHDP) results from a \$3.3 million planning and Technical Assistance grant to assess and respond to the needs of Maine’s homeless youth and young adults. The plan identifies additional partners, including the Department of Education, DHHS, and identified coordinated entry positions. This initiative will not only increase the efficacy of data collection and analysis within the HMIS system but increases coordination between service provider partners.

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Comprehensive Plan, 2021	City of Auburn	This plan focuses on established priorities that provide for the quality of life for Auburn’s current and future residents. It outlines specific zoning and services to be equitably provided across the diverse types of neighborhoods, from rural to high-density urban and everything in between.
Strategic Plan, 2019	City of Auburn	The city Strategic Plan establishes 3 committees that oversee the implementation and progress of the city Comprehensive Plan.
Mainehousing Outlook 2023	Maine State Housing Authority	Published in December 2022, this plan assesses the health and development of affordable housing and housing assistance programs state-wide.

**Table 3 – Other local / regional / federal planning efforts**

**Narrative**

The City of Auburn is taking a proactive approach to service delivery by incorporating the General Assistance office and Public Health officer into regular meetings with Community Development staff while simultaneously creating three new positions focusing on providing service to area residents. The Housing Resource Coordinator (funded with HOME-ARP), the Project Support You Co-Responder (Funded by city ARPA funds), and the new Community Assistance Coordinator (funded in part by CDBG & City funds) will dramatically increase the amount of direct care and service provided by the city of Auburn to its residents. This approach offers a more holistic approach to service delivery and can help to identify, address issues, and coordinate responses more effectively.

Broadband access is an important issue for many households, particularly those in rural and low/mod income households. Multiple broadband providers are available in the area; some offer programs for qualifying low/mod households. Increased competition between providers can also benefit consumers. Over 90% of respondents to the community survey indicated they have adequate internet at home. This trend is focused within the urban downtown districts, but rural residents still face cost burdens to connecting to high-speed internet.

The consortium works with the Androscoggin County Emergency Management Agency (EMA) to assess and prepare for natural disasters. With increased climatic changes and civil needs in the area, it's essential to be prepared for emergencies. The potential for increased flooding in the 100-year floodplain due to climate change is a concern. The city is working with partners at EMA to develop responses to potential floods and environmental events.

Overall, the City of Auburn is taking a proactive and comprehensive approach to addressing the various issues facing the community. The partnerships with multiple organizations and agencies are also encouraging and can help ensure that the city is prepared for emergencies and can provide effective services to residents.

## **AP-12 Participation - 91.401, 91.105, 91.200(c)**

### **1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting**

This PY23 annual Action Plan incorporates further improvements to increase participation. The addition of an annual, locally focused, and managed housing and community needs survey has allowed for greater programmatic efficiencies to be implemented based on sound data.

These changes include more pragmatic improvements directly responding to community residents' current needs. The primary need is to solicit greater participation in the identification of local community needs on an annual basis. By developing and refining a local survey program, which demonstrates more diversity while eliminating traditional (or COVID-19) barriers to participation, city staff has been better prepared to respond to Auburn and Lewiston residents' new and rapidly changing needs.

Still, traditional methods of paper surveys, disseminated through dozens of service provider partners and area non-profits, allowed for the additional inclusion of input from community members with substandard access to and capabilities managing internet connectivity and fluency. This will remain an essential part of diversifying community engagement and outreach efforts to ensure that as the methods of operation modernize, no members are left behind.

Additionally, in coordination with implementing the HOME-ARP plan, Auburn and Lewiston staff work monthly with multiple homeless service providers, first responders, and educational institutions. This input was incorporated into the development of both plans.

New efforts have been created by ACDO staff around landlord engagement. This process involves monthly meetings with landlord groups, housing service providers, and case managers. This communication and needs assessments focus on placing unhoused individuals in permanent housing provided by local private landlords and promoting and receiving feedback on current and proposed landlord incentives and rehabilitation opportunities. This ongoing process that culminates in June with a local housing summit event held in Auburn's Festival Plaza.

**Citizen Participation Outreach**

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons
1	Public Hearing	Non-targeted/broad community	On February 13, 2023, the Auburn City Council held a pre-action Plan public hearing. This Public Hearing can be seen at timestamp 2h:18min by following the link below.	During this meeting, two residents spoke. The first (Commenter #1 - Larry Pelletier) continued reading an article published by AARP, which they began reading during the first open session earlier that night. This article focused on homelessness causes. The second resident (Commenter #2 - Andrew Titus) urged a reporting on previous year impact metrics and that the new plan includes specific goals related to lifting people out of poverty.	n/a

2	Community Survey	<p>Non-English Speaking - Specify other language: French, Spanish, Swahili, Somali</p> <p>Non-targeted/broad community</p>	<p>Summary of response/attendance On February 13, 2023, the Auburn City Council held a pre-action Plan public hearing. This Public Hearing can be seen at timestamp 2h:18min by following the link below. As of April 18th, 2023, 120 Auburn residents and 13 non-residents completed the survey. Of these respondents, 60% were homeowners, 36% were renters, and 3% were unhoused. Of the 318 total household occupants included in the survey, 79 were seniors, 180 adults, 49 children aged 7-17, and 21 children under 6.</p>	<p>Notable responses indicate that 8% have had a household member who has experienced homelessness within the last 12 months. 59% of respondents reported paying more than 30% of their monthly income on housing-related expenses. 34% stated that a household member is currently under/unemployed. The top 3 services respondents want the city to prioritize are Homelessness - 65%, Seniors - 44%, and Substance Abuse - 33%. The top 3 priorities that they believe the city should fund are Affordable Housing - 70%, Food Assistance - 41%, and</p>
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Sort Order	Mode of Outreach	Target of Outreach	Summary of response/attendance	Summary of comments received	Summary of comments not accepted and reasons
					Rental Assistance - 31%.
3	Public Meeting	New Auburn Community	On March 28, the Community Development Department presented to the New Auburn Association on the various HUD-funded programs available to qualified participants. 13 people attended. Attendees received a handout with links to applications for all HUD-funded Community Development programs. Programs discussed were Lead rehab, CDBG Critical Repair, Downtown residential exterior improvements, heating assistance, TBRA, HOME-ARP supportive services, HOME downpayment assistance, and assistance for new unit creation.	During the meeting, 4 attendees spoke. Commenter #1, Larry, asked if the rehab programs could help with his water lines. Commenter #3, Tina, asked if the rehab programs could help with building accessible ramps and if painting over lead paint would make a residence lead-safe. Commenter #3, Betty, asked if applications could be made available offline. Commenter #4, Ben, wanted to know if zoning regulations have changed. He owns a multi-unit building and is interested in creating a new unit.	N/A

