



**City Council Workshop & Meeting
Agenda
October 16, 2023
Auburn Hall, Council Chambers**

5:30 P.M. City Council Workshop

- A. Winter Oaks Concept Plan and PRO Housing Grant Application – Glen Holmes
- B. Lake Auburn – Eric Cousens
- C. Economic development (real estate matter), 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 Whiting

Pledge of Allegiance

- I. **Consent Items** – None
- II. **Minutes** - September 18, 2023, Regular City Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Recycling Update – Phil Crowell, City Manager
 - Proclamation - Extra Mile Day (November 1, 2023)
 - 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. **Order 115-09052023**
Approving the renewal of an Auto Graveyard/Junkyard permit for Don’s No Preference Towing, dba Morris Auto Parts, 940 Washington St. North.
 2. **Ordinance 20-09182023**
Amending Chapter 24, Article II, Division 1, Sec. 24-33 of the General Assistance Ordinance Annual Adjustment of Maximum Benefits. Public hearing and second reading.
 3. **Ordinance 21-09182023**
Amending the Code of Ordinances, Chapter 14, Article XVIII Adult Use and Medical Marijuana Business licensing. Public hearing and first reading.
 4. **Public hearing** - Partial discontinuance of Chestnut Street

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

VI. New Business

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

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

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

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

5. **Order 132-10162023**
Authorizing the City Manager to execute a modified contract with Casella to reinstate curbside recycling.

6. **Order 133-10162023**
Allocating \$10,317.00 from the American Rescue Plan Act (ARPA) funds to the Auburn Ski Association to purchase an alpine ski timing system.

7. **Order 134-10162023**
Allocating \$10,000 of American Rescue Plan Act (ARPA) funds to the Edward Little High School Outdoor Club.

8. **Order 135-10162023**
Allocating \$10,000.00 from the American Rescue Plan Act (ARPA) funds to Special Olympics Maine to be the “Presenting Sponsor” for the “Special Olympics Maine Winter Games 2024” to be held at Lost Valley in February 2024.

9. **Order 136-10162023**
Allocating up to \$5,000.00 from the American Rescue Plan Act (ARPA) funds to provide public safety costs (Police and EMS services) associated with Special Olympics Maine Winter Games 2024” to be held at Lost Valley in February 2024.

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*

VII. Reports (from sub-committees to Council)

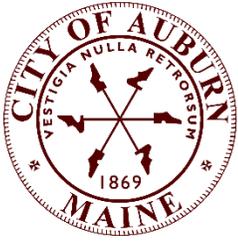
- a. Mayor’s Report
- b. City Councilors’ Reports
- c. City Manager Report

IX. Executive Sessions

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

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

X. Adjournment



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: October 16, 2023

Workshop

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

Subject: Winter Oaks Concept Plan and PRO Housing Grant Application

Information:

The City of Auburn is collaborating with key partners, including Homes For All, LLC, Androscoggin Land Trust, Androscoggin Savings Bank, Androscoggin County Emergency Management Agency, and the Auburn-Lewiston YMCA, to transform a 62-acre city-owned parcel into a mixed-use, mixed-income community. This initiative combines environmental conservation, outdoor education, affordable housing, childcare, and community enrichment programs.

The project involves creating 100 new residential units, comprised of 48 single-family homes, 8 owner-occupied duplexes, and three 12-unit apartment buildings on city owned property. This project will seamlessly connect with existing city sidewalks and bike lanes, extending to 25 acres of conserved natural land and hiking trails. Additionally, the development will provide infrastructure for an outdoor environmental education center, on-site childcare, and a multi-use community space which will double as an emergency shelter facility for regional residents.

The City of Auburn's Business & Community Development department seeks Council support to secure a \$9.5 million grant from the Pathways to Removing Obstacles to Housing (PRO Housing) program. These funds will cover construction costs for new public roads and utilities, including sidewalks, sewer, and water services within the development.

City Budgetary Impacts:

The \$4 million in applicant matching funds will be primarily covered by staff time of key city employees over a 5-year development plan, a significant portion of which is already funded by existing entitlement funds from the U.S. Department of Housing & Urban Development. Furthermore, additional funds from a forthcoming affordable housing Tax Increment Finance district will offer additional development incentives and support operational costs for on-site childcare and the Androscoggin Land Trust.

Staff Recommended Action:

Council Input

Previous Meetings and History:

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Winter Oaks Concept Presentation, DRAFT PRO Housing Application

Winter Oaks

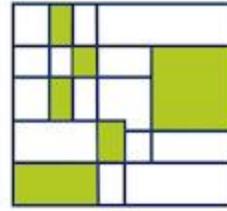
Concept Plan and Development Summary

Pathways to Removing Obstacles to Housing
(PRO) Housing Grant Application

Glen E. Holmes - Director of Business & Community Development



Vision:



PRO HOUSING
Pathways to Removing Obstacles

Community Focused Housing as a Catalyst for Change:

Our vision is to ensure that every individual, regardless of their cultural and economic background, finds a place to call home – an accessible place of safety, dignity, and opportunity.

Development Partners

- | | |
|---|--|
| <ul style="list-style-type: none">➤ Homes For All, LLC➤ Androscoggin Land Trust➤ YMCA of Auburn-Lewiston➤ Androscoggin Emergency Management Agency | <ul style="list-style-type: none">➤ Community Concepts Inc.➤ Auburn Housing Authority➤ Maine State Housing Authority➤ Androscoggin Savings Bank |
|---|--|

Winter Oaks Housing Development PRO Housing Application Proposal

Total project proposes 100 mixed income residential units providing for:

- 56 new Homeowners
- 44 new rental units
- 1 new childcare facility
- 1 new community facility
 - Including emergency warming/cooling shelter

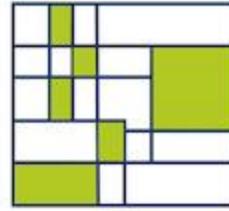


ANDROSCOGGIN LAND TRUST
 Androscoggin Land Trust managed 25-acre conservation site
 Project to construct accessible trail system for public access

48 Single family residences on Shared access driveways

City managed parking and trailhead access to Androscoggin Land Trust property

Community benefits



PRO HOUSING
Pathways to Removing Obstacles

•Housing: Racial & Economic Equity

- Affordable housing
 - Homeownership – 56 new homeowners
 - Rental development – 44 new mixed-income apartments
- Advancing racial equity by deconcentrating minority housing from traditional urban, low-income neighborhoods
- Affirmative Marketing
 - 70% of houses will be marketed and sold to income qualifying applicants at or below HUD sales price cap
 - 70% of apartments will be marketed and rented to income qualifying applicants at or below HUD established rent cap

•Community Infrastructure

- Public Parks
 - Public park with art installations
 - Land Trust managed hiking trails
 - Conservation land for public access
- Pedestrian safety and traffic slowing implements
- Bike path & sidewalks connect to greater community
- Emergency preparedness warming/cooling shelter
- Community gathering spaces (indoor & out)
- Extension of utilities to the greater community

•Community Services

- Land-Trust managed outdoor education space
- Community room available for public use
- YMCA managed on-site childcare

Homes For All, LLC



Homes For All, LLC, a woman and minority-owned business, founded by Fatuma Hussein, an Auburn resident with a strong history in addressing housing disparities by providing translation and social services. Fatuma has played a pivotal role at the Immigrant Resource Center of Maine, offering culturally and linguistically sensitive support to refugee and immigrant communities in Maine. Fatuma founded Homes For All, LLC and employs an advisory council of experienced housing developers with backgrounds in non-profit as well as for-profit housing development.

Homes For All, LLC Advisory Council:

- **Dana Totman** – Affordable Housing & non-profit leader with 40+ years’ experience addressing community challenges around housing. Previous roles include:
 - President & CEO of Avesta Housing 2000-2022
 - Deputy Director of Maine State Housing Authority 1994-2000
- **Kevin Bunker** – Specialization in housing development financing, permitting & project Management. Previous roles include:
 - Principal of Developers Collaborative 2007-2023
 - Assistant Planer at City of Rockland 2003-2006
- **Genesis Community Loan Fund** - Agency providing Technical Assistance to Maine communities including municipalities, community groups, private developers, and cultural organizations that have an interest in creating affordable housing.

Public Access



**ANDROSCOGGIN
LAND TRUST**

This project aims to foster a symbiotic partnership between Winter Oaks development, the City of Auburn, and the Androscoggin Land Trust. Our goal is to elevate residents' quality of life by emphasizing environmental conservation, outdoor education, and community engagement. By incorporating these initiatives into our development plan, we are making an equitable investment in neighborhood amenities that enhance the health, safety, and overall quality of life for both new residents and the wider community.

ALT will establish and maintain a stewardship endowment fund, akin to those set up for other parcels. This fund will allow them to allocate a yearly percentage towards essential stewardship costs. They will also mobilize a dedicated network of volunteers to assist with maintenance, programming, and stewardship efforts for the Winter Oaks Parcel.

1. Neighborhood Walking Trails:

We will create neighborhood walking trails that link the Winter Oaks property, identified green spaces, and the Androscoggin Land Trust's conserved lands providing opportunities for walking, jogging, birdwatching, and nature appreciation.

2. Outdoor Education:

These initiatives will promote environmental awareness and encourage residents to connect with the natural world, benefiting the broader community.

3. Land Conservation:

This project builds accessible hiking trails on the 25 acres of property previously donated to the Land Trust for long-term conservation.

4. Community Engagement:

Hosting community clean-up events or environmental workshops for residents within the proposed community room and parks to be created within the development.



Community Building



Our project will establish indoor and outdoor spaces for community groups and public gatherings. These spaces will also facilitate the provision of additional community services through our partnership with the YMCA of Auburn-Lewiston. The YMCA will open, staff, furnish, and operate at its own cost a full-service Early Childhood Education Center at the proposed housing community center. Priority will be given to residents in the proposed Winter Oaks Housing Development. Licensing, staff training, and initial start-up costs are expected to be between \$40,000 and \$60,000. The YMCA will provide these funds as an in-kind donation to the project.

1. On-site Childcare:

Childcare is an essential aspect of not only early education but increasing of potential workforce. Both full day childcare and after-school programming will be serving the larger community need. Services will be provided at a subsidized rate to income-qualifying residents.

2. Transportation:

Transportation shuttles will be a key part of providing access for residents of this remote neighborhood to be able to access additional YMCA programming such as Summer Camp and youth sports.

3. Playground:

In connection with childcare will be a public access playground. This addition better serves the community at large by providing a safe and accessible place for families with younger children to gather, grow and learn.

4. Community gathering space:

Additional community gathering space is included within the mixed-use multi-unit buildings. These facilities include a small kitchen space and community room available to organizations and families for educational events, potluck fundraisers, and civic gatherings.



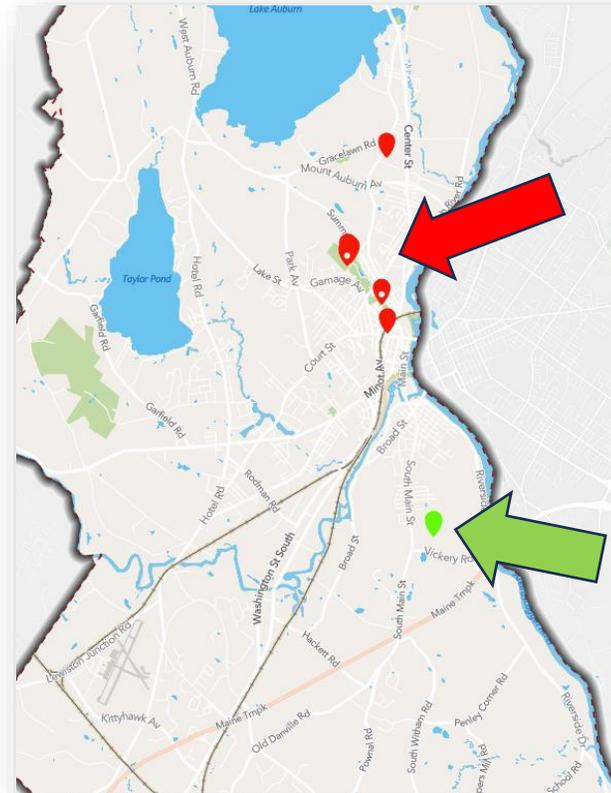
Emergency Shelter

Androscoggin EMA is a vital community partner that provides essential training and education to prepare both our community and partner organizations for disasters proactively. Their support extends to funding emergency preparedness and response resources, such as backup generators for disaster emergency shelters.

Multi-unit facilities which do not have back up electrical and/or heating systems pose high-risk situations during prolonged power failures.

Building Resilient Infrastructure and Communities (BRIC) grants can be leveraged to provide funding and technical assistance to local communities as they undertake hazard mitigation projects which reduce the risks proposed by disasters and natural hazards.

Creating a community disaster emergency shelter with backup utilities at Winter Oaks will benefit the underserved neighborhood south of the Little Androscoggin River, enhancing emergency resiliency and resource allocation in the area.



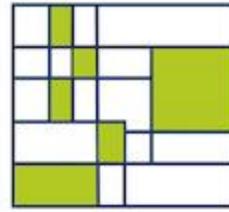
Existing Emergency Shelters

- Norway Savings Bank Arena
- Senior Community Center
- Hasty Memorial Gym
- Ingersoll Turf Facility
- Auburn Public Library
- PAL Center

Proposed Emergency Shelter

- Winter Oaks Community Center

Grant Summary



PRO HOUSING
Pathways to Removing Obstacles

Overview:

Communities nationwide are suffering from a lack of affordable housing, and housing production is not meeting the increasing demand for accessible and available units in many urban and rural areas, particularly areas of high opportunity. Pathways to Removing Obstacles to Housing (PRO Housing) supports communities who are actively taking steps to remove barriers to affordable housing, such as:

- Barriers caused by outdated zoning, land use policies, or regulations;
- Inefficient procedures;
- Gaps in available resources for development;
- Deteriorating or inadequate infrastructure;
- Lack of neighborhood amenities; or
- Challenges to preserving existing housing stock such as increasing threats from natural hazards, redevelopment pressures, or expiration of affordability requirements.

Posted Date: Sept. 7, 2023

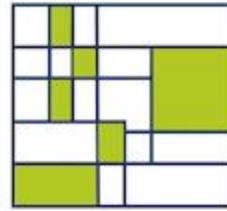
Deadline: October 30, 2023

Purpose: further develop, evaluate, and implement housing policy plans, improve housing strategies, and facilitate affordable housing production and preservation.

Award Amount: from \$1-\$10 Mil with six-year performance period.



Auburn Activities



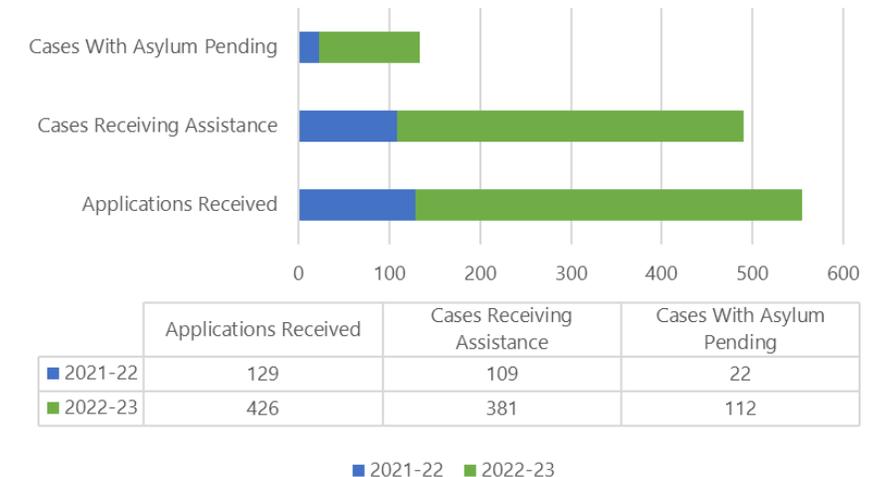
PRO HOUSING Pathways to Removing Obstacles

Auburn is addressing a deficit of over 2,000 affordable housing units. Increases in homelessness and asylum seekers has added to the urgency of demand. Auburn General Assistance has seen a 330% increase in local need, primarily for housing, utility, and food aid. Of a total 426 applications received, 112 cases were asylum-related, representing a 509% increase over the previous year. Additionally, In the past seven months Project Support You (PSY) staff has served 263 homeless Auburn residents while co-responding or receiving referrals from Auburn Police & Rescue personnel.