**Table 4 – Citizen Participation Outreach**

## Expected Resources

### AP-15 Expected Resources - 91.420(b), 91.220(c)(1,2)

#### Introduction

Funding for the Community Development Program is derived from Community Development Block Grant and HOME Investment Partnerships Program allocations for Auburn and Lewiston. These yearly allocations are supplemented by their respective program income derived from current loan principal paybacks expected within the program year and unspent funds carried over from prior years. Allocations are presented as expected to be indicated on our FY23 award letter from HUD and internal reports designating available program income and prior year funds. Prior year resources include unspent funds from both CDBG and HOME funds. Unspent CDBG funds from program years 2018, 2019, 2020, 2021 and 2022 are included. Unspent funds from the HOME program include program years 2015, 2017, 2018, 2019, 2020, 2021, and 2022. These unspent funds are the result of previous year projects which may have been canceled, as well as balances of funds initially set aside for expenditures that fell short of budget expectations. Within this Action Plan, these funds are allocated to new projects as indicated and within guidelines established by HUD.

Additional impacts to expected resources for this PLAN are derived from two outstanding Voluntary Grant Reductions (VGRs). These VGRs result from multiple projects being partially disqualified during the 2020 HUD monitoring. The expected impact of these reductions total \$47,243.34 in decreased funds available for the CDBG program over the PY23 & PY24 and \$81,788.01 in HOME funds. HUD has determined that these impacts

will now be delayed until PY24.

**Anticipated Resources**

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	public - federal	Acquisition Admin and Planning Economic Development Housing Public Improvements Public Services	534,778	200,000	1,142,538	1,877,316	735,000	Resources available include the anticipated allocation, program income, and unspent CDBG funds from the previous years. Funds anticipated for the remainder of the ConPlan include the annual allocation and projected program income.

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 1				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
HOME	public - federal	Acquisition Homebuyer assistance Homeowner rehab Multifamily rental new construction Multifamily rental rehab New construction for ownership TBRA	546,921	48,000	672,674	1,267,595	594,921	Resources available include the anticipated allocation, program income, and unspent HOME funds from the previous years. Funds anticipated for the remainder of the ConPlan include the annual allocation and projected program income.

Table 3 - Expected Resources – Priority Table

**Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied**

This workplan has taken a proactive approach to engaging with third-party community service providers and smaller, shovel-ready housing development projects that fit within existing city Code & Zoning standards.

Community Development funds that leverage additional resources are primarily public service activities and multi-unit rehab projects that require owner contributions. The addition of the Lead Hazard Reduction program will also utilize a portion of CDBG funds to cover match requirements for income-qualifying owners. These funds effectively leverage private and state-funded programs. Investor-owned properties require a 25%

match. Housing programs that target owner-occupied low-income populations have no match requirements.

Federal HOME funds will leverage private resources primarily through rental development projects. Auburn and Lewiston each have rental development projects planned and in construction. The city of Auburn is working on new unit development through a new Affordable Housing Development NOFO. The City of Lewiston is continuing the Choice Neighborhood development, which will leverage private capital contribution. These funds will be added to the previous year's match carry forward to satisfy the requirement.

**If appropriate, describe publicly owned land or property located within the jurisdiction that may be used to address the needs identified in the plan**

Auburn's Economic Development Office has multiple city-owned properties currently under contract to sell to private commercial developers.

**Discussion**

Funding from prior year resources is notable within this budget, yet these numbers are not included in the amount expected for the remainder of the Con Plan. This number is the sum of new allocations and Program income for the next 2 program years.

If there is a reduction in the annual allocation from HUD or a shortfall in expected program income, an equally proportionate reduction will be made to the budget. These reductions will come from the Affordable Housing budget.

## Annual Goals and Objectives

### AP-20 Annual Goals and Objectives - 91.420, 91.220(c)(3)&(e)

#### Goals Summary Information

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Outcome Indicator
1	Provide Safe and Affordable Housing	2020	2024	Affordable Housing Public Housing Homeless Non-Homeless Special Needs		Provide Safe and Affordable Housing	CDBG: \$599,910 HOME: \$1,158,753	Rental units constructed: 7 Household Housing Unit Rental units rehabilitated: 25 Household Housing Unit Homeowner Housing Rehabilitated: 10 Household Housing Unit Tenant-based rental assistance / Rapid Rehousing: 15 Households Assisted
2	Promote Economic Opportunities	2020	2024	Non-Housing Community Development		Promote Economic Opportunities	CDBG: \$50,000	Jobs created/retained: 5 Jobs Businesses assisted: 5 Businesses Assisted
3	Provide Essential Services	2020	2024	Homeless Non-Homeless Special Needs		Provide Essential Services	CDBG: \$100,000	Public service activities other than Low/Moderate Income Housing Benefit: 500 Persons Assisted
4	Improve Infrastructure and reduce blight	2020	2024	Non-Housing Community Development		Improve Public Infrastructure and remove blight	CDBG: \$1,005,000	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit: 1000 Persons Assisted

**Table 4 – Goals Summary**

## Goal Descriptions

1	<b>Goal Name</b>	Provide Safe and Affordable Housing
	<b>Goal Description</b>	Rental Units Rehabilitated: 25 Homeowner Housing Rehabilitated: 10 HOME Rental Units Created: 7 TBRA Security Deposits: 15 Households
2	<b>Goal Name</b>	Promote Economic Opportunities
	<b>Goal Description</b>	Businesses Assisted: 5
3	<b>Goal Name</b>	Provide Essential Services
	<b>Goal Description</b>	Public Service Activities other than Low/Mod Housing benefit: 500 Persons assisted
4	<b>Goal Name</b>	Improve Infrastructure and reduce blight
	<b>Goal Description</b>	Public infrastructure improvements: 1000 persons assisted



## AP-35 Projects - 91.420, 91.220(d)

### Introduction

The following tables list the activities and programs that will be supported using HUD program funds during the 2022-23 program year. The objectives are to:

1. Provide Safe and Affordable Housing
2. Improve Public Infrastructure and Eliminate Blight
3. Promote Economic Opportunities
4. Provide Essential Services

The difference between the totals in the AP-35 & the AP-20 is due to administrative expenses.