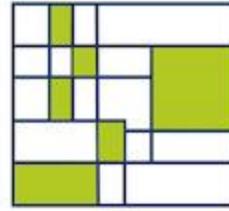
Actions taken by the City of Auburn within the past 12 months

- Funded new, low barrier housing development programs.
 - Up to 15 new units from Accessory Dwelling Unit Development (ARPA & MSHA) \$500,000
 - Up to 10 new units from HOME Unit Development (HUD) \$1,000,000
- Streamlined permitting process for new units
- Improved zoning for new unit development
- Contracted service providers below to offer case management services for Auburn Residents:
 - Rumford Group Homes
 - Tri-County Mental Health
 - Community Concepts Inc.
 - Immigrant Resource Center of Maine
 - Housing Resources for Youth

Auburn General Assistance Applications



Community Buy-in



PRO HOUSING
Pathways to Removing Obstacles

Community Participation & Consultation:

The Development Team has relied heavily on the input from community partners in the development of a concept plan. This plan intentionally integrates partners and amenities that will serve the larger community. This plan will continue to provide extensive community consultation and input practices to ensure this project meets its goals on equity, inclusion and the development of a broad-based community support structure. This process ensures progress and the commitment to overcoming local barriers and myopic opposition. This process includes:

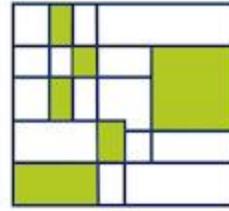
- (1) Public Posting and Public Hearing of draft application
- (2) Community listening sessions with larger New Auburn community.
- (3) Continued consultation with Androscoggin Land Trust regarding site design and impact.
- (4) Inter agency collaboration with Auburn Water & Sewer regarding utilities installation servicing larger community.
- (5) Collaboration with Androscoggin Emergency Management to establish Community Warming/Cooling Emergency Shelter.
- (6) Collaboration with Maine State Housing Authority for culturally specific homeowner educational classes.

Winter Oaks Development Supporting Studies:

- 1990 Planning Board Approved Winter Oaks Housing Development Plan
- AWD 2022 New Auburn Public Water System Extension Study
- ASD 2023 New Auburn & Washington St Sewer Routing Study



HUD Priorities



PRO HOUSING

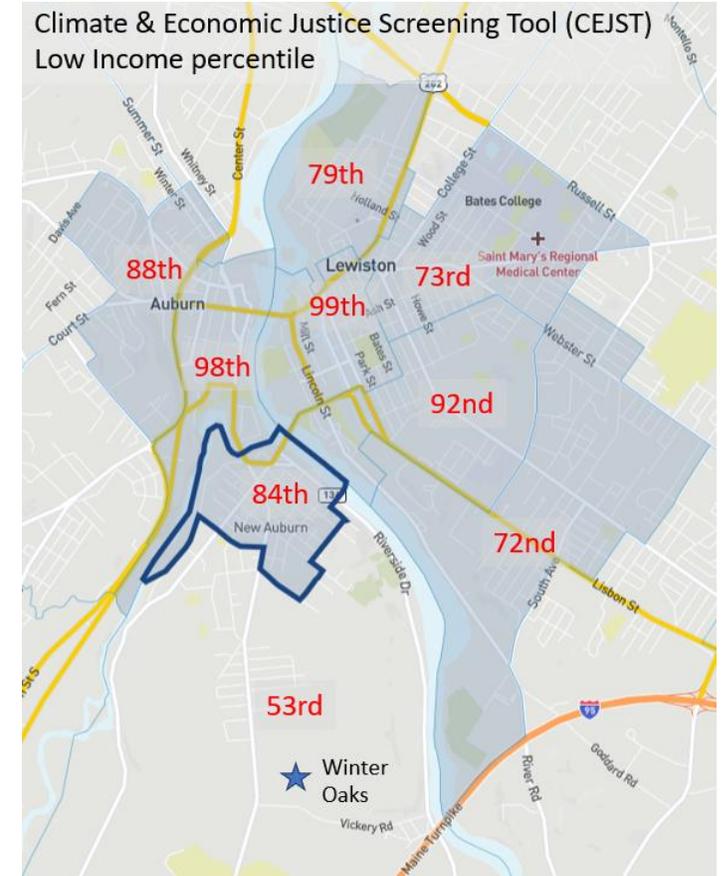
Pathways to Removing Obstacles

HUD will prioritize applicants that demonstrate:

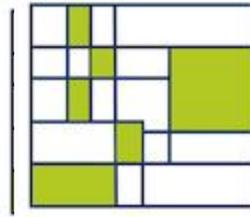
- (1) progress and a commitment to overcoming local barriers to facilitate **the increase in affordable housing production** and preservation; and
- (2) an acute demand for housing affordable to households with **incomes below 100 percent of the area median income**.
- (3) expanding affordable housing in a manner that would **promote desegregation**;
- (4) expanding affordable housing in well-resourced areas of **opportunity for protected class groups that have systematically been denied equitable access** to such areas; or
- (5) deconcentrating affordable housing **and increasing housing choice**

National Objective:

- a. Benefiting low- and moderate-income persons,
- b. Preventing or eliminating slums or blight, or
- c. Meeting other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.



Housing Costs



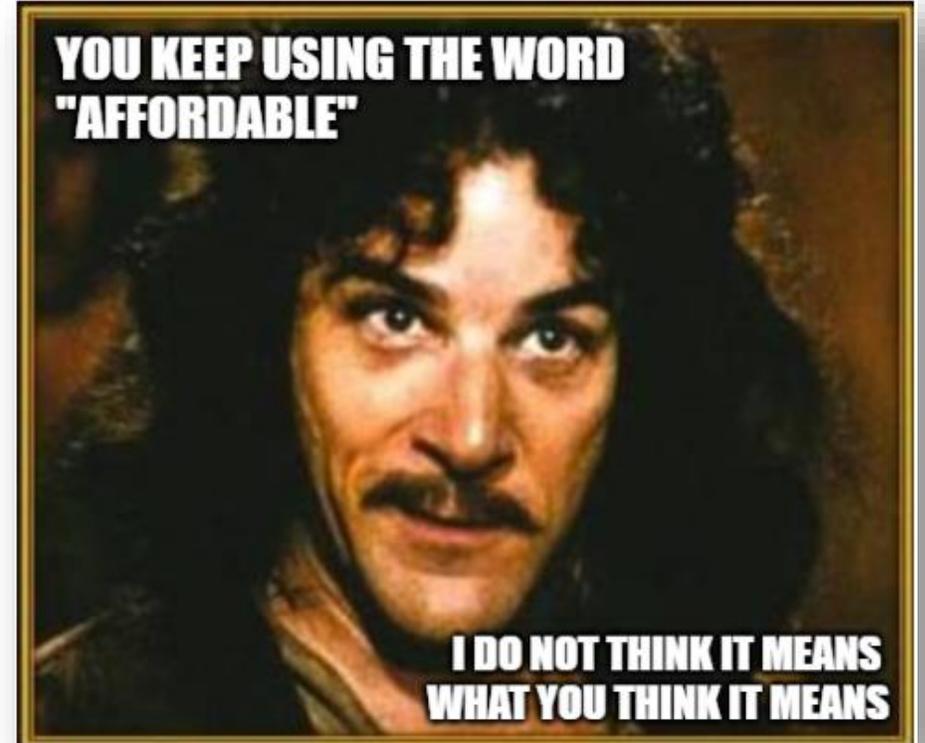
PRO HOUSING
Pathways to Removing Obstacles

Area Median Income Limits - Lewiston/Auburn

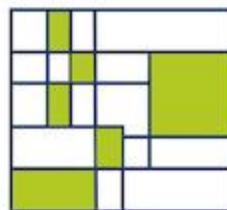
Household Size	80% AMI	100% AMI
1	\$47,250	\$59,010
2	\$54,000	\$67,440
3	\$60,750	\$75,870
4	\$67,450	\$84,300
5	\$72,850	\$91,044
6	\$78,250	\$97,788
7	\$83,650	\$104,532
8	\$89,050	\$111,276

Bedroom Size	Maximum HOME Rent
Efficiency	\$747
1	\$834
2	\$1,060
3	\$1,391
4	\$1,533
5	\$1,672
6	\$1,812

HTF Sale Price Limit	1-Unit	2-unit	3-unit	4-unit
Lewiston-Auburn, ME MSA	\$242,000	\$310,000	\$375,000	\$465,000



Housing Availability



PRO HOUSING
Pathways to Removing Obstacles

75% of Auburn renters and 27% of Auburn homeowners qualify for housing subsidy based on household income

40% of Auburn renters and 20% of Auburn homeowners are cost-burdened (paying more than 30% on housing)

Auburn Income Distribution by Tenancy*						
	Owners	Owners %	Renters	Renters %	Total	% of Pop
Household Income Less than 30% HAMFI	260	4.5%	1140	24.8%	1400	13.4%
Household Income 30-50% HAMFI	525	9.0%	1070	23.2%	1595	15.3%
Household Income 50-80% HAMFI	795	13.6%	1265	27.5%	2060	19.7%
Sub total under 80% HAMFI	1580	27.1%	3475	75.5%	5055	48.4%
Household Income Over 80% HAMFI	4255	72.9%	1130	24.5%	5385	51.6%
Total	5835		4605		10440	
Housing Cost Burden (as a percentage of income)*						
Cost Burden greater than 50%	540	9.3%	905	19.7%	1445	13.8%
Cost Burden 30-50%	665	11.4%	955	20.7%	1620	15.5%
Sub total Cost-Burden	1205	20.7%	1860	40.4%	3065	29.4%
Cost Burden less than 30%	4630	79.3%	2745	59.6%	7375	70.6%
Total	5835		4605		10440	

*Comprehensive Housing Affordability Strategy (CHAS) data date :2015-2019 ACS

Auburn Affordable Housing Options			
	Units	% of Units	
MSHA Income-based & Rent restricted	813	17.7%	Total Renters under 80% HAMFI
AHA Housing Choice Vouchers (HCV)	400	8.7%	Total Affordable Rental Units
Sub Total of Affordable	1213	26.3%	Unmet Needs= 2262

LEWISTON-AUBURN > Posted July 9 | Updated July 10 BY ANDREW RICE SUN JOURNAL

A vacancy rate of zero is pushing up rents and has Lewiston and Auburn embracing any and all new housing

A vacancy rate of essentially zero means there is no room for mobility for renters facing rent increases or evictions, leaving people priced out. Officials say rent control isn't the answer, more housing is.

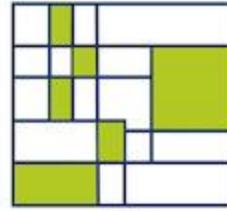
Maine's affordable housing crisis is contributing to a big increase in student homelessness

Rukema said across Maine, the number of students identified as homeless skyrocketed to more than 4,400 during the 2022-23 school year.

Maine Public | By Robbie Feinberg
Published September 20, 2023 at 7:43 AM EDT



Fair Housing



PRO HOUSING

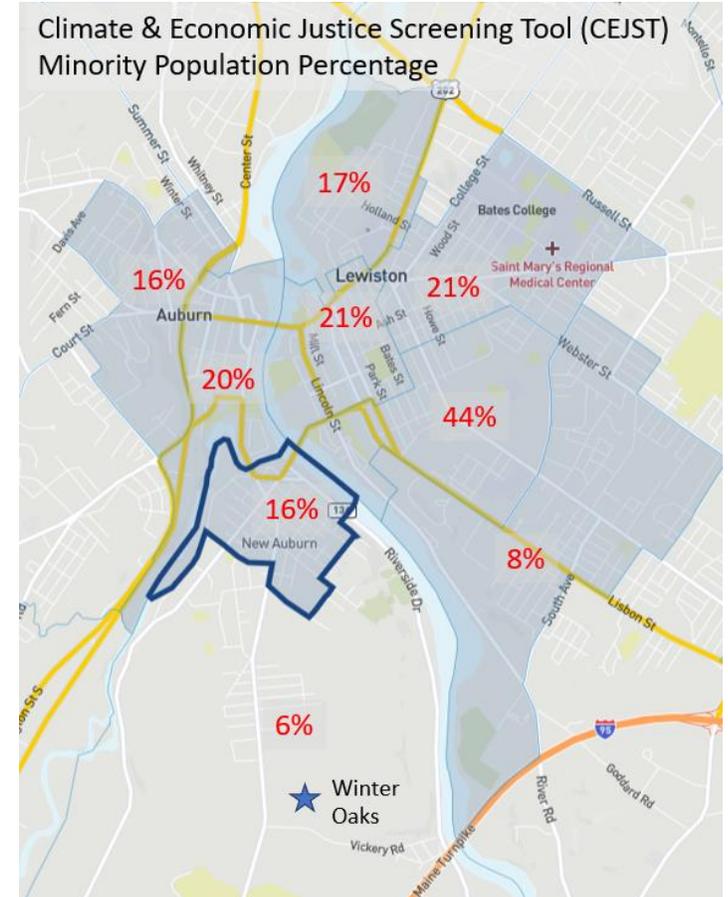
Pathways to Removing Obstacles

What is Fair Housing?

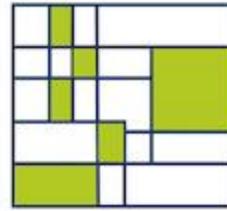
Title VIII of the Civil Rights Act of 1968, known as the Fair Housing Act, requires recipients of federal funds from HUD to take meaningful actions, in addition to combating discrimination, that **overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity** based on protected characteristics, which are:

- Race
- Sex (including gender identity and sexual orientation)
- Color
- Familial status
- National origin
- Disability
- Religion

Specifically, affirmatively furthering fair housing means taking meaningful actions to address significant disparities in housing needs and in access to opportunities, **replacing segregated living patterns with truly integrated and balanced living patterns**, transforming racially and ethnically concentrated areas of poverty into areas of opportunity, and fostering and maintaining compliance with civil rights and fair housing laws.



Development Budget



PRO HOUSING
Pathways to Removing Obstacles

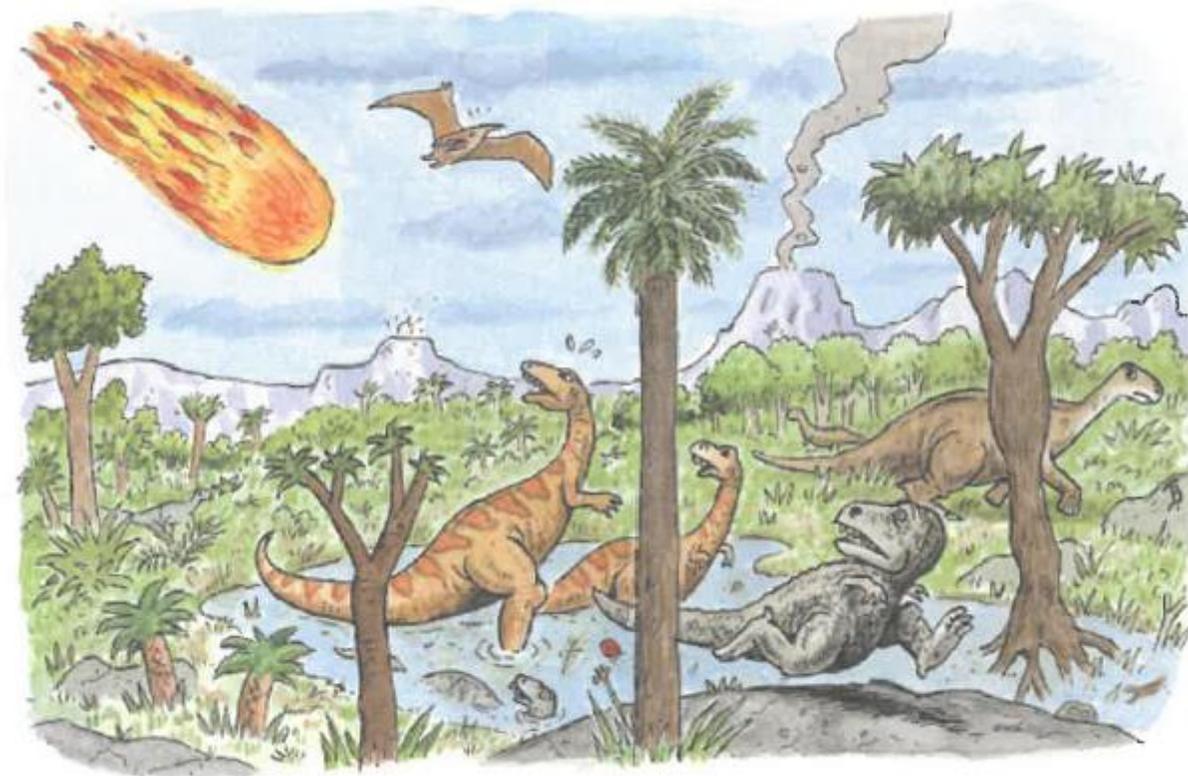
The City of Auburn currently owns the undeveloped portion of the original Winter Oaks Development plan. PRO Housing grant funds will be used to construct city owned public infrastructure, including roads, sidewalks and utilities required to service the proposed housing. The city is providing matching funds directly, and funded via additional CDBG funds, to cover staff time providing technical assistance and project oversight of the public infrastructure construction. A to-be-established TIF will provide future service and affordable housing development costs as detailed within the grant application.

The Developer is contributing additional resources and funding to construct the residential units for sale or rent within a phased development plan. Seventy percent of the sales & rentals will be at or below HUD established maximums.

Detailed Description of Budget			
Analysis of Total Estimated Costs		Estimated Cost	Percent of Total
1	Personnel (Direct Labor)	\$439,400	1.0%
2	Fringe Benefits	\$290,004	0.6%
3	Travel	\$0	0.0%
4	Equipment	\$0	0.0%
5	Supplies and Materials	\$0	0.0%
6	Consultants	\$0	0.0%
7	Contracts and Sub-Grantees	\$3,400,000	7.4%
8	Construction	\$42,008,000	91.0%
9	Other Direct Costs	\$0	0.0%
10	Indirect Costs	\$0	0.0%
Total:		\$46,137,404	100.0%
Federal Share:		\$9,500,000	
Match (Expressed as a percentage of the Federal Share):		79.4%	

Detailed Sources of Funds		
	Estimated Contribution	Percent of Total
1	HUD Share	\$9,500,000 20.6%
2	Applicant Match	\$4,129,404 9.0%
3	Other HUD Funds	\$0 0.0%
4	Other Federal Share	\$0 0.0%
5	State Share	\$3,300,000 7.2%
6	Local/Tribal Share	\$0 0.0%
7	Other Private Financing	\$13,940,800 30.2%
8	Program Income	\$15,267,200 33.1%
Total:		\$46,137,404 100.0%

Q & A



REMEMBER: Your IMPACT can change the world.

U.S Department of Housing & Urban Development
Pathways to Removing Obstacles to Housing
(PRO Housing)

Opportunity Number: FR-6700-N-98
Listing Number:



auburnmaine
Business & Community Development Department

Glen E. Holmes, Director
(207) 333-6601 Ext. 1159
60 Court St Auburn, ME 04210
GHolmes@AuburnMaine.gov



City of Auburn, Maine

Business & Community Development

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

APPLICATION EXHIBITS

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A. EXECUTIVE SUMMARY EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit A: Executive Summary

The city of Auburn is partnering with Homes For All, LLC., The Androscoggin Land Trust, Androscoggin Savings Bank, Androscoggin County Emergency Management Agency, and the Auburn-Lewiston YMCA to develop a 62-acre city-owned parcel into a mixed-use, mixed-income neighborhood which incorporates environmental conservation, outdoor education, affordable housing, child-care, and community enrichment programs.



i. Project Description

The proposed project entails the development of 100 new residential units, consisting of 48 single-family residences, 8 owner-occupied duplexes, and three 12-unit apartment buildings, situated on a 37-acre parcel within a forthcoming city-planned residential community. This development project will seamlessly integrate existing city sidewalks and bike lanes through the proposed development to an additional 25 acres of conserved natural land and hiking trails. Furthermore, the development will provide essential infrastructure to support an outdoor environmental education center, on-site childcare facilities, and an indoor community space designed to function as an emergency warming and cooling center for regional residents.

Funding provided by the PRO Housing grant program will be utilized to install necessary public roads, utilities, and pedestrian infrastructure. Current market-driven construction costs and developer capacity have made developing this existing city-owned property challenging, with multiple attempts stalling due to a lack of available funds.

Developer Background: Homes For All, LLC, a woman, and minority-owned business, founded by Fatuma Hussein, an Auburn resident with a strong history in addressing housing disparities by providing translation and social services. Fatuma has played a pivotal role at the Immigrant Resource Center of Maine, offering culturally and linguistically sensitive support to refugee and immigrant communities in Maine. Fatuma founded Homes For All, LLC and employs an advisory council of experienced housing developers with backgrounds in non-profit as well as for-profit housing development.

Home Ownership: Seventy percent of the newly constructed single-family residences and duplexes will be allocated to households that meet income qualification criteria established within the PRO Housing Program. These homes will include deed restrictions ensuring a 20-year, HUD-approved resale and recapture provision to maintain the program's long-term objectives. Additionally, we have established a strategic partnership with a financial institution specializing in Sharia-compliant and culturally sensitive home loans to help us advance our goals of promoting racial equity.

Affordable Housing: Seventy percent of the apartments within this development will be made available for rent to applicants who meet income qualification criteria, with a 20-year commitment to maintaining affordability. These rental units will be subject to oversight by the City of Auburn in strict compliance with the established monitoring protocols and guidelines governing HOME program units.

Childcare Services: Childcare services will be conveniently offered by the Auburn-Lewiston YMCA, located within one of the mixed-use, multi-unit buildings. Operational expenses for childcare subsidies will be extended to residents of the project who meet income qualification criteria and will be funded as part of a Tax Increment Financing (TIF) district-authorized project cost, in accordance with Maine state statute Title 30-A, Section 5225 (1)(C)(5).

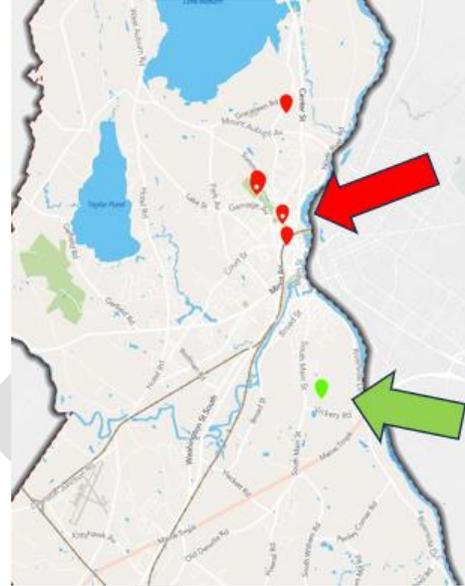
Public Green Spaces and Conservation: A substantial portion of this development will be dedicated to publicly accessible conservation land and green spaces. Already, 25 acres have been transferred to the Androscoggin Land Trust. In addition, space within the development will be set aside for the inclusion of public parks that will showcase art installations and provide bicycle lanes, walking trails, public parking, and facilities for an outdoor educational center and trailhead. These amenities are designed to promote broader community engagement and use.

Emergency Preparedness and Resiliency Planning:

Earlier this year, the City of Auburn hosted the Androscoggin County Natural Hazard Mitigation project planning workshop in collaboration with the Androscoggin Emergency Management Agency. This meeting emphasized the growing need to expand emergency shelter facilities across the city. Currently, three of the five existing facilities managed by the city for emergency shelters are situated on the same property, and an additional one has

yet to be constructed. However, all the existing and proposed shelter facilities are located within a 2-mile radius of each other, making them centrally consolidated in a city that stretches over 15 miles from North to South.

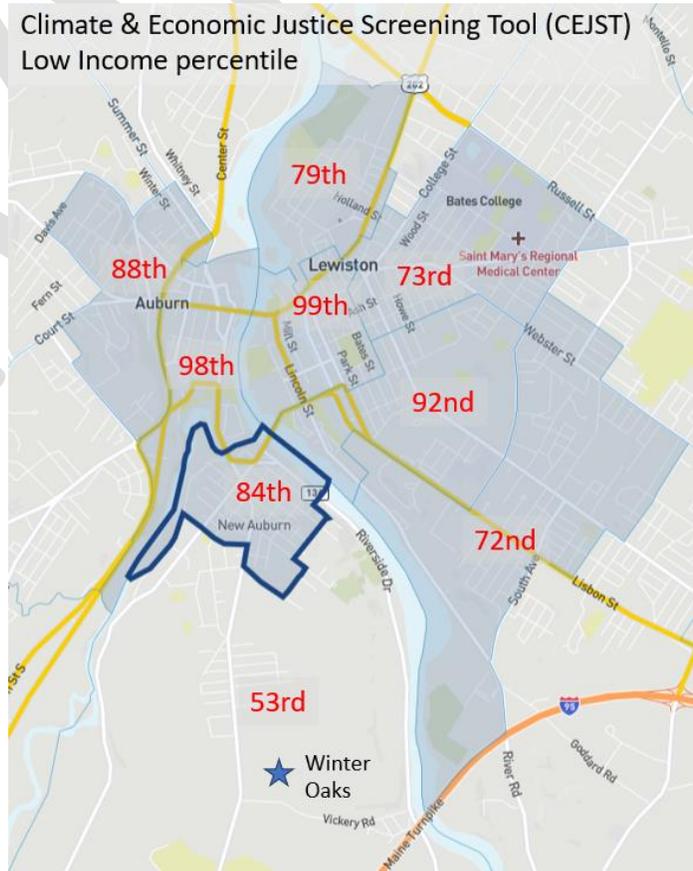
The proposed emergency shelter to be integrated into the Winter Oaks development will be the sole municipal facility positioned south of the Little Androscoggin River, a winding marshy waterway that bisects the entire city. A key partner in this project, which prioritizes sustainable community development in the context of natural hazard mitigation planning, is the Androscoggin County Emergency Management Agency. Together, we are submitting additional applications for state Building Resilient Infrastructure and Communities (BRICS) grants to secure the necessary resources for building and supporting the establishment of a new emergency shelter to serve the broader South Auburn community.



ii. National Objective

The national objectives met within this project pursuant to section 101(c) of the Housing and Community Development Act of 1974 include, but are not limited to, the following:

Benefitting low- and moderate-persons. The Climate and Economic Justice Screening Tool (CEJST) has identified three downtown census tracts in Auburn and five downtown census tracts in Lewiston as disadvantaged. The image to the right visually illustrates the concentration of low-income residents within these two urban cores. The average of the eight separate census tracts ranks at the 85th percentile when compared to the established threshold of concern, which is set at 65.



This project aims to establish 100 new residential units outside the urban cores, where affordable housing has historically and unfairly been concentrated. By dedicating 70 percent of these newly created homes and apartments to households qualifying at or below 100% of the Area Median Income (AMI) for a minimum of 20 years, with a particular focus on underserved communities, we seek to address equity issues and promote economic justice.

Preventing or eliminating slums or blight by de-centralizing the development of affordable housing. The proposed location does not currently fall within a low- to moderate-income qualified census block. It will feature planned green spaces with public art installations. This site, situated in a semi-rural environment and adjacent to 25 acres of conservation land, aligns with the city's commitment to deconcentrating affordable housing while improving access to outdoor spaces for affordable housing residents.

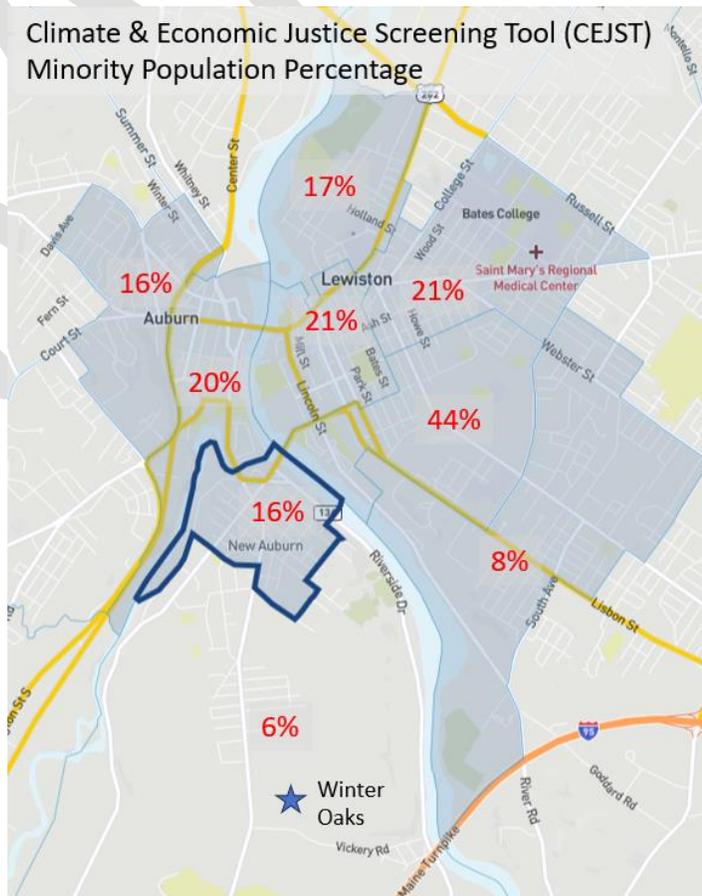
Meet other urgent community needs because of immediate threats to the health or welfare of the community. This project addresses a pressing need by establishing an emergency shelter in a neighborhood where such a resource is currently unavailable. The rising frequency of natural hazard events necessitating backup power or the activation of warming/cooling centers for Auburn residents has strained existing response systems. The inclusion of a new community space that can also serve as an emergency center enhances neighborhood resilience and promotes equitable allocation of these critical resources.

iii. Advancing Racial Equity

In accordance with Executive Order 13985, Executive Order on Advancing Racial Equity and Support for Underserved Communities Through the Federal Government, this project will utilize the below assessment and planning and monitoring process consistent with federal nondiscrimination requirements.

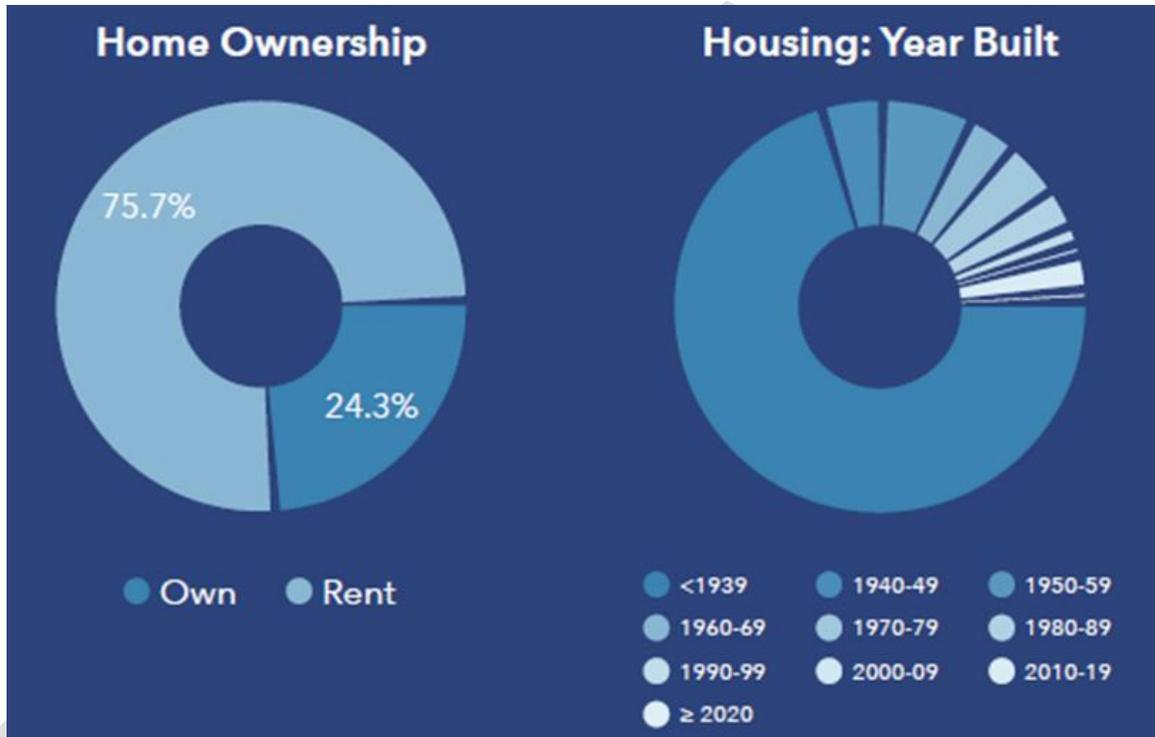
Racial composition of households who are expected to benefit from this project:

The Climate and Economic Justice Screening Tool (CEJST) has identified four downtown census tracts (one in Auburn and three in Lewiston) with a minority population comprising at least 20%. The graphic above



visually illustrates the concentration of the census tracts with the highest minority populations. When compared to the map of low-income populations, a clear and significant correlation emerges, indicating a high presence of low-income residents alongside above-average minority populations within the urban cores of these two cities.