#	Project Name
1	2023 Housing Rehab
2	2023 Housing Construction
3	2023 Economic Development
4	2023 Public Service
5	2023 Public Infrastructure
6	2023 Administration
7	2023 Lewiston Admin
8	2023 Lewiston Security Deposits
9	2023 Lewiston HOME Construction

Table 5 – Project Information

### Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

Allocation priorities for Auburn focus on improving the quality and safety of existing housing stock as directed by the city strategic plan. In the community survey, 73% of respondents said their homes were “cold & drafty,” while another 39% indicated their homes had either leaky roofs and/or wet basements.

Increased attention is being given to the development of small-project affordable housing stock. 59% of respondents to the community survey indicated that they were paying more than 30% of their monthly income toward housing. This shows that over half of the city population by percentage is rent burdened per HUD standards. The development of new, affordable units will help Low-moderate income residents attain housing that is both up to city housing standards and affordable. 70% of respondents to the community survey indicated affordable housing development as a top priority for the city.

Most Public Services are being provided directly by city staff, with allocations based on a prioritization of homeless & at-risk residents. These priorities are established within the responses of the community-wide survey, in which 65% of respondents stated that services to people experiencing homelessness should be

the city's top priority. After homelessness, 44% stated services should be provided to seniors, and another 33% stated additional services are needed around substance abuse treatments.

Public infrastructure improvements in Auburn are based on 55% of community survey respondents stating that safety concerns keep them from walking within their neighborhood. This includes a lack of accessible crosswalks and pedestrian safety measures. This input reflects data provided by the CDC Environmental Justice Index, which has identified the Downtown, Union Street, and the New Auburn census tracts as being burdened by high-volume roadways in proximity to residential neighborhoods.

Lewiston's priorities for HOME funds are based on the need to increase affordable housing units while still supporting TBRA services for income-qualifying residents.

## AP-38 Project Summary

### Project Summary Information

1	<b>Project Name</b>	2023 Housing Rehab
	<b>Target Area</b>	
	<b>Goals Supported</b>	Provide Safe and Affordable Housing
	<b>Needs Addressed</b>	Provide Safe and Affordable Housing
	<b>Funding</b>	CDBG: \$599,910
	<b>Description</b>	Rehabilitation of existing single and multi-unit residential buildings
	<b>Target Date</b>	6/30/0024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	25 Rental Units Rehabilitated, 10 Homeowner Units Rehabilitated
	<b>Location Description</b>	Within Auburn
	<b>Planned Activities</b>	Critical Repair LOAN PROGRAM - \$400,000 LMI LEAD Match Grants - 150,000 LEAD TESTING/CLEARANCE - \$15,000 Project Delivery Cost - \$14,910.01
2	<b>Project Name</b>	2023 Housing Construction
	<b>Target Area</b>	
	<b>Goals Supported</b>	Provide Safe and Affordable Housing
	<b>Needs Addressed</b>	Provide Safe and Affordable Housing
	<b>Funding</b>	HOME: \$785,000
	<b>Description</b>	Creation of 5 new rental units
	<b>Target Date</b>	6/30/2024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	Five qualifying AMI households.
	<b>Location Description</b>	Within Auburn

	<b>Planned Activities</b>	Creation of 5 new rental units
<b>3</b>	<b>Project Name</b>	2023 Economic Development
	<b>Target Area</b>	
	<b>Goals Supported</b>	Promote Economic Opportunities
	<b>Needs Addressed</b>	Promote Economic Opportunities
	<b>Funding</b>	CDBG: \$50,000
	<b>Description</b>	Business loans will be made to income-qualifying micro-enterprises.
	<b>Target Date</b>	6/30/0024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	5 LMI qualified businesses
	<b>Location Description</b>	Within Auburn
	<b>Planned Activities</b>	Provide loans to income-qualified micro-enterprises.
<b>4</b>	<b>Project Name</b>	2023 Public Service
	<b>Target Area</b>	
	<b>Goals Supported</b>	Provide Essential Services
	<b>Needs Addressed</b>	Provide Essential Services
	<b>Funding</b>	CDBG: \$100,000
	<b>Description</b>	Providing essential services to Auburn residents
	<b>Target Date</b>	6/30/2024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	500 income qualified residents/households
	<b>Location Description</b>	Within Auburn

	<b>Planned Activities</b>	<p>The city is responding to identified needs within the community by spending a portion of the funds available under the Public Service cap creating a position which serves as a Community Assistance Coordinator. This position will work in coordination with the General Assistance program and Community Development staff to provide residents assistance in accessing community assistance programs provided by both the city as well as third party organizations.</p> <p>Additional funds will still be made available to continue supporting homeless and seniors in the community by funding organizations which have successfully served these populations within the city in the recent past. These priorities were identified as the top 3 services by respondents to the community survey and represent the growing needs observed by regional service providers.</p> <p>Public Service Coordinator (0.5FTE) - \$35,000  Recreation Youth Scholarships - \$20,000  SafeVoices Shelter - \$20,000  SeniorsPlus Meals on Wheels - \$25,000</p>
5	<b>Project Name</b>	2023 Public Infrastructure
	<b>Target Area</b>	
	<b>Goals Supported</b>	Improve Infrastructure and reduce blight
	<b>Needs Addressed</b>	Improve Public Infrastructure and remove blight
	<b>Funding</b>	CDBG: \$1,005,000

	<b>Description</b>	CDBG funds will be used to address blight remediation, as well as continue the Neighborhood Challenge grant program. These initiatives can have a significant impact on improving the quality of life for residents and increasing community pride. Additionally, the development of publicly owned infrastructure and amenities within targeted neighborhoods can enhance the attractiveness of these areas to potential residents and businesses. The focus on increasing pedestrian safety within the Downtown census tract is also important, as it can encourage more foot traffic and support local businesses. Addressing distressed buildings and code violations can improve the overall appearance and safety of the community and may also have a positive impact on property values. Overall, these efforts demonstrate a commitment to improving the community and creating a more livable and attractive city for residents and visitors alike.
	<b>Target Date</b>	6/30/2023
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	1,000 LMI residents
	<b>Location Description</b>	Within Auburn, with prioritization to LMI-qualified census tracts
	<b>Planned Activities</b>	Public Infrastructure Projects focused on Pedestrian & Public Safety within the three qualified census tracts (Downtown, Union St & New Auburn) - \$870,000 Neighborhood Challenge Grants for improvements to public facilities within the three qualified census tracts (Downtown, Union St & New Auburn- \$35,000 Spot/Blight Remediation of hazardous and/or dangerous buildings within the three qualified census tracts (Downtown, Union St & New Auburn) - \$100,000
6	<b>Project Name</b>	2023 Administration
	<b>Target Area</b>	
	<b>Goals Supported</b>	
	<b>Needs Addressed</b>	
	<b>Funding</b>	CDBG: \$122,406 HOME: \$95,169