Additionally, the three CDBG qualified census tracts in Auburn are comprised of a housing stock of 75% renters occupying units in which over 75% were constructed before 1968, increasing the prevalence of low to moderate-income, minority residents occupying inefficient, lead-contaminated properties.



Identified potential barriers to persons or communities of color equitably benefiting from this project:

One of the most significant challenges facing individuals and communities of color when it comes to benefiting from new affordable housing developments, such as the proposed project, is the resistance within local communities to placing these projects outside of the established urban core. While expanding affordable housing options to suburban or less densely populated areas is crucial for fostering inclusive community development, it often encounters opposition from local stakeholders. This resistance may arise from concerns related to property values, neighborhood character, or misconceptions about the impact of affordable housing.

The existence of 'Not In My Backyard' (NIMBYism) attitudes and discrimination by communities and neighbors, as highlighted in the Maine State Housing Authority's Analysis of Impediments to Fair Housing Choice published in 2019, is not a new

phenomenon. However, the Auburn administration and City Council have consistently demonstrated their unwavering support for the development of new housing units within the city.

Some of these pioneering approaches have gained national recognition, as exemplified in an article titled "The YIMBYest City in America," where Auburn's Mayor actively confronts the 'Not-In-My-Backyard' (NIMBY) exclusionism the city has encountered. The analysis published by Maine State Housing acknowledges similar barriers at the state level as those observed locally, including the lack of affordable housing unit development, racial and ethnic disparities, and zoning challenges stemming from NIMBYism efforts (discrimination by communities and neighbors).

To address this barrier, our project takes a multifaceted approach:

1. Community Engagement and Education: We prioritize community engagement and public education efforts to dispel misconceptions and raise awareness about the positive impacts of affordable housing. By engaging in open and constructive dialogues with residents, we aim to build support for the project within the local community.

2. Collaboration with Local Leaders: We work closely with local leaders, including city and state officials, neighborhood associations, and influential community members, to gain their support for the project. Their endorsement can help alleviate opposition and foster a sense of shared responsibility for addressing the affordable housing crisis.

3. Inclusivity in Design: Our project incorporates inclusive design principles that ensure the development integrates seamlessly into the existing community. This includes architectural design that complements the surrounding neighborhood, green spaces, amenities that benefit all residents, and traffic management solutions to address concerns about congestion.

4. Affordable Housing Initiatives: We partner with local organizations and housing agencies to provide incentives for affordable housing, such as rent subsidies or homeowner assistance programs. This demonstrates our commitment to addressing the housing needs of marginalized communities.

5. Data-Driven Decision-Making: We rely on comprehensive data analysis to support the project's location selection. This data includes an assessment of demographics, transit accessibility, water and sewer utility capacity, and socioeconomic factors to ensure that the project is strategically placed to benefit those in need.

By implementing these strategies, we aim to mitigate local opposition and ensure that persons and communities of color have equitable access to the benefits of this proposed affordable housing project, thereby fostering an inclusive and diverse community that reflects our commitment to social equity and housing justice.

Detailed steps to prevent, reduce or eliminate barriers:

To address these barriers, the City of Auburn and the project developer have meticulously designed a comprehensive and thoughtful strategy to prevent, reduce, or eliminate obstacles to affordable housing access. This strategy includes allocating budgets for security deposits and down-payment assistance to qualified applicants based on their income. Our unwavering commitment to addressing financial barriers is poised to significantly enhance the effectiveness of our programs.

City administration and elected leaders have departed from conventional governmental approaches to problem-solving. Instead of pursuing large-scale, multi-unit construction projects subsidized by multiple layers of tax incentives and state and federal funds, they have championed more equitable and innovative small-scale methods. One prominent approach is the emphasis on creating new homeowners and multiple owner-occupied duplexes. This not only encourages community engagement by fostering homeowners with a vested interest in their community but also provides sustainable rental income opportunities for many middle- and low-income individuals and families.

Both homeownership and owner-occupied rentals play a pivotal role in enabling families to start building generational wealth, making them essential components of our strategy.

Step 1: Establish Assistance Funding

The City of Auburn, in collaboration with the Auburn Housing Authority and the Maine State Housing Authority, will work closely to create a dedicated fund to ensure that allocated resources are exclusively used for security deposit and down-payment assistance for eligible residents.

Step 2: Define Eligibility Criteria

The developer and the city will collaborate to assess the income qualifications of prospective tenants, ensuring that at least 70% of the units remain affordable. This commitment will be upheld through deeded covenants and regular monitoring conducted by the City's Community Development Office.

Step 3: Outreach and Promotion

Leveraging the developer's extensive history as a housing resource and case management provider, focusing on serving low to moderate-income and diverse communities, we will conduct outreach to establish this project as a representative and inclusive community.

Step 4: Application Process

The city will streamline the application process by aligning it with HUD-approved procedures for income qualifications. This user-friendly, multi-lingual application process removes barriers for eligible applicants seeking security deposit and down-payment assistance.

Step 5: Review and Approval

City approval processes for HUD programs will be enhanced through consultation and procedural refinement, guided by the City's Diversity, Equity, & Inclusion Analyst and the developer's racial equity advisory team.

Step 6: Monitoring and Reporting

Utilizing the city's existing HOME monitoring and reporting system, we will track the impact of the security deposit and down-payment assistance program. This includes regular evaluations of the number of applicants served, the demographics of recipients, and the success rate in securing and maintaining housing.

Step 7: Public Accountability

To promote transparency and garner support, the city will include the results of project monitoring annually in its Consolidated Annual Performance and Evaluation Report (CAPER). This ensures that updates and progress reports on the project's use and assistance provided are regularly shared with the public and relevant stakeholders, building trust and support for the initiative.

Step 8: Sustainability Planning

The success of this project relies on the city's entitlement funds to maintain long-term reporting and accountability beyond the initial three years, ensuring its sustainability.

Measurements used to track progress and evaluate the effectiveness of efforts to advance racial equity within the project:

Tracking progress and evaluating the effectiveness of efforts to advance racial equity within the project is essential to ensure accountability and success. The following are measurements and evaluation steps to be implemented using the existing systems and annual monitoring procedures of the City of Auburn:

Demographic Data Collection:

HUD-approved methods for collecting and reporting demographic data from tenants and homebuyers during the application process will create a composition baseline. This data regularly includes information on race, ethnicity, and income level. This data is collected in a non-intrusive and privacy-conscious manner, following relevant regulations and guidelines.

Analysis of Tenant Demographics:

As part of the City's annual HUD reporting requirement, this data will be regularly analyzed to assess the income, racial, and ethnic composition of residents within the project. Any measurable disparities or inequities identified in the report will provide additional analysis of the reasons behind them.

Outreach and Engagement Metrics:

Tracking the effectiveness of outreach efforts aimed at attracting a diverse applicant pool will be used to evaluate the success of engagement initiatives that promote the project within underserved communities.

Resident Satisfaction Surveys:

The city will conduct regular resident satisfaction surveys to gather feedback from residents about their experiences within and around the project. This includes questions about the sense of belonging, inclusion, and satisfaction with the living environment to gauge the project's impact on racial equity.

Accessible Communication Channels:

The city and developer will ensure that communication channels are accessible and inclusive to residents of all backgrounds. This will be done by monitoring engagement and participation rates in community meetings, workshops, and feedback sessions to assess inclusivity.

Complaints and Grievance Tracking:

The city will establish a system for tracking and addressing complaints or grievances related to racial equity issues within and around the project. These complaints will be used to analyze trends and patterns in complaints and resolutions to identify areas for improvement.

Partnerships and Collaborations:

The multiple partners within this project will measure the impact of these community service providers and collaborations, focusing on racial equity, social justice, and affordable housing. The engagement of residents will be used to track outcomes, joint initiatives, and community-driven projects resulting from these partnerships.

By implementing these measurement and evaluation steps within the existing systems and annual monitoring procedures, the City of Auburn can ensure ongoing accountability and demonstrate a commitment to advancing racial equity within the affordable housing project.

iv. Affirmative Marketing

To assure compliance with Title VIII of the Civil Rights Act of 1968 (Fair Housing Act) and affirmatively market the housing, services, and benefits provided within this project, it's important to outline specific methodologies and strategies for achieving this goal. The following processes will be utilized to encourage and equitably attract tenants:

Rental Unit Marketing and Lease-Up Process:

The rental unit marketing and lease-up process will be designed to ensure equitable access to housing for all demographic groups, particularly those who may be unlikely to apply without specific outreach efforts. Our approach will include:

- **Comprehensive Outreach:** We will conduct outreach through various channels, including local newspapers, online platforms, community organizations, and social media. These advertisements will highlight the availability of rental units and emphasize our commitment to fair and equal housing opportunities.
- **Multilingual Materials:** All marketing materials, including brochures and online listings, will be available in multiple languages commonly spoken in the community to accommodate diverse linguistic backgrounds.
- **Inclusive Language:** Advertisements will use inclusive and non-discriminatory language to welcome individuals of all backgrounds. We will explicitly state our commitment to complying with fair housing laws.
- **Accessibility:** Marketing materials will be designed to be accessible to individuals with disabilities, including providing information in alternative formats upon request.

Single-Family Units Advertised for Sale Process:

The process for advertising single-family units for sale will incorporate similar principles to the rental unit process, focusing on ensuring equitable access to homeownership opportunities.

- **Broad Outreach:** We will advertise the availability of single-family units through various platforms, including real estate listings, open houses, and community events. These advertisements will stress our dedication to fair and equal access to homeownership.
- **Cultural Sensitivity:** Our marketing materials will reflect cultural diversity and sensitivity to the needs of different communities within the area.
- **Financial Counseling:** We will offer resources and referrals for financial counseling to potential homebuyers to help them navigate the mortgage application process and understand their rights under fair housing laws.

Duplex Units Advertised for Sale Process:

The marketing and sale process for duplex units will mirror the approach used for single-family units, focusing on inclusivity and equity in homeownership opportunities.

- **Equitable Access:** We will actively promote the availability of duplex units to a diverse range of potential buyers, emphasizing equal access and opportunity for all.
- **Educational Workshops:** We will organize educational workshops and seminars to inform potential buyers about the advantages of duplex ownership, including rental income opportunities.

Culturally Appropriate Mortgage Lending Advertising Process:

To ensure culturally appropriate advertising for mortgage lending, we will collaborate with local lending institutions to implement the following strategies:

- **Translation Services:** Partner with translators to provide mortgage information in languages spoken by diverse communities in the area.
- **Cultural Competency Training:** Ensure mortgage lending professionals are trained in cultural competency to effectively serve a diverse clientele.
- **Community Engagement:** Connect with local community organizations and leaders to build trust and provide culturally appropriate mortgage lending information.

By implementing these methodologies, we aim to affirmatively market our housing and services while upholding the principles of the Fair Housing Act, promoting equal access to housing, and embracing the diversity of our community.

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B. THRESHOLD AND OTHER SUBMISSION REQUIREMENTS EXHIBIT

City of Auburn, Maine

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Exhibit B: Threshold Requirements and Other Submission Requirements

The City of Auburn is the applicant and has a valid and active registration on Sam.gov with a Unique Entity Identifier (UEI) # T33MAJLE1MJ3. Additionally, the city has no ongoing civil rights matters and will provide for a timely application.

i. Eligibility of Applicant

The City of Auburn, as the applicant, is a qualified unit of local government with experience administering Community Development Block Grant entitlement funds as well as HOME Investment Partnership Funds from the U.S. Department of Housing & Urban Development.

ii. Eligible Activities funded with grant funds

The City of Auburn will use grant funds only for the eligible activities below pursuant to section 105 (a) of the Housing and Community Development Act of 1974 and applicable program regulations at 24 CFR part 570 as applied and modified by the PRO Housing NOFO:

NOFO Section F-2 © i - Planning and policy activities supporting affordable housing:

- D: Developing new incentive programs for affordable housing development
- E: Expanding existing affordable housing incentive programs to broader geographies, including high-opportunity neighborhoods
- G: Establishing incentive programs or flexibilities to enable and promote the adaptive reuse of vacant or underutilized properties for housing or mixed-use development
- S: Developing regional planning models that enhance location efficiency by focusing on connecting housing, transportation, and economic growth
- T: Providing affordable housing developers a first look at tax sale properties and other government properties
- V: Developing proposals for policies that incentivize mixed-income development, such as the inclusion of affordable units in market-rate properties

NOFO Section F-2 © ii - Development activities:

- A: Financing the construction or rehabilitation of affordable housing
- B: Acquisition or disposition of land or real property for the development of affordable housing
- C: Facilitating the conversion of commercial or other properties to new housing
- D: Establishing or assisting a Community Development Financial Institution (CDFI) to carry out financing strategies
- E: Providing large-scale technical assistance to affordable or non-profit developers, community land trusts, or other entities, which leads to the development of affordable housing

NOFO Section F-2 © iii - Infrastructure activities:

- A: Installing new utilities and/or infrastructure improvements necessary for the development or preservation of affordable housing
- B: Upgrading existing utilities or improvements to increase an area's overall capacity for new housing
- C: Establishing tax-increment financing districts to fund infrastructure improvements or affordable housing development, especially those that incentivize affordable housing development
- D: Increasing community resiliency by investing in infrastructure improvements and nature-based solutions to mitigate the impacts of disasters, natural hazards, and extreme weather to make areas suitable for new affordable housing investment
- E: Investing in neighborhood amenities that benefit low-and-moderate income residents, such as parks, community centers, bike lanes, and improvements to the physical environment that increase public safety, such as streetlights or sidewalks

C. DEMONSTRATION OF NEED EXHIBIT

City of Auburn, Maine

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Exhibit C: Demonstration of Need

The State of Maine Housing Production Needs Study published in October 2023 quantified the historic underproduction of housing for the Central Western Maine region. The cities of Lewiston & Auburn represent the second largest urban population in the region. This study indicates a housing shortfall of 22,700 to 24,700 units to meet future demand. This annualized number represents a needed increase of 150-170% new units created over current production rates.

Table 1: Historic Underproduction and Future Need by Region

Region	Historic Underproduction	Future Need (2021 - 2030)	Total
Coastal	21,200	24,200 - 28,000	45,400 - 49,200
Central Western	13,000	9,700 - 11,700	22,700 - 24,700
Northeastern	4,300	4,000 - 6,100	8,300 - 10,400
Maine	38,500	37,900 - 45,800	76,400 - 84,300

The need for greater availability of affordable housing in our region is evident as Auburn's population grows at a rate of 0.42% per year, with a 1.26% increase (303 people) between 2020-2022 and a poverty rate of 12.1% in 2020 (a 6.6% 1-year increase). Inflation and population growth from 2019-2022 have created a severe housing shortage.

ESRI data for 2023 to the right demonstrates that 70% of the housing (2,251 units) located within the three downtown Auburn census tracts was constructed before 1940. This means over two-thirds of the urban core housing lacks modern accessibility and efficiency.

75% of these units are rentals, and over 50% of them are to households making less than \$35K per year. A disproportionate number of low-income renters within Auburn live in antiquated, inefficient, and lead-contaminated housing.



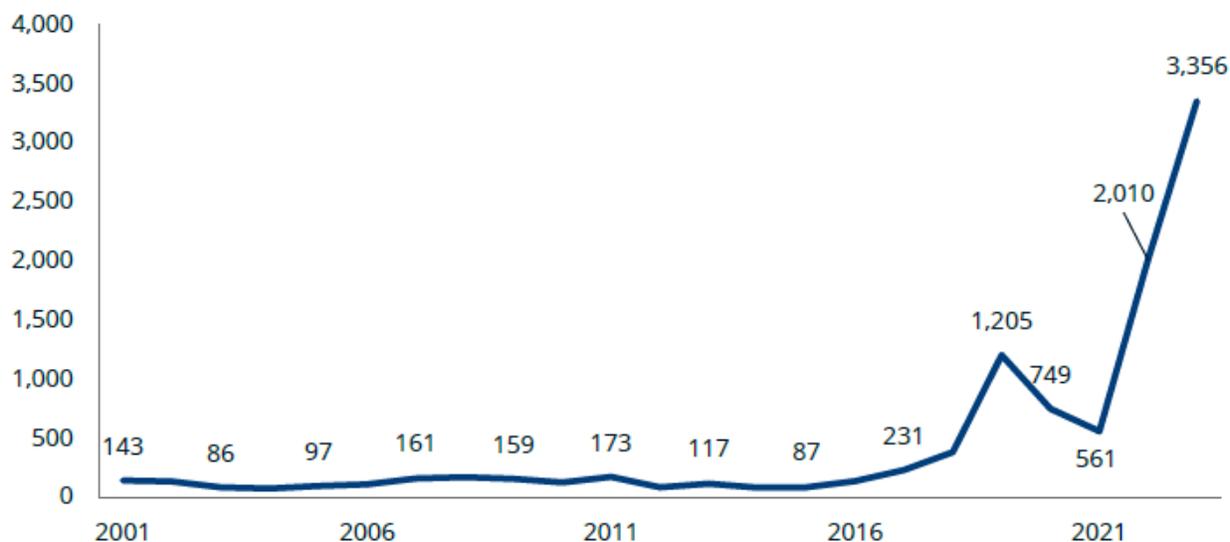
Table 2: Annualized Production Needs Compared to Annual Building Permits by Region

	<i>Total Annual Production Need</i>	<i>5-year average (2016 - 2021)</i>	<i>% Change in Permits</i>	<i>Net Change in permits</i>
<i>Coastal</i>	5,100 – 5,500	3,400	50% - 62%	1,700 – 2,100
Central Western	2,500 – 2,700	1,000	150% - 170%	1,500 – 1,700
<i>Northeastern</i>	900 – 1,100	400	128% - 175%	510 – 700
<i>Maine</i>	8,500 – 9,300	4,800	77% - 94%	3,700 – 4,500

Also included within the State of Maine’s housing needs report is the most accurate measurement of asylum seekers settling in Maine. The notice-to-appear filings (a proxy for the total number of asylum seekers in Maine) indicate an increase of over 3,000 cases per year from 2018 to 2023.

This rising trend of locating asylum seekers and new Mainer minority populations within the existing urban core is the result of an economic system that reinforces existing housing disparities. As established above, these urban core neighborhoods where rents are more affordable are already contributing to the systematic concentration of low-income residents and minority populations within older, inefficient, lead-contaminated housing stock.

Figure 9: Total Individual Notice-To-Appear Cases Filed, 2001 - 2023

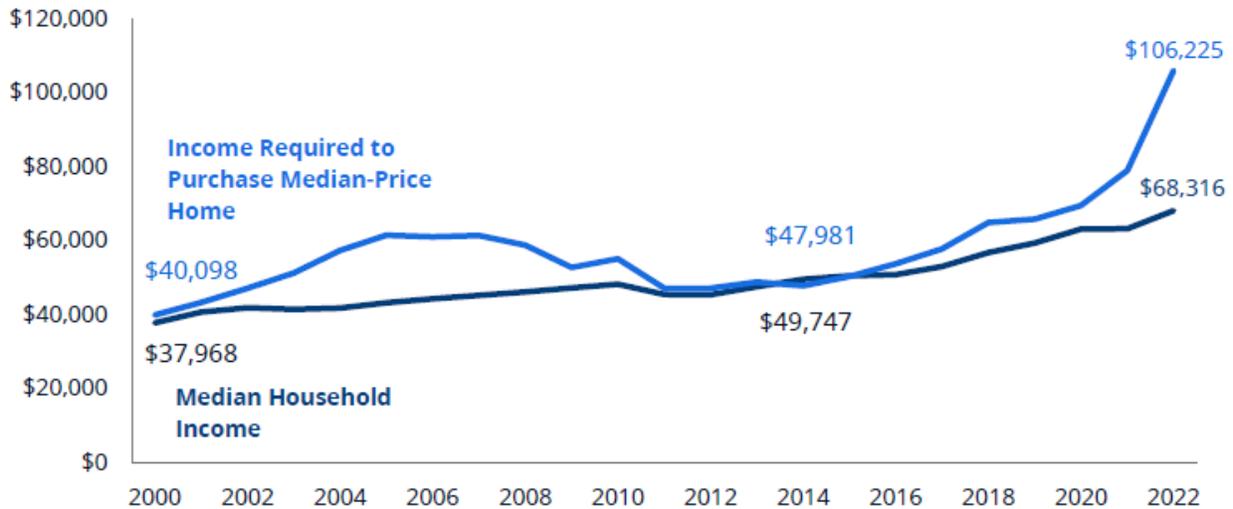


Source: TRAC New Proceedings Filed in Immigration Court; Notice to Appear Deportation Cases 2001 – 2023

Lastly, the pressure on housing affordability caused by the historic underproduction of units and the recent influx of new residents has created a spike in housing prices that has yet to subside. The 2022 Homeownership Housing Facts and Affordability Index published by Maine State Housing Authority demonstrates a 13% increase in the median single-family home price from 2021 to 2022.

This means the previous home price of \$295,000 rose to \$334,000 in just one year. This number is still dramatically higher than the HUD-established Housing Trust Fund sale price maximum of \$206,000. The graphic provided below by Maine State Housing Authority demonstrates the purchasing capacity of Maine residents compared to the median household income. This disparity is another data point indicating the need for new, affordable housing production for Maine homebuyers, not just renters.

Figure 29: Purchasing Capacity Over Time, 2000 - 2022²³



Source: *MaineHousing 2022*

Several key factors underscore the urgency of addressing this issue:

1. **Rising Housing Costs:** The escalating costs of homeownership and rental properties have placed a significant burden on low- and moderate-income households. Many families struggle to secure safe and stable housing that aligns with their financial means.
2. **Income Disparities:** Income disparities persist in our community, resulting in a widening gap between housing affordability and the financial capacity of a substantial portion of our population. This inequality threatens the social fabric of our region and hampers opportunities for economic mobility.
3. **Limited Housing Availability:** The supply of affordable housing units has not kept pace with the growing demand. This shortage has created a highly competitive housing market, leaving vulnerable populations at risk of homelessness or housing instability.
4. **Community Stability:** Access to affordable housing is integral to maintaining community stability. Affordable housing options enable individuals and families to establish roots, fostering a sense of belonging and contributing to the overall health and resilience of our neighborhoods.

5. **Employment Opportunities:** Affordable housing supports local economies by ensuring a diverse workforce can remain in the area. By addressing the housing affordability crisis, we can better attract and retain skilled workers, benefitting both employers and employees.
6. **Social Well-being:** The lack of affordable housing options adversely affects our residents' physical and mental well-being. Stable and affordable housing is a fundamental pillar of individual and family health.
7. **Reducing Homelessness:** By investing in affordable housing initiatives, we can take proactive steps to reduce homelessness and alleviate the strain on emergency shelter systems, healthcare resources, and public safety services.
8. **Community Resilience:** Access to affordable housing is vital in times of crisis, such as natural disasters or economic downturns. It ensures that our community remains resilient in the face of unexpected challenges.

In light of these pressing concerns, our commitment to creating affordable housing opportunities is not only a moral imperative but also a strategic investment in our region's long-term prosperity and well-being. Addressing the need for affordable housing is a critical step toward building a more inclusive, equitable, and sustainable community.

- i. **Efforts to identify, address, mitigate, or remove barriers to affordable housing production**

The City of Auburn has taken significant steps to address the affordable housing crisis through innovative approaches. These efforts include approving Accessory Dwelling Units in city zoning, creating new housing options and rental income opportunities for middle- and low-income residents. These initiatives have gained recognition in "The YIMBYest City in America" article published by Discourse Magazine on May 18, 2022. The city has also faced challenges related to NIMBYism, as highlighted in the Maine State Housing Authority's 2019 Analysis of Impediments to Fair Housing Choice report. These zoning changes have sparked extensive community discussions, with residents expressing both support and concerns about their impact on traditionally single-family neighborhoods. This "Zone Defense" reaction reflects the ongoing challenges identified by MSHA in their analysis of Fair Housing Choice impediments.

Specific actions the City has already taken are summarized below:

Policy Review and Reform: Auburn's 2021 Comprehensive Plan Update exemplifies a visionary approach to sustainable growth. Our goal is to expand thoughtfully from our historic city cores, fostering vibrant neighborhoods that define our identity. We are dedicated to efficiently maximizing land usage and services, preserving neighborhood character, and ensuring resources for current and future residents. Auburn is committed to strengthening community bonds, seizing opportunities, and pursuing growth with environmental conservation as an integral part of our identity.

Streamlined Permitting Processes: Red tape has historically hindered housing production and steered investments away from our community, potentially exacerbating vehicle miles traveled and promoting housing segregation. The City of Auburn is actively addressing these challenges by streamlining our regulatory processes, making them faster, more cost-effective, and more predictable than other jurisdictions. Here are some key initiatives:

1. **Coordinated One-Stop Experience:** The city offers a seamless, one-stop experience for project development, including initial discussions, site location assistance, and incentives to overcome obstacles. Our local and State delegated permit reviews come at a fraction of the usual State fees, with an average turnaround time that is only 25% of what developers would encounter elsewhere.
2. **Form-Based Code Districts:** In designated areas and preapproved industrial or commercial subdivision lots, the city provides swift staff-level approvals for most uses, ensuring efficient site development. If a project encounters challenges, staff are committed to working alongside you to find solutions.
3. **Veteran Homeowners and Businesses:** The city has eliminated permit fees for veteran homeowners and slashed them in half for veteran-owned businesses, honoring and supporting those who have served our country.
4. **Competitive Permitting Fees:** Auburn boasts the lowest permitting fees among major cities in the State. For instance, the permit fee for a new single-family home is as low as \$25.00, making our community highly cost-competitive.
5. **Private Investor Partnerships:** Our city collaborates with private investors eager to build tailored solutions for solid tenants and industry clusters, offering more opportunities for growth.

Investors are taking notice of these efforts. External factors, such as the rise in remote work opportunities and the appeal of living in Auburn with its abundant recreational options, have driven increased demand for housing within the city and the State as a whole. Additionally, pricing and regulatory changes in other parts of the State have made these streamlined processes even more attractive and competitive in the housing market.

Inclusionary Zoning: Our 2021 Comprehensive Plan Update recognized that traditional residential zoning presented a significant challenge to fostering diverse housing options within desirable neighborhoods. Conventional zoning practices had historically segregated single-family homes from rental and condominium-style housing, often relegating rentals to commercial zones. The city sought to dismantle this practice and promote a more inclusive approach, allowing people to reside together in various housing types.

To achieve this, we drew inspiration from form-based codes and initiated substantial changes to our residential zoning regulations. These revisions now permit a broad spectrum of residential and community uses, with a density allowance of up to 16 units per acre in areas equipped with utility infrastructure and pedestrian accessibility.

Our next endeavor is to extend the reach of infrastructure to the outskirts of urban areas, creating opportunities for housing development at an efficient density. Simultaneously, we remain committed to preserving connectivity to essential amenities, high-quality recreational spaces, open areas, and community gathering points. This holistic approach ensures that our community thrives with diverse housing options while maintaining access to the essentials that enrich our residents' lives.

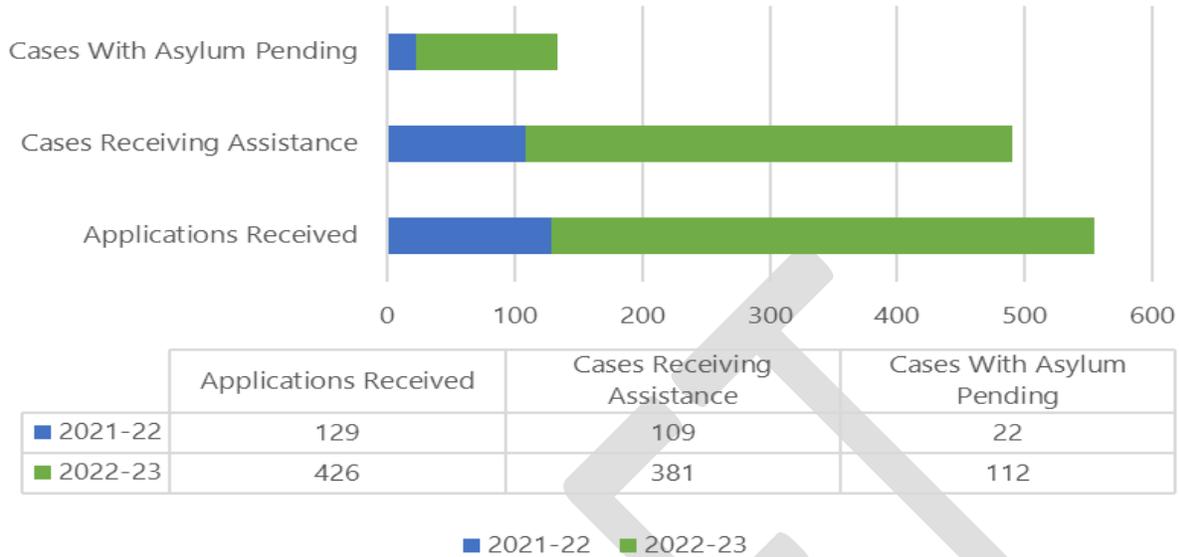
1. **Financial Incentives:** Providing financial incentives, such as tax credits, grants, or subsidies, to developers and builders who commit to constructing affordable housing units can stimulate production.
2. **Partnerships:** Collaborations between government agencies, nonprofits, and private developers can effectively pool resources and expertise to address affordability challenges.
3. **Mixed-Income Development:** Promote mixed-income housing developments that integrate affordable units within market-rate projects to avoid creating concentrated areas of poverty.
4. **Tenant Protections:** Enforce tenant protections to prevent unjust evictions and ensure renters have stable housing options.
5. **Housing Vouchers:** Expand housing voucher programs to help low-income individuals and families afford rental housing in the private market.

By implementing these strategies and considering the local context, communities can work towards removing barriers and increasing the production of affordable housing, ultimately improving housing affordability for their residents.

ii. Demand for affordable housing

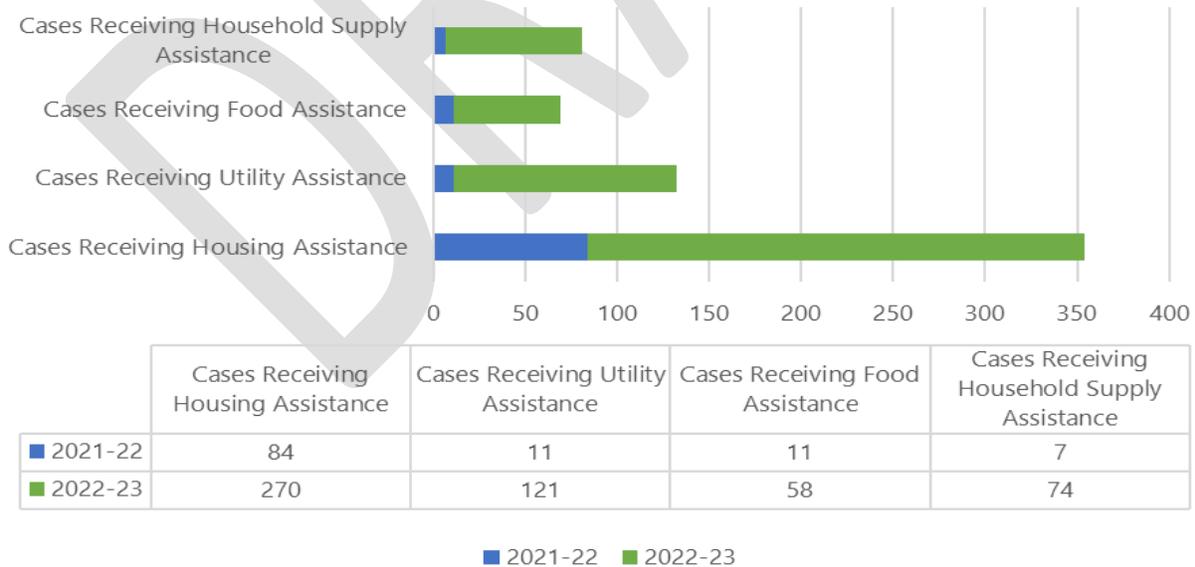
Efforts to house previously uncounted homeless populations and an influx of asylum seekers have further depleted affordable housing options. The Auburn General Assistance Office has seen a 509% increase in asylum-seeking cases, accommodating 112 cases recently. Local data from two pandemic-operated emergency shelters, the Lewiston Ramada Inn and the Lewiston Armory, reveal the catch-basin effect of homeless services in the Lewiston-Auburn MSA. These shelters housed 213 individuals, with 60% from Lewiston, 20% from Auburn, and 20% from outside the jurisdiction.