	<b>Description</b>	Personnel and administrative costs for delivering services
	<b>Target Date</b>	6/30/2024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	n/a
	<b>Location Description</b>	Within Auburn
	<b>Planned Activities</b>	Administrative expenses for planning and delivering program activities.
<b>7</b>	<b>Project Name</b>	2023 Lewiston Admin
	<b>Target Area</b>	
	<b>Goals Supported</b>	
	<b>Needs Addressed</b>	
	<b>Funding</b>	HOME: \$13,673
	<b>Description</b>	Administration expenses for Lewiston HOME program
	<b>Target Date</b>	6/30/2024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	n/a
	<b>Location Description</b>	Within Lewiston
	<b>Planned Activities</b>	Administrative expenses for operation of Lewiston HOME program activities
<b>8</b>	<b>Project Name</b>	2023 Lewiston Security Deposits
	<b>Target Area</b>	
	<b>Goals Supported</b>	Provide Safe and Affordable Housing
	<b>Needs Addressed</b>	Provide Safe and Affordable Housing
	<b>Funding</b>	HOME: \$15,000
	<b>Description</b>	Tenant-based rental assistance in the form of Security Deposits
	<b>Target Date</b>	6/30/2024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	15 income-qualifying households

	<b>Location Description</b>	Within Lewiston
	<b>Planned Activities</b>	Providing Security Deposit assistance for income-qualified households
<b>9</b>	<b>Project Name</b>	2023 Lewiston HOME Construction
	<b>Target Area</b>	
	<b>Goals Supported</b>	Provide Safe and Affordable Housing
	<b>Needs Addressed</b>	Provide Safe and Affordable Housing
	<b>Funding</b>	HOME: \$358,753
	<b>Description</b>	
	<b>Target Date</b>	6/30/2024
	<b>Estimate the number and type of families that will benefit from the proposed activities</b>	2 Income-qualified households
	<b>Location Description</b>	Within Lewiston
	<b>Planned Activities</b>	Construction of new affordable rental units



## **AP-50 Geographic Distribution - 91.420, 91.220(f)**

### **Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed**

In Auburn, priority will be given to the Downtown (Census Tract # 101), The Union St Neighborhood (Census Tract # 103), and the New Auburn Area (Census Tract #105). The most recent HUD CHAS data shows that these tracts qualify as 51% LMI by population and are primarily residential.

### **Geographic Distribution**

<b>Target Area</b>	<b>Percentage of Funds</b>

**Table 6 - Geographic Distribution**

### **Rationale for the priorities for allocating investments geographically**

The 2011-2015 American Community Census identified these 3 census tracts in Auburn, where a majority of the households qualify as Low-To-Moderate Income levels. For this reason, these 3 tracts will be a focus of the city's affirmative marketing, outreach, and translation services.

The city also utilizes the Environmental Justice index data provided by the Center for Disease Control (CDC). This data qualifies the Downtown (Census Tract # 101) as having an overall EJI rank of 0.83, The Union St Neighborhood (Census Tract # 103) as having an overall EJI rank of 0.60, and the New Auburn Area (Census Tract #105) with an overall EJI rank of 0.80. These rankings are primarily impacted due to the CDC Social Vulnerability rank, Toxic Release Inventory Sites (which are driven by high levels of lead paint and High-Volume roadways. Prioritization of lead abatement projects and pedestrian safety improvements within these tracts are related to these observed conditions.

### **Discussion**

Recently compiled GIS heat map data has also highlighted these 3 census tracts containing most of the city's homes at high risk for containing lead paint hazards. Additional outreach, education, and abatement resources will be provided to these designated census tracts and funded through the recently acquired Lead Hazard Control & Healthy Homes grant.

An additional focus of Public Infrastructure funds will be used to provide safer pedestrian amenities and eliminate toxic and blighted buildings within this PLAN.

# Affordable Housing

## AP-55 Affordable Housing - 91.420, 91.220(g)

### Introduction

The Annual Action plan targets providing TBRA resources to homeless or at-risk households in Auburn and Lewiston. Auburn's target for the rehab of rental units outlined within this plan will be accomplished by leveraging the Lead Hazard Control and Healthy Homes grant. These programs require a minimum of a 3-year affordability period for all units. Therefore, as this program impact grows, more affordable units will be monitored by the ACDO staff.

Auburn's plan to develop new, affordable housing units relies on the existing Affordable Housing NOFO. This NOFO was released in March 2023 under the PY22 PLAN. Newly created units funded in part with HOME funds will have an affordability period of 20 years in which rents will be capped at the HIGH HOME Rents as directed by the Community Development Operations Manual and any relevant HUD notices. Currently, MSHA has over 3,700 units under constructed or underwritten state-wide. Of these, 3,280 new units are defined as affordable housing. These numbers are notably higher than the 1,672 units in the MSHA pipeline in PY21. According to MSHA Affordable Housing Options published in March 2023, there are currently 813 Affordable Housing units in Auburn (not including rehab units within their affordability periods). Auburn Housing Authority currently provides an additional 400 Housing Choice Vouchers to Auburn residents. Combined with the most recent CHAS data demonstrating a total of 4,605 rental units within the city, this figure represents over 26.8% of all rental units in Auburn as affordable defined by HUD.

Units funded with CDBG dollars must follow the city's Affordable Rent Standard. The definition of an affordable unit under this plan will be qualified as one that does not exceed HUD-published Fair Market Rents (FMRs) for the current year. A unit is determined to fall within the FMR of a specific area by adding the contracted rent and the applicable utility allowance for the unit. For CDBG-funded projects, the sum of both numbers cannot exceed the FMR of a unit based on bedroom size as published by HUD annually. If the local housing authorities have adopted and been granted a community-wide exception, then the affordable rent standard may increase to no more than 120% of the FMR for the local jurisdiction.

The one-year goals established below represent targets funded through HOME funds only and do not include activities funded by CDBG or other city initiatives.