Auburn General Assistance Applications



The report also highlights the city's use of American Rescue Plan Act (ARPA) funds for the Project Support You (PSY) program. These funds provided a dedicated staff position with mental health and substance abuse expertise to co-respond directly with Auburn police and fire departments to triage care during rescue calls. In the first seven months, staff, in collaboration with Tri-County Mental Health, served 263 homeless Auburn residents.

Auburn GA Top 4 Expenses



HUD defines cost-burdened families as those paying over 30% of income for housing, while severe rent burden refers to those paying over 50%. Before COVID, 29% of Auburn residents were cost-

burdened. Current numbers are likely higher due to rising rents, although updated data is challenging to obtain.

Auburn Income Distribution by Tenancy*						
	Owners	Owners %	Renters	Renters %	Total	% of Pop
Household Income Less than 30% HAMFI	260	4.5%	1140	24.8%	1400	13.4%
Household Income 30-50% HAMFI	525	9.0%	1070	23.2%	1595	15.3%
Household Income 50-80% HAMFI	795	13.6%	1265	27.5%	2060	19.7%
Sub total under 80% HAMFI	1580	27.1%	3475	75.5%	5055	48.4%
Household Income Over 80% HAMFI	4255	72.9%	1130	24.5%	5385	51.6%
Total	5835		4605		10440	
Housing Cost Burden (as a percentage of income)*						
Cost Burden greater than 50%	540	9.3%	905	19.7%	1445	13.8%
Cost Burden 30-50%	665	11.4%	955	20.7%	1620	15.5%
Sub total Cost-Burden	1205	20.7%	1860	40.4%	3065	29.4%
Cost Burden less than 30%	4630	79.3%	2745	59.6%	7375	70.6%
Total	5835		4605		10440	
*Comprehensive Housing Affordability Strategy (CHAS) data date :2015-2019 ACS						

Fair Market Rents (FMR) for Existing Housing						
	SRO	OBR	1BR	2BR	3BR	4BR
Lewiston-Auburn MSA*	\$560	\$747	\$834	\$1,060	\$1,393	\$1,567
Auburn Housing Authority 2022 Rent Rate Survey		\$860	\$1,000	\$1,496	\$1,643	\$2,182
Delta		-\$113	-\$166	-\$436	-\$250	-\$615
*Maine State Housing Authority (MSHA) effective: 10/2/2022						

Auburn Affordable Housing Options			
	Units	% of Units	
MSHA Income-based & Rent restricted	813	17.7%	Total Renters under 80% HAMFI
AHA Housing Choice Vouchers (HCV)	400	8.7%	Total Affordable Rental Units
Sub Total of Affordable	1213	26.3%	Unmet Needs=
			2262

Based on the most recent American Community Survey, over 48% of Auburn's population falls under 80% AMI, making them eligible for rental assistance through the HOME Investment Partnership Program, as calculated by HUD's HAMFI. Of the available affordable housing options that Maine State Housing Authority & Auburn Housing Authority provided, the table above demonstrates a shortfall of 2,262 additional units.

Additionally, the average cost of Housing Choice Vouchers in Auburn has increased during the past 5 years the most (75%) among all PHAs in Maine. This rate is among the highest increases in the country, further demonstrating the gap between what households in Auburn can afford to pay and what the prevailing market rental rates are.

In a WMTW Channel 8 news special feature aired on September 18, 2023 (<https://www.wmtw.com/article/maines-housing-crisis/45087545>), reporters identified a larger state-level affordable housing crisis. This report used census data to qualify over 75% of the current renters nationwide as being cost-burdened as defined by U.S. Department of HUD thresholds. In Maine, this is reflected in the State of Maine's housing needs report. This report, published in October of 2023, finds both demand-side drivers comprised of sudden in-migration caused by COVID-19 and a declining labor force caused by aging households as key contributors to rising housing costs and reduced absorption rates.

iii. Key barriers to producing affordable, accessible housing

The WMTW report referenced above quantified that, with rising construction costs and related interest rates, the new median home price in Maine is \$334,000 (a 7.43% increase). This means a household needs an income of over \$106,000 to buy a home. With a median income of only \$66,000 per year, 72% of Mainers are now priced out of the homeownership market. These data points have again been supported by the new State of Maine Housing needs report. This report identifies multiple supply-side drivers, namely historic low housing production rates caused by increased material costs and higher costs related to the necessary capital to facilitate these developments.

Rising interest rates and labor costs have contributed to the widespread grinding halt of housing production. As interest rates rise, the cost of capital gets more expensive, and investors' economic incentives are decreased. Multiple housing projects within Maine have recently seen investors pull out as the private savings and bond market returns have increased and effectively surpassed the value of real estate development yields. This has caused many developers and projects to seek new and more creative capital stack compositions in order to proceed.

Additional resource restrictions on the municipal side have also contributed. As municipal budget requirements related to General Assistance, police, and first responders have increased sharply in response to the COVID-19 & homelessness crisis, there are fewer available funds and staffing capacity to invest in long-term housing solutions. This is a widespread governmental stressor in which responding to today's crisis severely limits the development of tomorrow's solutions.

D. SOUNDNESS OF APPROACH EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit D: Soundness of Approach

i. Project Vision

Our project envisions the creation of a harmonious and vibrant mixed-use residential development that seamlessly integrates into the natural beauty of its surroundings. Nestled within this thriving community, residents will experience a unique blend of modern living, outdoor exploration, and environmental stewardship.

Residential Excellence: At the heart of our vision lies a diverse array of thoughtfully designed residential units, including single-family homes and apartments, catering to a variety of lifestyles and needs. These residences will provide shelter and foster a sense of belonging and community, encouraging residents to forge lasting connections with their neighbors.

Unspoiled Natural Beauty: We are committed to preserving the pristine natural environment that characterizes this locale. Our project will set aside extensive conservation land and green spaces, ensuring that the region's ecological richness remains untouched for generations to come. Residents will have the privilege of living in harmony with nature, fostering an appreciation for the environment.

Recreational Oasis: The development will feature an extensive network of walking trails carefully woven into the landscape, inviting residents to explore and connect with the great outdoors. These trails will offer serene pathways for leisurely strolls, invigorating hikes, and moments of quiet reflection. We envision a community where every resident can relish the rejuvenating power of nature right at their doorstep.

Environmental Education Hub: A pivotal aspect of our project is the establishment of an outdoor environmental learning facility where residents and the wider community can deepen their understanding of the natural world. This center will serve as a beacon of environmental education, fostering a culture of sustainability and responsible living.

Conservation in Action: We view our project not only as a residential haven but as a testament to responsible development. Through our conservation efforts and sustainable practices, we aspire to set a standard for environmentally conscious living, inspiring similar initiatives across the region.

Our project's vision is a harmonious synthesis of modern living, environmental preservation, and community enrichment. It is our aspiration that this development will not only provide homes but also nurture a thriving, sustainable, and interconnected community where residents live in harmony with nature while enjoying the conveniences of modern life.

ii. Geographic scope

This project has a scope of impact well beyond the city of Auburn. As detailed in the WMTW data referenced above, the lack of affordable housing, especially homeownership opportunities, is a statewide issue. Additionally, the report documented over 1,000 new

asylum seekers who have been housed by the city of Portland this year. Portland regularly houses General Assistance cases in Auburn, as a lack of available units in Portland. The City of Auburn General Assistance program saw a 330% increase in local need for housing assistance for those earning less than \$746 per month. Of the 426 applications received in the last 12 months, 112 were asylum-related cases, demonstrating a 509% increase in asylum seekers moving to the city.

Therefore, it is essential to consider the catch-basin effect of new housing creation. Any new housing may indeed attract residents from outside of Auburn who are seeking greater accessibility to the resources of Auburn's economic centers or employment opportunities. These new residents represent not only the wider geographic scope of this project but also a wider applicability of time. Without considering future growth capacity and the interests of the soon-to-be residents, any fixation on current or "traditional" Auburn identities, traits, or neighborhood characteristics would be a continuation of a system that historically excludes large portions of the population from the equal and equitable access to housing that the present need dictates.

iii. Key stakeholders and Engagement

In addition to the listed project partners, which already constitute a broad cross-section of government, private, and nonprofit service providers, engaging key community stakeholders is crucial for the success of your affordable housing project. Here's a list of key stakeholders and strategies for engaging them:

Local Government Officials:

Engage with city council members, mayors, and other local government officials to gain their support and keep them informed about the project's progress. Attend city council meetings and participate in public hearings on affordable housing initiatives.

Collaborate with relevant city departments, such as the planning and housing departments, to ensure alignment with city goals and regulations.

Community Residents and Neighborhood Associations:

Establish open lines of communication with residents in the project area and nearby neighborhoods.

Organize community meetings and town halls to share project updates, address concerns, and gather input from community members.

Collaborate with neighborhood associations and residents to create a sense of ownership and inclusion in the project.

3. Nonprofit Organizations and Advocacy Groups:

Partner with local nonprofits, housing advocacy groups, and civil rights organizations to leverage their expertise and resources.

Seek input and guidance from these organizations on equitable housing practices and fair housing policies.

Explore potential funding opportunities and support from these groups.

Education and Workforce Development Programs:

Collaborate with local educational institutions and workforce development programs to provide training and employment opportunities for residents.

Support initiatives that enhance residents' skills and employment prospects, ultimately promoting economic stability.

Community-Based Service Providers:

Connect with organizations providing social services, childcare, healthcare, and other essential services.

Explore partnerships to offer on-site or nearby services for project residents.

Enhance the overall quality of life for residents through these partnerships.

Public Engagement and Media:

Develop a comprehensive public engagement strategy that includes media outreach, press releases, and social media campaigns to raise awareness about the project.

Ensure accurate and positive coverage of the project's goals and progress.

Engaging these key stakeholders will help build a strong foundation of support, expertise, and collaboration, making it more likely for your affordable housing project to succeed in advancing racial equity and fair housing goals. Regular communication, transparency, and active involvement of stakeholders throughout the project's lifecycle are essential for its success.

iv. Affirmatively furthering fair housing

Affirmatively furthering fair housing and promoting racial equity in a mixed-use residential development with walking trails and conservation land can be achieved through a deliberate and thoughtful approach. Here's how this project can contribute to these important goals:

Diverse Housing Options: By offering a range of housing types, including single-family homes, duplexes for larger families, and apartments for smaller families and individuals, the project can attract a diverse population. This inclusivity is essential for affirmatively furthering fair housing, as it ensures that people from various racial and economic backgrounds have equal access to housing options that suit their varying needs.

Accessible Amenities: The project's commitment to pedestrian infrastructure and recreational spaces, such as biking and walking trails, along with community gathering

areas, creates accessible amenities for all residents. These spaces can be designed to accommodate people with different mobility needs, promoting inclusivity.

Equitable Pricing and Affordability: Implementing affordability measures, such as income-restricted units or partnerships with affordable housing organizations, can make housing within the development accessible to a broader range of income levels. This approach helps address historical disparities in housing access and affordability.

Inclusive Community Engagement: Engaging residents from diverse backgrounds in the decision-making process for the project, including design, amenities, and services, ensures that the development aligns with the needs and preferences of all community members. This participatory approach fosters a sense of ownership and equity.

Education and Awareness: Establishing an outdoor environmental learning facility within the development can serve as a platform for educational programs on environmental stewardship, sustainability, and equity. This facility can be used to raise awareness about the importance of fair housing and racial equity in the context of community development.

Anti-Discrimination Policies: Enforcing anti-discrimination policies and fair housing laws within the development, along with offering resources for reporting violations, ensures that all residents are treated equitably and without prejudice.

Cultivating a Diverse Community: By promoting diversity and inclusion in marketing and outreach efforts, the project can attract a broad spectrum of residents, contributing to a racially diverse and integrated community.

The project's commitment to providing equitable access to housing, amenities, and educational opportunities, combined with proactive measures to address historical disparities, can affirmatively further fair housing and promote racial equity within the development and the broader community. This approach sets a positive example for future developments and contributes to a more just and inclusive society.

v. **Budget and Timeline**

The expected budget expenses and sources are detailed within the attached HUD 424-CBW. As stated previously, the primary use of PRO Housing grant funds would be to install the essential roads and utilities for the construction of an entirely new neighborhood. These funds are critical to the timely completion of these vital housing units. Traditional city funding or Tax Increment financing models rely heavily on the ability of developers to fund these public utilities upfront. This is not only more challenging in an expensive construction market but is prohibitive to new developers, specifically women and minority-owned businesses that do not possess the capital or credit required to fund the entirety of a project this size.

Financial contributions include but are not limited to the property value of the city-owned real estate, the future Tax Increment Financing project costs to cover ongoing childcare and other community services, as well as private capital contributions from the developer

and Androscoggin bank for the development and the permanent financing options for the homeowners.

Detailed Description of Budget				
Analysis of Total Estimated Costs			Estimated Cost	Percent of Total
1	Personnel (Direct Labor)		\$439,400	1.0%
2	Fringe Benefits		\$290,004	0.6%
3	Travel		\$0	0.0%
4	Equipment		\$0	0.0%
5	Supplies and Materials		\$0	0.0%
6	Consultants		\$0	0.0%
7	Contracts and Sub-Grantees		\$3,400,000	7.4%
8	Construction		\$42,008,000	91.0%
9	Other Direct Costs		\$0	0.0%
10	Indirect Costs		\$0	0.0%
	Total:		\$46,137,404	100.0%
		Federal Share:	\$9,500,000	
Match (Expressed as a percentage of the Federal Share):			79.4%	

Detailed Sources of Funds				
			Estimated Contribution	Percent of Total
1	HUD Share		\$9,500,000	20.6%
2	Applicant Match		\$4,129,404	9.0%
3	Other HUD Funds		\$0	0.0%
4	Other Federal Share		\$0	0.0%
5	State Share		\$3,300,000	7.2%
6	Local/Tribal Share		\$0	0.0%
7	Other Private Financing		\$13,940,800	30.2%
8	Program Income		\$15,267,200	33.1%
	Total:		\$46,137,404	100.0%

Timeline:

1. Pre-Development Phase (6-12 months):

- Land surveying and due diligence
- Architectural and engineering planning
- Permitting and approvals
- Securing financing

2. Infrastructure Construction Phase (12-24 months):

- Site preparation and infrastructure development
- Site clearing and layout
- Installation of public right of ways and installation of utilities

3. Residential Construction and Lease-Up Phase (12-36 months):

- Construction of phased multi-unit and residential construction
- Marketing and advertising efforts
- Application intake and processing
- Lease-up and occupancy

4. Ongoing Operations and Resident Services (36+ months):

- Property management and maintenance
- Resident services and community programs
- Regular monitoring and evaluation

5. Compliance and Reporting (20 years):

- Ongoing fair housing compliance monitoring
- Regular reporting to funders and stakeholders

E. CAPACITY EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit E: Capacity

i. City and Partner Capacity & Staffing Plan

City Staff:

The project will be overseen by the City of Auburn's Business & Community development Director and their designated staff. This grant will be managed directly by the Deputy Director of Business & Community Development and well as the Financial Compliance Manager, both of which have experience managing HUD entitlement funds. Additional support will be provided by the Directors of Transportation Systems, Capital Investment, Planning & Permitting as well as their required staff to complete extra technical assistance to the developer during the design, approval, and construction process. City staff capacity and a staffing plan are essential components of successfully managing and overseeing this housing project. As demonstrated within the included 424-CBW, key city staff are included in this project and will be covered by existing city and entitlement funding for the duration of the construction and monitoring period.

Homes For All, LLC:

Fatuma Hussein, an Auburn resident with a strong history in addressing housing disparities by providing translation and social services. Fatuma has played a pivotal role at the Immigrant Resource Center of Maine, offering culturally and linguistically sensitive support to refugee and immigrant communities in Maine. Fatuma founded Homes For All, LLC and employs an advisory council of experienced housing developers with backgrounds in non-profit as well as for-profit housing development.

Advisory Team:

- **Dana Totman** – Affordable Housing & non-profit leader with 40+ years' experience addressing community challenges around housing. Previous roles include:
 - President & CEO of Avesta Housing 2000-2022
 - Deputy Director of Maine State Housing Authority 1994-2000
- **Kevin Bunker** – Specialization in housing development financing, permitting & project Management. Previous roles include:
 - Principal of Developers Collaborative 2007-2023
 - Assistant Planer at City of Rockland 2003-2006
- **Genesis Community Loan Fund** - Agency providing Technical Assistance to Maine communities including municipalities, community groups, private developers, and cultural organizations that have an interest in creating affordable housing.

YMCA of Auburn-Lewiston

The YMCA of Auburn-Lewiston will open, staff, furnish, and operate at its own cost a full-service Early Childhood Education Center at the proposed housing community center. Priority will be given to residents in the proposed Winter Oaks Housing Development. Licensing, staff training, and initial start-up costs are expected to be between \$40,000 and \$60,000. The YMCA of Auburn-Lewiston will provide these funds as an in-kind donation to the project.

Androscoggin Land Trust (ALT)

ALT will establish and maintain a stewardship endowment fund, akin to those set up for other parcels. This fund will allow them to allocate a yearly percentage towards essential stewardship costs. They will also mobilize a dedicated network of volunteers to assist with maintenance, programming, and stewardship efforts for the Winter Oaks Parcel.

Androscoggin County Emergency Management Agency (EMA)

The Androscoggin EMA staff will provide technical assistance and training relating to the establishment and operational procedures of an emergency shelter at Winter Oaks. The Androscoggin County Emergency Management Agency supports the Winter Oaks Housing Development project recognizing its inclusion of an emergency disaster shelter with backup power generation will serve the White Oaks community and benefit the vulnerable population south of the Little Androscoggin River, enhancing community resiliency and build response and recovery capabilities for the City of Auburn.

Community Concepts Inc. (CCI)

Community Concepts Inc., and their subsidiary Community Concepts Finance Corporation, provides homebuyer educational services and home loans through our dedicated homeownership center. These programs, as well as the broader social services program which CCI provides as the predominant Community Action Program within the region, are available to residents of the proposed Winter Oaks community.

F. LEVERAGE EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit F: Leverage

i. Leveraged funding & Non-Financial Contributions

City Funding Sources:

The City of Auburn has committed both City funded staff time as well as HUD CDBG & HOME entitlement funds as leveraged funding as evidenced within the HUD 424-CBW to advance this project. Additional city funds for the continuation of operational subsidies come in the form of Tax Increment Finance (TIF) project costs.

Developer Funding Sources:

The developer has secured private financing lines to facilitate the initial construction expenses. Developer contribution comes in the form of program income from the sale of single-family residents & duplexes to income qualifying buyers. This funding is possible due to funding pledges by Androscoggin Savings Bank to provide culturally appropriate mortgage products to qualified buyers.

Additional developer funding resources, as evidenced by the support letter from Maine State Housing Authority, include state funded Low Income Tax Credit & Affordable Homeownership Development programs.

Child-Care Funding Sources:

The YMCA of Auburn-Lewiston has pledged up to \$60,000 in licensing, staff training and initial start-up costs to provide subsidized childcare on-site to income qualifying residents.

G. LONG-TERM EFFECT EXHIBIT

City of Auburn, Maine

DRAFT

Exhibit G: Long-Term Effect

i. Permanent, Long-Term & Outcomes

The long-term effects and outcomes of such a project are multifaceted, encompassing social, economic, environmental, and equity-related dimensions. By prioritizing diversity, inclusion, and sustainability, this development can create a thriving, equitable, and interconnected community that benefits residents and sets a positive example for future endeavors in the region. These positive impacts include, but are not limited to:

Diverse and Inclusive Community: Over time, the project can foster a diverse and inclusive community where residents from various racial, ethnic, and economic backgrounds live together harmoniously. This diversity enriches the social fabric of the community, promotes cross-cultural understanding, and reduces the risk of segregation.

Reduced Housing Disparities: The project can reduce housing disparities based on income and race by providing a range of housing options and affordability measures. Over the long term, this can help address historical inequalities in housing access and affordability.

Enhanced Quality of Life: Access to public art, walking trails, conservation land, and recreational spaces within the development can improve residents' quality of life. Over time, access to these amenities can lead to healthier, more active, and happier residents.

Education and Awareness: The outdoor environmental learning facility can serve as a hub for environmental education and equity awareness. Over time, this can lead to a more environmentally conscious and socially responsible community.

Positive Economic Impact: A thriving mixed-use development can have a positive economic impact on the surrounding area. As the development attracts residents and businesses, it can stimulate economic growth, create job opportunities, and increase property values.

Strong Community Connections: Over time, the project can facilitate strong community connections and social cohesion. Residents may become actively engaged in local initiatives, leading to a more resilient and empowered community.

Equitable Access to Opportunities: The project's commitment to fair housing and racial equity ensures that all residents have equitable access to opportunities, including education, employment, and recreation, ultimately contributing to improved social mobility and community well-being.

Model for Future Projects: The success of this project in affirmatively furthering fair housing and racial equity can serve as a model for future developments in the region. Other developers and communities may seek to replicate the project's inclusive approach.

Phillip L. Crowell, City Manager
City of Auburn, Maine
60 Court St. Auburn, Me 04210



RE: Letter of Partnership for Auburn PRO Housing Grant Application

Dear Mr. Crowell,

I am writing to express my strong support for the grant application being submitted by the City of Auburn to the Department of Housing and Urban Development (HUD) and to formalize our partnership commitment within this important project. The primary objective of this grant is to eliminate obstacles hindering the development of affordable housing options, all while advancing the honorable cause of racial equity and fair housing practices.

The City of Auburn has demonstrated an unwavering dedication to championing common-sense zoning reform and creating incentives that foster homeownership opportunities for low- and moderate-income residents. The Winter Oaks Housing Development project, which is being proposed, serves as a shining example of how municipal governments can collaborate with developers and regional community service organizations well-versed in housing access and equity services. This innovative approach addresses the ongoing housing crisis while upholding the fundamental principles of fair housing.

The proposed project is characterized by its ambition and transformative potential. Our organization is both excited and honored to be part of this endeavor, and we wholeheartedly commit to contributing the following activities, resources, and support to enhance the project's impact within our community:

My development organization is poised to meet the needs of this project and we will pledge the private capital required to complete this project. These funds will be leveraged in part by support of Maine State Housing Authority as well as income generated from the sale of these single-family residences and owner-occupied duplexes to match federal funds sought through the PRO Housing application. In total, the program income to be generated from the development and sale of these units, with 70 percent being sold within maximum sales price as established by HUD, will be in excess of \$18 million.

In conclusion, I firmly believe that the financial support from the U.S. Department of Housing and Urban Development will empower the City of Auburn and its partners in the Winter Oaks project to make an exceptional and profoundly positive impact on our community. My organization shares in their dedication to the principles of racial equity, fair housing practices, and community development, and we are enthusiastic about being an engaged and collaborative partner in this project.

I want to express my gratitude for the opportunity to form this partnership and for your invaluable consideration. If you require any additional information or have any questions, please do not hesitate to contact me.

Sincerely,

Fatuma Hussein, Principal



ANDROSCOGGIN LAND TRUST

October 10, 2023

Phillip L. Crowell, City Manager
City of Auburn, Maine
60 Court St. Auburn, ME 04210

RE: Partnership Commitment for Auburn PRO Housing Grant Application

Dear Mr. Crowell,

I am writing to express the Androscoggin Land Trust's steadfast support for the grant application that the City of Auburn intends to submit to the Department of Housing and Urban Development (HUD). We are eager to formalize our partnership commitment for this pivotal initiative.

This grant seeks to address the pressing challenge of increasing affordable housing availability, while simultaneously championing the crucial cause fair housing practices. We commend the City of Auburn's proactive approach towards zoning reforms and the creation of homeownership opportunities for low- and moderate-income residents. The Winter Oaks Housing Development proposal stands as a testament to the potential of cooperative efforts between municipal governments, developers, and community service organizations specializing in housing access and equity.

The ambition and transformative promise of the proposed project is evident, and we are thrilled to be part of such a significant endeavor. As committed partners, the Androscoggin Land Trust will:

1. Endeavor to establish and maintain a stewardship endowment fund, akin to those we've set up for other parcels. This fund will allow us to allocate a yearly percentage towards essential stewardship costs.
2. Mobilize a dedicated network of volunteers to assist with maintenance, programming, and stewardship efforts for the Winter Oaks Parcel.

I am confident that with the financial backing of the U.S. Department of Housing and Urban Development, the City of Auburn, along with its partners, can drive monumental change in our community through the Winter Oaks project. We are deeply committed to the principles of racial equity, fair housing, and community development, and eagerly anticipate playing an active role in this collaborative effort.

Thank you for considering this partnership. Should you need further details or have any queries, please don't hesitate to reach out.

Sincerely,

Aimee Dorval, Executive Director – Androscoggin Land Trust



October 9, 2023

Phillip L. Crowell, City Manager
City of Auburn, Maine
60 Court St. Auburn, Me 04210

RE: Letter of Support and Partnership for Auburn PRO Housing Grant Application

Dear Mr. Crowell,

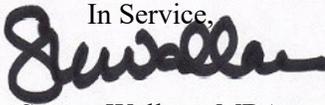
I am writing to express the YMCA of Auburn-Lewiston's overwhelming support for the grant application being submitted by the City of Auburn to the Department of Housing and Urban Development (HUD). Furthermore, this letter also stands as our formal commitment to partner with the City of Auburn on this transformational project.

We understand the desired outcome of this grant is to eliminate obstacles hindering the development of affordable housing options while also advancing the cause of racial equity and fair housing practices. The City of Auburn has demonstrated an unwavering dedication to championing common-sense zoning reform and creating incentives that foster homeownership opportunities for low- and moderate-income residents. The proposed Winter Oaks Housing Development project serves as a shining example of how municipal governments can collaborate with developers and regional community service organizations well-versed in housing access and equity services. Our organization is both excited and honored to be part of this endeavor, and we wholeheartedly commit to contributing the following activities, resources, and support to enhance the project's impact within our community:

- The YMCA of Auburn-Lewiston will open, staff, furnish, and operate at its own cost a full-service Early Childhood Education Center at the proposed housing community center. Priority will be given to residents in the proposed Winter Oaks Housing Development
- Licensing, staff training, and initial start-up costs are expected to be between \$40,000 and \$60,000. The YMCA of Auburn-Lewiston will provide these funds as an in-kind donation to the project.

In conclusion, I firmly believe that the financial support from the U.S. Department of Housing and Urban Development will empower the City of Auburn and its partners in the Winter Oaks project to make an exceptional and profoundly positive impact on our community. My organization shares in their dedication to the principles of racial equity, fair housing practices, and community development, and we are enthusiastic about being an engaged and collaborative partner in this project.

If you require any additional information or have any questions, please do not hesitate to contact me directly either by phone or email. I can be reached at (207) 577-8108 or swallace@alyymca.org.

In Service,

Steven Wallace, MBA
Chief Executive Officer,
YMCA of Auburn-Lewiston

ANDROSCOGGIN COUNTY

COMMISSIONERS

Roland Poirier, Commissioner
Sally Christner, Commissioner
Andrew Lewis, Commissioner
Brian Ames, Commissioner
Terri Kelly, Commissioner
Edouard Plourde, Commissioner
Garrett Mason, Commissioner



COUNTY ADMINISTRATOR

Clarice Proctor
Androscoggin County
2 Turner Street
Auburn, ME 04210
Tel. No. (207) 753-2500
Fax No. (207) 782-5367

October 11, 2023

Phillip L. Crowell, City Manager
City of Auburn, Maine
60 Court St. Auburn, Me 04210

RE: Letter of Partnership for Auburn PRO Housing Grant Application

Dear Mr. Crowell,

I am writing to express my strong support for the grant application being submitted by the City of Auburn to the Department of Housing and Urban Development (HUD) and to formalize our partnership commitment within this important project. The primary objective of this grant is to eliminate obstacles hindering the development of affordable housing options, all while advancing the honorable cause of racial equity and fair housing practices.

The City of Auburn has demonstrated an unwavering dedication to championing common-sense zoning reform and creating incentives that foster homeownership opportunities for low- and moderate-income residents. The Winter Oaks Housing Development project, which is being proposed, serves as a shining example of how municipal governments can collaborate with developers and regional community service organizations well-versed in housing access and equity services. This innovative approach addresses the ongoing housing crisis while upholding the fundamental principles of fair housing.

The proposed project is characterized by its ambition and transformative potential. Our organization is both excited and honored to be part of this endeavor, and we wholeheartedly commit to contributing the following activities, resources, and support to enhance the project's impact within our community:

The Androscoggin County Emergency Management Agency fosters a culture of emergency preparedness and inclusivity through outreach with partners and stakeholders with the goal being to provide the tools and skills necessary to enhance the capabilities across the whole community, as they relate to prevention, protection, mitigation, response, and recovery from the impacts of natural and manmade disasters. With that said, the Androscoggin County Emergency Management Agency supports the Winter Oaks Housing Development project recognizing its inclusion of an emergency disaster shelter with backup power generation will serve the White Oaks community and benefit the vulnerable population south of the Little Androscoggin River, enhancing community resiliency and build response and recovery capabilities for the City of Auburn.

In conclusion, I firmly believe that the financial support from the U.S. Department of Housing and Urban Development will empower the City of Auburn and its partners in the Winter Oaks project to make an exceptional and profoundly positive impact on our community. My organization shares in their dedication to the principles of racial equity, fair housing practices, and community development, and we are enthusiastic about being an engaged and collaborative partner in this project.

I want to express my gratitude for the opportunity to form this partnership and for your invaluable consideration. If you require any additional information or have any questions, please do not hesitate to contact me.

Sincerely,

Angela Molino, Director, Androscoggin County Emergency Management Agency

September 27, 2023

Mr. Phillip L. Crowell, Jr.
City Manager
City of Auburn
60 Court Street
Auburn, ME 04210

Dear Mr. Crowell:

This letter is to support the City of Auburn's grant application to the U.S. Department of Housing and Urban Development's PRO Housing program. We are well aware of the City's work with Fatuma Hussein's proposed development of affordable housing. The barrier to developing this much-needed affordable housing is the lack of resources to extend and improve water and sewer infrastructure as well as roads and sidewalks.

We understand that Ms. Hussein and her development team have been working closely with the City on a neighborhood that includes both homes for sale and rental units. These homes, proposed to be affordable to individuals and families up to 120% area median income for homeownership and up to 60% AMI for rental, fit well with existing MaineHousing development programs. We traditionally release programs that finance capital and infrastructure for affordable single family homes and Low Income Tax Credit programs for the development of affordable rental housing. We believe the availability of these programs, and the experience Ms. Hussein's development team have with these programs, position this development for future success in developing this housing.

We appreciate the City's actions in applying to HUD for the PRO Housing program as readying the site for development by bringing in the needed infrastructure will have an enormous impact in the feasibility of the project.