One Year Goals for the Number of Households to be Supported	
Homeless	5
Non-Homeless	5
Special-Needs	0
Total	10

**Table 7 - One Year Goals for Affordable Housing by Support Requirement**

<b>One Year Goals for the Number of Households Supported Through</b>	
Rental Assistance	0
The Production of New Units	10
Rehab of Existing Units	0
Acquisition of Existing Units	0
Total	10

**Table 8 - One Year Goals for Affordable Housing by Support Type**

### **Discussion**

Due in part to the COVID-19 pandemic, inflated construction costs, and lack of contractors, the new-unit developments scheduled in the previous year were not carried out for projects in either city. These plans will be carried over to this current action plan. Additional funding, as provided by the HOME-ARP allocation, will add to the impact of rental assistance services and the related services required to help families struggling with challenges other than the scarcity of affordable units.

The 2022 Environmental Justice Index has flagged all 3 income-qualifying census tracts as having a high prevalence of chronic poverty. Therefore, additional steps will be made within this Action Plan to address a lack of racial equity in affordable housing programming as outlined and referenced in the city's 5-year Comprehensive Plan. This will be achieved by providing more direct outreach to residents within the Union St, Downtown, and New Auburn census tracts. Newly translated materials will aid this outreach. These census tracts are qualified as comprising 51% or more low-to-moderate income households and have the highest concentration of residential units built before 1978. Pre-78 homes have a higher potential for containing Lead-based paint hazards, which cause adverse health effects in children.

## **AP-60 Public Housing - 91.420, 91.220(h)**

### **Introduction**

Auburn and Lewiston have added multiple large affordable housing projects in the past few years. According to statistics maintained by Maine Housing Authority, 243 new affordable housing units have been created with MSHA funding (including Auburn & Lewiston Consortium funds) between 2019 and 2022. These buildings offer modern affordable amenities to public housing residents. Auburn Housing Authority has been transitioning to a voucher-based system allowing more aid to residents using privately owned units.

As referenced above, there are currently 17 housing developments in Auburn that MSHA considers affordable. These developments have 813 units and are either income-based rent or rent-restricted units. Combined with the 400 Housing Choice Vouchers managed in privately owned units in Auburn, this total equates to nearly 26% of the total rental units available within Auburn.

### **Actions planned during the next year to address the needs to public housing**

Auburn Housing Authority is continuing its conversion into a voucher-based system intended to increase capacity. The city has a notable amount of previous year HOME funds to invest in new unit developments, which are creating units with a 20-year affordability period.

The city of Auburn has substantial market rate developments planned and/or permitted for construction within the next year. Some of these projects have faced local opposition at the planning board level. Three projects within the city continue to stir controversy due to isolated neighborhood opposition, but the city is still committed to developing new housing units to help alleviate the identified housing shortage and high rental rates plaguing residents. NIMBYism and discrimination by communities and neighbors, as highlighted in MSHA's Analysis of the Impediments of Fair Housing Choice published in 2019, is not new. Still, the Auburn administration and City Council have continued to demonstrate unified support for the development of new housing units within the city through their actions.

### **Actions to encourage public housing residents to become more involved in management and participate in homeownership**

Auburn works with the Auburn Housing Authority, Lewiston Housing Authority, and Community Concepts Finance Corporation to assist in the development of new homeowners through its homeownership program and related Homebuyer Education programs. Auburn has incorporated self-sustainability programs into its programs which provide free financial coaching and educational experiences as provided by a HUD-certified housing or financial management counselor.

### **If the PHA is designated as troubled, describe the manner in which financial assistance will be**

## **provided or other assistance**

Although not designated as troubled, on August 8, 2022, HUD designated the Auburn Housing Authority (AHA) as Substandard based on a substandard Public Housing Assessment System (PHAS) physical score. Additional declines in management and capital funding prompted the City of Auburn Director of Business & Community development to conduct a review of AHA. This review included interviews with AHA staff and reviews of recent Physical Inspection and REAC Reports, remediation plans, current maintenance plans, audits, and organizational documents. The Director also met with the AHA board to present more support for the organization from the city. Currently, the Director is still monitoring the remediation plan and is having regular meetings with AHA senior staff to ensure the necessary improvements are being made.

## **Discussion**

Both Lewiston and Auburn are focusing on supporting resident-owned multi-unit facilities to promote home ownership. The city of Auburn created an online fair housing resource center after COVID-19 forced the cancelation of the traditional joint landlord and tenant summit. This resource center provides opportunities for tenants to access new tools to address tenant topics of interest and other resources that assist tenants in becoming homeowners. This online resource center can be found at <https://www.auburnmaine.gov/pages/neighborhood/housing-summit>.

## **AP-65 Homeless and Other Special Needs Activities - 91.420, 91.220(i)**

### **Introduction**

The Maine Balance of State Continuum of Care has historically addressed Auburn and Lewiston's homeless needs. Both Cities participate and sponsor the Lewiston-Auburn Alliance for Services to the Homeless (LAASH), a group of local homeless providers who gather monthly to address the gaps in services to the area's homeless population.

Recently, the city of Auburn has integrated two new positions that deal primarily with the homeless population (Project Support You Staff and Housing Resource Coordinator). Additionally, the city of Auburn opened a 48-hour warming shelter for people experiencing homelessness during a dangerously cold weekend in February 2023. Staff continues to work with regional homelessness service providers to develop new programs that serve the population, despite previous failures to garner funding or support to operate a homeless shelter in Auburn. This plan has been developed in partnership with the HUB Coordinator located within Lewiston Housing Authority, whose role is to better assess and coordinate homeless counts and resource development and delivery.

### **Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including**

#### **Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs**

The ACDO has extended its direct outreach services by creating the HOME-ARP-funded Housing Resource Coordinator. This position focuses on outreach and interactions to find and conduct HMIS outreach and Coordinated Entry services. Between December 2022 & February 2023, this position provided direct case management services to over 20 individuals currently experiencing homelessness. Most of these services are provided at encampments or drop-in shelters in Auburn. As this position transitions into a Coordinated Entry service provider, the ACDO expects to increase these numbers to generate a baseline of local homeless populations (and needs) to supplement the MSHA Point-in-Time count.

#### **Addressing the emergency shelter and transitional housing needs of homeless persons**

The Auburn-Lewiston Home Consortium includes the entirety of both cities. Much of the data provided at the state level is for Androscoggin County or the Lewiston-Auburn Metropolitan Statistical Area (which includes 12 surrounding municipalities). Both Auburn & Lewiston serve as a regional service HUB for the area, meaning that even though HOME-ARP funds are designated for residents of the two cities, the needs of these cities are impacted by the spillover or centralization of needs from the surrounding rural populations.

For example, data collected from the two emergency shelters operated at the Lewiston Ramada Inn or

the Lewiston Armory in 2020 clearly demonstrate this catch-basin effect. The combined totals of the two emergency shelters (whose numbers are not included in MSHA PIT counts) regularly operated at capacity. Of the 213 individuals sheltered, 60% claimed Lewiston as their residence, 20% claimed Auburn, and the remaining 20% came from outside the consortium's jurisdiction.

Additionally, the city of Auburn has recently taken in 50 additional asylum-seeking families of various origins, while the city of Lewiston's General Assistance has processed over 160 within the current Program year. These needs are being addressed through the city General Assistance office, with wrap-around services and coordination provided by the city Public Health manager. This coordination includes private charities, educational facilities, and local hotel operators.

**Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again**

The City of Auburn has provided for a dedicated Housing Resource Coordinator to provide housing focused case management to Auburn residents. The ACDO is working with two potential subrecipients which specialize in sheltering the chronically homeless. These activities are funded from the consortiums HOME-ARP allocation and activities will continue through PY23.

**Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.**

The General Assistance offices of both cities work proactively to prevent LMI families from becoming homeless. These efforts are not just based on the use of General Assistance funds but also the addition of wrap-around support services rooted in their proactive community roles. Similarly, the Auburn Public Health office continues to work with residential institutions to match needs with readily dwindling community housing and support resources. The Community Development Office is adding a new Community Assistance Coordinator position to assist at-risk households with accessing resources outside of traditional General Assistance and HOME-ARP resources to these at-risk qualified populations.

Additionally, the Maine COC has added a new HUB coordinator located at the Lewiston Housing Authority. This position facilitates communication between service providers within the COC system, allowing the Community Development and Public Health teams to focus on crisis response and early intervention

efforts.

In addition to the current homelessness crisis and the influx of more refugee families into a jurisdiction already coping with a housing shortage is the impending end of the current Emergency Rental Assistance program. This program, locally administered by Community Concepts Inc., has serviced 1,118 non-duplicated households as of March 2022. With the scheduled closure of the Ramada Inn Emergency Homeless shelter and the end of the ERA program funding, preparations for a dramatic in housing needs are being developed.

## **Discussion**

As noted above, Homelessness is not a place-based problem. For many, the lack of adequate, permanent housing is transitory in nature as they seek out new and ever-changing resources to meet their needs. Because of this, responses cannot be relegated to isolated neighborhoods or cities. The data compiled for this Action Plan reiterates the clear fact that this consortium is a catch-basin for homelessness and special needs for the region. To address this, better assessments of causal events and cooperation between regional service providers are needed. A strong relationship with the State's Continuum of Care and the locally placed HUB Coordinator is necessary to quantify needs and coordinate resources more accurately. These efforts will be optimized through a locally focused effort to measure and design systematic responses to the prevailing needs of the community.

The city of Auburn has stepped up to meet these needs by creating three new positions, each focusing on maximizing the utility of various funding sources and addressing specific needs such as substance abuse, homelessness, and family resources to sustain housing.



## **AP-75 Barriers to affordable housing -91.420, 91.220(j)**

### **Introduction**

Private development of multi-unit housing projects is on the rise across Auburn. Projects in the permitting process or already under construction are climbing, as the Auburn Planning & Permitting Department reports. One hundred thirty eight new certificate of occupancy have been issued to four new multi-unit developments since 2020. An additional 351 new units in 5 different projects are expected to come into service by the end of 2024. The large and rapid increase in new unit development, coupled with Auburn Housing Authority's conversion to a voucher-based system, will have a notable impact on addressing not just the overall housing shortage but will also make much-needed headway in the alleviation of the shortage of affordable housing.

### **Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment**

The City of Auburn has continued its multi-year efforts to implement form-based zoning. This year saw an ambitious rezoning of the city's core residential area, totaling over 1,687 acres. This was conducted under the guidance of the city's Comprehensive Plan, as updated in 2021, and these changes to the land use code would allow for an increase in density to as high as 16 units per acre.

In the February 14th State of the City address, Auburn's Mayor said the city is halfway to his goal of creating 2,000 new housing units by reimagining zoning policies. Mayor Levesque said that Auburn has "passed some of the nation's most meaningful zoning reform packages, designed to empower the individual, right generational wrongs and foster an environment of success," and is now seen as "an example of how to reinvigorate a stagnant community." ([sunjournal.com/2023/02/13/auburn-mayor-outlines-plan-to-continue-housing-growth-to-head-off-challenges/](https://www.sunjournal.com/2023/02/13/auburn-mayor-outlines-plan-to-continue-housing-growth-to-head-off-challenges/))

Although successful, he stated, "Inflation is impacting the cost of government, just like it's taking a toll on you and your family. The massive desire for so many people to live in Auburn is, on one hand, exciting. On the other hand, it is causing steep increases in home values and property taxes and a shortage of housing of all kinds."

City administration and elected leaders have not been seeking traditional governmental approaches to solution development. Instead of developing and implementing large-scale multi-unit construction subsidized by multiple layers of tax incentives or state and federal funds, they have promoted more equitable and innovative small-scale methods. These include the approval of Accessory Dwelling Units within city zoning, which creates new housing stock and offers small-scale sustainable rental income for

many more middle- and low-income residents with an extra quarter-acre to spare.

Another HOME Unit Development program launched in February 2023 provides HOME funds to smaller, de-coupled, scatter-site projects instead of larger affordable housing developments. The recent outcry of local opposition to large multi-unit developments (mostly market rate) has inspired the ACDO to develop new programs which fit within the current zoning and neighborhood characteristics but are also small enough not to trigger local opposition or drawn-out approval processes. Some of these more innovative approaches have recently been highlighted in an article called "The YIMBYest City in America" (linked below), where the Mayor leans into the recent Not-in-my-back-yard exclusionism the city has faced. This same NIMBYism is also highlighted as an on-going concern within Maine State Housing Authority's 2019 Analysis of Impediments to Fair Housing Choice report.

YIMBY article: The YIMBYest City in America - Discourse ([discoursemagazine.com](https://discoursemagazine.com))

MSHA Analysis of Impediments to Fair Housing: [2019-analysis-of-impediments.pdf](https://mainehousing.org/2019-analysis-of-impediments.pdf) ([mainehousing.org](https://mainehousing.org))

## **Discussion**

These progressive zoning changes, as well as the proposed projects, have stirred substantial community conversations. Dozens of residents have spoken at multiple public hearings or printed letters to the editor of the local paper, both for and against these types of zoning changes and development proposals. Arguments against these developments call into question the potential negative effects on the "traditionally single-family residence neighborhoods" which would be impacted by these large zoning changes across the city. This type of "Zone Defense" has been reactionary to these proposed developments and speaks to the impediments raised by MSHA in their analysis of Impediments to Fair Housing Choice.

## **AP-85 Other Actions - 91.420, 91.220(k)**

### **Introduction**

As referenced above, respondents to the city community survey indicated that the top 3 services the city should provide with entitlement allocations were Homelessness (65%), Senior Services (44%), and Substance Abuse (33%). This input, combined with a dramatic increase in General Assistance requests, has inspired the city of Auburn to create a new Public Service Coordinator position partially funded by the city CDBG public service funds. The remaining funds and time allocation are to be paid for by the city with the primary role of aiding citizens in financial need to find essential resources.

The city of Auburn and the Auburn-Lewiston Consortium have undergone substantial redesign and re-staffing to better meet the prevailing needs of the community. As with any substantial change effort, growing pains within program planning and subrecipient funding expectations are expected, and steps have been taken to prepare for and respond to these concerns. Still, it is essential that the federal funds provided to the city address these ever-changing needs and be spent effectively and with the largest impact per dollar possible.

### **Actions planned to address obstacles to meeting underserved needs**

In a post-COVID world, the resources and needs of the at-risk community changed dramatically. During this time, some types of programming and response systems proved their strength, reliability, and impact.

In addition to the Public Service Coordinator position, the city will continue to work with third-party community service providers with a proven track record of servicing homelessness, substance abuse, and Senior programming to accomplish these goals. Currently, the city of Auburn has a contracted position with Tri-County Mental Health which co-responds to police and rescue calls that involve someone suffering from mental health or substance abuse. Additional contracts will be provided to increase the capacity of homeless shelters and Senior care services.

Additional funding support for summer recreation scholarships will be provided to allow equitable access to experiential opportunities for LMI youth and serve as structured childcare for working parents during the summer months. This compound benefit has proven to provide the broadest demographically available services within the city's historic public service funding. Expanding on the positive, proven Public Services offered directly by the city of Auburn will increase the city's response to the prevailing nutritional and economic needs of its most historically and economically disadvantaged residents and neighborhoods.

### **Actions planned to foster and maintain affordable housing**

Primary activities within this Action Plan involve the development of new residential units offered and made affordable for Low-to-moderate income residents. These funds have been offered through the

Auburn Home Unit Development (AHUD) program. This unique, decoupled development model allows property owners or smaller developers access critical funding needed to create additional affordable units within the jurisdiction. In exchange for funding, the assisted units will be offered to LMI residents at rates that are deemed affordable.

Additional programs will continue to provide access to funding for emergency repairs to residential housing units and tenant-based rental assistance as well as lead testing and abatement funding dedicated to improving the health and safety of homes with young children.

### **Actions planned to reduce lead-based paint hazards**

Both cities currently manage their own grants from the Office of Lead Hazard Control, with which residential units containing children, or being marketed to families with children, can be tested for lead paint hazards. Where hazards are present, funds will be made available in the form of grants to mitigate and abate these lead paint hazards. The separate budget and work plan for the Lead Hazard Control grant established a goal of 110 units abated for lead hazards over the next 3 years. Included within this Action Plan are matching CDBG grants for LMI households to further increase the impact of the Lead Hazard Control grant funds.

### **Actions planned to reduce the number of poverty-level families**

Community Development staff is committed to establishing and maintaining relationships with organizations and institutions which broaden and strengthen the institutional structure. Auburn is increasing its efforts to develop workforce empowerment programming with the local Chamber of Commerce, as well as focusing on and providing educational opportunities for Section 3 businesses. These are businesses owned or staffed primarily by Low-to-moderate income residents. These additional empowerment structures provide opportunities to poverty-level families to increase their experience and earnings and are funded in part through the Lead Hazard Control grant.

The city has also established a relationship with Community Concepts Finance Corporation, a certified HUD homeownership and financial counselor, which will provide free financial education sessions to families enrolled in the homebuyer or rehab programs. Leading with education services better prepares LMI residents to understand and prepare for the financial planning necessary to maintain their assets and improve their own financial situations.

### **Actions planned to develop institutional structure**

The city of Auburn has reorganized its internal structure to better meet the array of prevailing community needs. By integrating the Public Health, General Assistance, and Community Development teams there is present a culture of collaboration and joint response to emergency health, housing, and refugee needs that can only be achieved through the removal of inter-department barriers and the establishment of a unified mission of service and crisis response. As new positions are added, such as the Lead Hazard Control

team and the Housing Coordinator, service gaps within the department are being filled.

The Auburn-Lewiston Consortium is also in a new phase of development where the Community Development and General Assistance offices from each city are working more directly and collaboratively on planning and response initiatives. This is most prevalent around the development and coordination of responses funded under the HOME-ARP plan, where the shared needs and homelessness crises are not easily divisible between the two cities. This inter-city cooperation and data sharing removed duplicative services and increases the efficiency of service delivery and efficacy.

### **Actions planned to enhance coordination between public and private housing and social service agencies**

The Auburn Community Development Department, the Auburn Housing Authority, the Lewiston-Auburn Alliance for Services to the Homeless, the Lewiston Community Development Department, the Lewiston Housing Authority, Community Concepts, Healthy Androscoggin, and other city departments, and local and regional nonprofit organizations coordinate closely in the planning and delivery of housing services. However, there are not enough resources among all the partners to meet the identified needs. Waiting lists for services at the housing authorities are long. By leveraging private developers to construct more affordable units and engage with the Section 8 voucher program, multiple agencies would increase efficiency and ability to better serve the 434 low-to-moderate income residents on the Section 8 waitlist. By engaging with the new HUB Coordinator through a dedicated Housing Intervention Specialist position within the city, these production efforts can be aided with wrap-around services necessary to move residents in need through a better-organized structure with concrete benchmarks and measurable goals.

The Community Development Department has been involved in a local Green and Healthy Homes initiative to better coordinate housing improvements and bring new resources to the community. The City of Auburn has received a Lead Hazard Control Grant with the assistance of Healthy Androscoggin and other service delivery partners within the community. This project entails substantial integration of multiple health agencies, non-profit service providers, and the state Center for Disease Control, which can more efficiently share information, referrals, and response services specifically for children with identified elevated blood-lead levels (EBLLs).

### **Discussion**

The last year has provided substantial and dramatic changes locally, nationally, and internationally. More prevalent today than in the previous 50 years, international conflicts and the crumbling of a globalized consumer economy have created new and unexpected challenges for Auburn and Lewiston residents. Grocery prices and fuel are increasing dramatically. Essential foods are becoming scarce, given manufacturing and resource acquisition breakdowns on the other side of the world. Lumber prices and construction materials are becoming scarce and largely unaffordable to many. Our community is growing with the addition of new and welcomed members who have been driven from other parts of the world due to famine and conflict. Finally, inflation and unemployment/underemployment make housing and

necessary daily resources unattainable for average residents.

The worst part of these new and novel trials and tribulations, which we all have grown accustomed to hearing on the daily news, is that it begins to negatively affect our general worldview and essential optimism, which we all need to grow, develop, and prosper. This is, above all, where we need to focus the majority of our efforts, energies, and collaborations. In the face of all these challenges, the most critical aspect of interdepartmental, institutional, and interpersonal development will be to not lose sight of this key element.

## Program Specific Requirements

### AP-90 Program Specific Requirements - 91.420, 91.220(I)(1,2,4)

#### Introduction

The ACDO is guided by the requirement that at least 75% of allocated funds will be used for activities that benefit persons of low and moderate income. The only program within this Action Plan which do not have an LMI benefit (other than administration funding) would be Spot/Blight remediation. Still, The ACDO has prioritized this non-beneficiary activity within LMI qualified census tracts.

#### **Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(I)(1)**

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
<b>Total Program Income:</b>	<b>0</b>

#### **Other CDBG Requirements**

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	75.00%

#### **HOME Investment Partnership Program (HOME) Reference 24 CFR 91.220(I)(2)**

1. A description of other forms of investment being used beyond those identified in Section 92.205 is

as follows:

Auburn/Lewiston will not utilize other forms of investment beyond those in section 92.205.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

The Auburn/Lewiston Consortium will use the Recapture method to recover HOME funds from projects that have not met the minimum required affordability periods. The proceeds from the repayment of the HOME Program assistance to the original first-time homebuyer will be utilized to assist other HOME Program-eligible first-time homebuyers in obtaining a home within the geographic area providing the property will be their principal residence.

To ensure that the Auburn Lewiston Consortium recovers all or a portion of the HOME Program funds from a homeowner if the housing is sold, transferred, or foreclosed upon within the minimum federally-required affordability period, the following Recapture provisions will be made an express covenant of the borrower applicable to the loan:

If the mortgaged property is sold, conveyed, assigned, or otherwise transferred or if a senior lender forecloses on any senior mortgage prior to the end of the minimum federally required affordability period as defined by 24 CFR 92.254(a)(4), the Home Program loan assistance must be repaid to the City of Auburn on a net proceeds' basis according to the following mathematical formula:

Net Proceeds = (sales price minus municipal liens minus principal owed to senior lenders minus selling costs);

Homeowner Investment = (down payment plus principal paid on the first mortgage, and any verifiable capital improvement investment made from the date of purchase);

A/L Investment = (HOME Program Loan(s) assistance);

Total Investment = (homeowner investment plus City's investment)

Amount of Net Proceeds to be returned to the City = City's investment x net proceeds

Total Investment

In the event of the resale of a property where there is no direct subsidy to the buyer, the Auburn/Lewiston Consortium employs a Resale Provision to preserve the full term of affordability and ensure the housing is retained for occupancy by low-income families. Specifically, the Resale Provision requires that if the owner sells, conveys, or otherwise transfers his interest in the premises prior to the expiration of the affordability period, such sale, conveyance, or transfer shall only be to



an eligible, low-income purchaser. Other restrictions concerning notice of sale, maximum resale price, and marketing of affordable unit(s) apply and are fully detailed in the Auburn/Lewiston's Resale Provision.

Auburn/Lewiston Consortium will not use the resale draft guidelines without consultation and approval from HUD.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

Homebuyer and Homeowner Rehabilitation projects will be subject to recapture provisions of the HOME Program. The property must be occupied as a principal residence for the minimum period of 5 years if HOME assistance is less than \$15,000, 10 years if HOME assistance is between \$15,000 and \$40,000, and 15 years if HOME assistance is over \$40,000. The recapture period shall commence when the building acquisition and/or rehabilitation are complete, and a project completion certification has been issued for rehabilitation.

Transfer of Title. The City shall collect the net proceeds from the sale of the property up to the outstanding balance of the HOME assistance when the HOME Borrower relinquishes the property voluntarily or due to a foreclosure, bankruptcy, appointment of a receiver or liquidation, or assignment for the benefit of the HOME Borrower's creditors, or a financial hardship resulting in a short sale. In the event that the net proceeds are insufficient to repay the HOME loan(s), the City will then forgive part or all of the HOME loans(s).

Auburn will not use a Resale provision unless preapproved by HUD.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

Home funds will not be used to refinance existing debt.

Eligible applicants for Homeowner rehab will be approved on a first-come, first-served basis based on the date of completed applications. Qualified units will be based on their ability to meet Auburn Housing Standards at the completion of the project with the provided resources.

Rental units developed will be completed by a CHDO or developer. When funds are available there will be a standing Notice Of Funding Opportunity. Qualified projects will be accepted and funded on a first-served basis based on the date of completed applications with consideration given to proposed project completion date and other conditions set forth in the notice of funding.

All TBRA programming will be on a first-come, first-served basis based on the date of a completed application. Units will be required to pass HQS inspections and leases approved by program staff to comply with HUD requirements.

Applications can be found on the city website, at the Business & Community Development Office, or by contacting the Community Development team at [cdbg@auburnmaine.gov](mailto:cdbg@auburnmaine.gov).

## ***Attachments***



**ORDER 61-05012023**

# City Council Order

## IN CITY COUNCIL

**ORDERED**, that that City Council hereby adopts the CDBG/HOME Annual Action Plan for Program Year 2023 as recommended by the Business & Community Development Department.

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

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

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