Sincerely,



Daniel E. Brennan
Director



30 Lisbon Street
PO Box 1407
Lewiston, Maine 04243
1.800.966.9172
Androscogginbank.com

Phillip L. Crowell, City Manager
City of Auburn, Maine
60 Court St. Auburn, Me 04210

RE: Letter of Partnership for Auburn PRO Housing Grant Application

Dear Mr. Crowell,

I am writing to express my strong support for the grant application being submitted by the City of Auburn to the Department of Housing and Urban Development (HUD) and to state our support for this important project. The primary objective of this grant is to eliminate obstacles hindering the development of affordable housing options, all while advancing the honorable cause of racial equity and fair housing practices.

The City of Auburn has demonstrated an unwavering dedication to championing common-sense zoning reform and creating incentives that foster homeownership opportunities for low- and moderate-income residents. The Winter Oaks Housing Development project, which is being proposed, serves as a shining example of how municipal governments can collaborate with developers and regional community service organizations well-versed in housing access and equity services. This innovative approach addresses the ongoing housing crisis while upholding the fundamental principles of fair housing.

The proposed project is characterized by its ambition and transformative potential. As a 153 year old financial institution serving the City of Auburn and its citizens, our organization is both excited and honored to be part of this endeavor, and we look forward to supporting this project any way that we can including by making both traditional and non-traditional financing available to qualified home buyers.

Specifically, Androscoggin Bank's Islamic-compliant financing alternatives will remove barriers for homebuyers traditionally left out of the local housing market. We are pleased to have financing alternatives for qualified low- and moderate-income buyers, including devout Muslim buyers as a means to remove additional impediments to fair housing.

In conclusion, I firmly believe that the financial support from the U.S. Department of Housing and Urban Development will empower the City of Auburn and its partners in the Winter Oaks project to make an exceptional and profoundly positive impact on our community.





The Bank shares in the City's dedication to the principles of racial equity, fair housing practices, and community development, and we are enthusiastic about the opportunity to serve as an engaged and collaborative participant in this project.

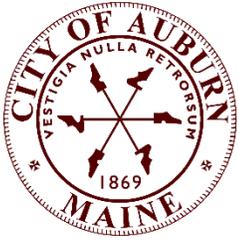
If you require any additional information or have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read 'Neil Kiely', with a long horizontal stroke extending to the right.

Neil Kiely
President/CEO





**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: October 16, 2023

Author: Katherine Cook

Subject: Workshop on proposed text and map amendments applied to the Lake Auburn watershed.

Information: Last year, the board and council recommended and initiated various changes and map and text amendments related to the Lake Auburn Watershed Overlay District. The proposed changes have mostly been introduced and/ or considered last year, but the topics are at varying stages of the public discussion and completion. The purpose of this workshop is to review those changes together to prepare for a first reading in November after receiving a recommendation from the planning board. The proposed text amendments are to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. The proposed text adds the definitions of boundaries, curtain drain, hobby agricultural use, LAWPC, non-hobby agricultural use, soil horizon and soil profile. The amendment also prohibits municipal sludge spreading, increases the agricultural buffer strip from Lake Auburn or its tributary streams from 50 feet to 100 feet, upgrades the septic system siting and design requirements, specifies that new non-hobby (commercial) agricultural uses in the Lake Auburn watershed in the AGRP zone are prohibited, requires hobby agricultural uses to obtain approval from LAWPC's Watershed Protection Manager and prohibits new homes in the Agriculture and Resource Protection portions of the Lake Auburn watershed. These text changes are paired with a proposed map amendment which would change all land in the Rural Residence (RR) zoning district in the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district. This would change the minimum lot size from one acre to three acres and increase the minimum road frontage from 250 feet to 325 feet. The final two map changes to consider are to amend the Lake Auburn Watershed Overlay boundary to match the hydrogeological watershed, and to consider a zone change for the Gracelawn parcel from AGRP to GB if on portions removed from the Lake Auburn Watershed Overlay.

At the October 10 planning board meeting, the board voted to initiate public hearings for each of the four Lake Auburn Watershed related items at the November meeting. The motion itself is attached to this packet.

City Budgetary Impacts: None.

Staff Recommended Action: Staff recommends that the Council discuss the proposals and provide any feedback as we prepare for the Planning Board Public Hearing.

Previous Meetings and History: December 21, 2021: city council directive to amend watershed boundary; January 2, 2022: council directs planning board to consider certain septic requirement text change; January 3, 2022: city council workshop to change boundary of watershed and change from AG to CDD; January 11, 2022:

planning board workshop on amending watershed boundary; February 8, 2022: planning board public hearing on changing Gracelawn area from AGRP to GB and moving the CDD boundary to match the newly interpreted watershed boundary (favorable recommendation); March 7, 2022: city council first reading on amending 148 gracelawn area from AGRP to GB; March 21, 2022: city council second reading on amending a slightly reduced area in the Gracelawn area from AGRP to GB (passes); April 12, 2022: planning board workshop and public hearing on updating subsurface wastewater (SSWW) standards (favorable recommendation contingent upon RR to LDCR zone change); April 19, 2022: city council workshop on Lake Auburn watershed updates; May 2, 2022, city council first reading on updating SSWW standards and increasing agricultural buffer strip (favorable vote). also asks board to consider reducing housing density in the watershed; May 3, 2022: special planning board workshop to consider changing RR to LDCR in the watershed; August 9, 2022: planning board workshop on FB Environmental Report; August 9, 2022: City Clerk verifies signatures on petition to repeal watershed boundary; August 15, 2022: city council workshop on RR to LDCR; September 6, 2022 City council repeals Ordinance 08-03072022 (watershed boundary); October 11, 2022: planning board review text amendment to increase ag. buffer strips and update SSWW requirements (favorable recommendation); January 17, 2023: city council directs staff to initiate prohibition on new residences and animal farms in Lake Auburn watershed also in AGRP zone; January 17, 2023: city council directs planning board to consider that no future SSWW systems be allowed within 300 feet of Lake Auburn; September 18, 2023: DWP Potential Boundary wrote favorable letter for new line by Maine Drinking Water; September 26, 2023: Lake Auburn Water Quality Ad-Hoc Committee issues memo recommending AWSD and LWD forward new boundary to DWP.

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: Proposed Ordinance, planning board motion, planning board staff report (text amendments) staff report (RR to LDCR), staff report (new watershed boundary), staff report (new watershed zone GB), DWP memo, LWD memo, Lewiston memo, watershed boundary map, watershed zone map (existing RR), watershed zone map (proposed LDCR), GB zone ordinance.



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

Subject: Planning board recommendation to initiate text and map amendments related to the Lake Auburn watershed.

Date: 10/16/2023

Proposal I: WORKSHOP/ TEXT AMENDMENT: Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by City Council and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

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

Eric Cousens suggests a motion which Evan Cyr volunteers: "I make a motion to schedule this as a public hearing with the discussed legal opinion in November," **VOTE:** 7-0-0. Motion passes.

Proposal II: WORKSHOP/ MAP AMENDMENT: Consider amending the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district. This map change is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

MOTION: Evan Cyr makes a motion **SECOND:** David Trask Seconds

"I make a motion that we hold a public hearing on this at the next regular meeting." **VOTE:** 7-0-0 motion passes.

Proposal III: WORKSHOP/ MAP AMENDMENT: Consider Changing the Lake Auburn Watershed Boundary to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line which was peer reviewed and agreed upon by FB Environmental Inc, CEI Environmental and Maine Drinking Water Program and recommended by the Lake Auburn Ad-Hoc Group. This map change is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

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

“I make a motion that we hold a public hearing on this topic at our next regular planning board meeting contingent upon AWD having made a decision or recommendation and that we be provided with legal counsels justification on the need to do this part rather than follow the strict language within the ordinance,” **VOTE** 7-0-0 motion passes.

Proposal IV: WORKSHOP/ MAP AMENDMENT: New zone considerations for area outside the new Lake Auburn watershed boundary in the Gracelawn Road/ Mount Auburn Avenue area.

MOTION: Evan Cyr makes a motion; **SECOND:** Paul Jacques seconds.

I’ll make a motion to have a public hearing on this zone change, specifically to change the zone to general business as the November Planning Board meeting,” **VOTE:** 7-0-0 motion passes.

Lake Auburn Water Quality Ad-Hoc Committee

MEMO

To: Auburn Water District, Lewiston Water Division

From: The desk of the Lake Auburn Water Quality Ad-Hoc Committee

Date: 9.26.23

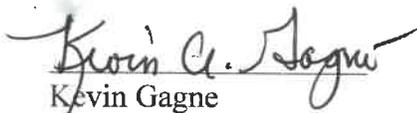
Subject: Lake Auburn Watershed Overlay District Text and Map Amendments

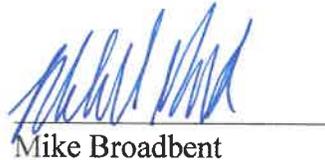
The Lake Auburn Water Quality Ad-Hoc Committee has reviewed the following documents and recommends the adoption of zoning amendments for the protection of Lake Auburn. The attached text and map amendments have been reviewed, and consensus has been reached to support the changes based on peer-reviewed science. The Ad Hoc Committee recommends that the Auburn Water District and Lewiston Water Division forward the proposed changes to the Maine Drinking Water Program for review. The Committee further recommends that the Stakeholders represented on the Committee plan and execute an engagement with upper watershed towns to explore application of improved watershed protections in those towns, with legal advice on the authority of Auburn Water District to implement watershed protections.

The Summary of Changes Include:

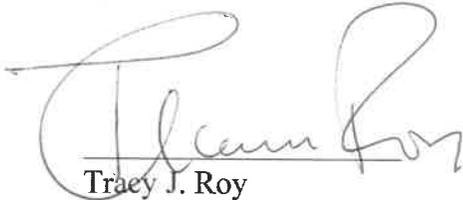
- 1.) Proposed zoning text amendments, Sec 60-950 through 1065 (Exhibit A)
- 2.) Proposed Lake Auburn Watershed Boundary, As recommended by the Maine DWP (Exhibit B)
- 3.) Map Amendment; Changing 1-acre residential areas (Rural Residential) to 3-acres residential areas minimums (Low-Density Country Residential).

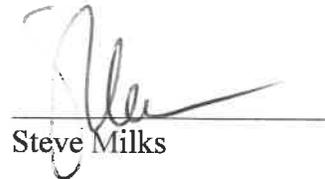
Committee Members:


Kevin Gagne

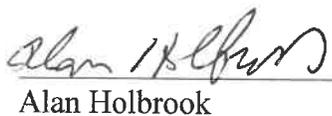

Mike Broadbent


Eric Cousens


Tracy J. Roy


Steve Milks


Rick R. LaChapelle


Alan Holbrook


John Blais


Matthew Waite

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

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DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

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

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

(a) [Boundaries.](#) The Lake Auburn Watershed [Overlay](#) District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the [Auburneity Wwater De](#)istrict on file in the office of the [Auburneity Wwater De](#)istrict, the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed [Overlay](#) District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed [Overlay](#) District.

(b) [Definitions.](#) For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

[Curtain drain](#) means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

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

[Lake Auburn Watershed Protection Commission or LAWPC](#) means the commission formed through an interlocal cooperation agreement between the City of Lewiston, Auburn Water District, and Town of Turner, *minat/Hebron/Buckfield.*

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

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

Soil horizon, limiting or limiting soil horizon means any soil horizon or combination of soil horizons, within the soil profile or any parent material below the soil profile, that limits the ability of the soil to provide treatment or disposal of septic tank effluent. Limiting horizons include bedrock, hydraulically restrictive soil horizons and parent material, excessively coarse soil horizons and parent material, and the seasonal groundwater table. Also sometimes referred to as a “limiting factor.”

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

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

- (a) Agricultural uses. All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff. Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC’s Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC’s Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.
- (b) Residential dwellings in the agriculture and resource protection zoning district. Notwithstanding the provisions of Secs. subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new one-family detached dwellings units are only permitted prohibited in the Lake Auburn Watershed Overlay District on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, “An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions” and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.
- (c) Agricultural buffer strip. Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 10050 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.
- (d) Municipal and manure and sludge disposal. All sSpreading and disposal of municipal sludge is prohibited, shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980. All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry’s rules, regulations and guidelines for manure spreading and disposal Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.

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- (e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:
- (1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.
 - (2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the [Auburn Wwater Dd](#)istrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.
 - (3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the [Auburncity Wwater Dd](#)istrict indicating the changes so that a record can be maintained of watershed water yields to the system.
- (f) *Private [subsurface wastewatersewage](#) disposal systems.* The following regulations shall be adhered to in the development of private [subsurface wastewatersewage](#) disposal systems in the Lake Auburn Watershed [Overlay District](#):
- (1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or fill material below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.~~
 - (2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No ~~new disposal fields~~~~subsurface absorption area~~ shall be installed closer than ~~400~~300 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream ~~(as depicted on a 7.5 minute series USGS topographic map, dated 1981)~~. Where the daily [wastewatersewage](#) flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.
 - (3) ~~All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.~~
 - (4) ~~All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R.~~
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ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

(5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

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

(73) The Auburn city Wwater Deistrict shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that who shall require the abatement action by the property owner or operator of such defects or malfunctions.

(84) The local plumbing inspector shall furnish a copy of all site investigation-evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn city Wwater Deistrict.

(5) — Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

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

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

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

(Ord. of 9-21-2009, § 5.3E)

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ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

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DIVISION 2. PHOSPHORUS CONTROL

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Sec. 60-1065. Definitions.

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

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, [which](#) is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed [Overlay District](#) Map.

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation $(P) = (FC)/(D)$. For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, [which](#) is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

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ARTICLE XV. BOARD OF APPEALS

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DIVISION 6. SPECIAL APPEAL

Sec. 60-1237. Lake Auburn Watershed Overlay District zone-variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid subsurface wastewatersewage disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the Auburncity Wwater District with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the Auburn Wwater District that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

Janet T. Mills
Governor



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

September 5, 2023

Mike Broadbent, Superintendent
Auburn Water District (PWSID# ME0090070)
268 Court Street
Auburn, ME 04210

Kevin Gagne, Deputy Director of Public Works
City of Lewiston
Lewiston Water & Sewer Division (PWSID# ME0090830)
103 Adams Avenue
Lewiston, ME 04240

Subject: Approved - Lake Auburn Source Water Protection Area Boundary Re-Delineation, Gracelawn Parcel area, Auburn, ME

Dear Mr. Broadbent and Mr. Gagne:

On August 7, 2023, you jointly submitted to the Maine CDC Drinking Water Program (DWP) a proposed Lake Auburn source water protection area boundary re-delineation for the Gracelawn Parcel area. The proposed delineation and supporting information are located in the July 31, 2023, CDM Smith technical memorandum Watershed Delineation Rezoning Review – Gracelawn Pit “Area of Uncertainty” (CDM Smith Report). Figure 1 from the CDM Smith report is included below for reference.

The DWP agrees with the CDM Smith finding that the “DWP Potential Boundary” on Figure 1 below is a conservative boundary that can be established with available data. The DWP will not challenge this boundary, based on our current understanding of local hydrogeology.

The DWP also agrees that further investigation would be needed to establish a boundary closer to Lake Auburn. In addition to the CDM Smith Report’s recommendations that additional data be added to further refine the boundary location, the DWP recommends the following additional action items:

- Investigate further and integrate any impacts of the apparent clay-silt layer in the “Main Pit Area” into the understanding of bedrock flow in the study area. This layer is identified in the Summit Environmental Consultants Inc., Ground Water Assessment, Gracelawn Road Gravel Pit, Auburn, ME, September 2007 (Summit Report) in the Well Completion Logs for MW-11 and MW-12. Stratigraphy is not included in the Well Completion Logs for the other borings in the Summit Report. Additionally, a clay-silt layer identified as the Presumpscot Formation is also shown in this area on the Maine Geological Survey Surficial Geology Map of the Lake Auburn East Quadrangle, Maine (Open-File No. 08-72 2008).
- Investigate further and provide an explanation of the apparent “upward head gradients, i.e., groundwater flow into the lake” in 10 of 12 lake bottom sediment probes discussed on Page 7 (Paragraph A, second bullet) and shown in Figure 7 of the October 5, 2022, CDM Smith Watershed Delineation Rezoning Review – Gravel Pit Parcel, Lake Auburn Watershed Protection Commission memorandum.

It is possible that additional information may be required to establish a boundary closer to Lake Auburn, as determined by the DWP at the time of that investigation.

CDM Smith Report, Figure 1:

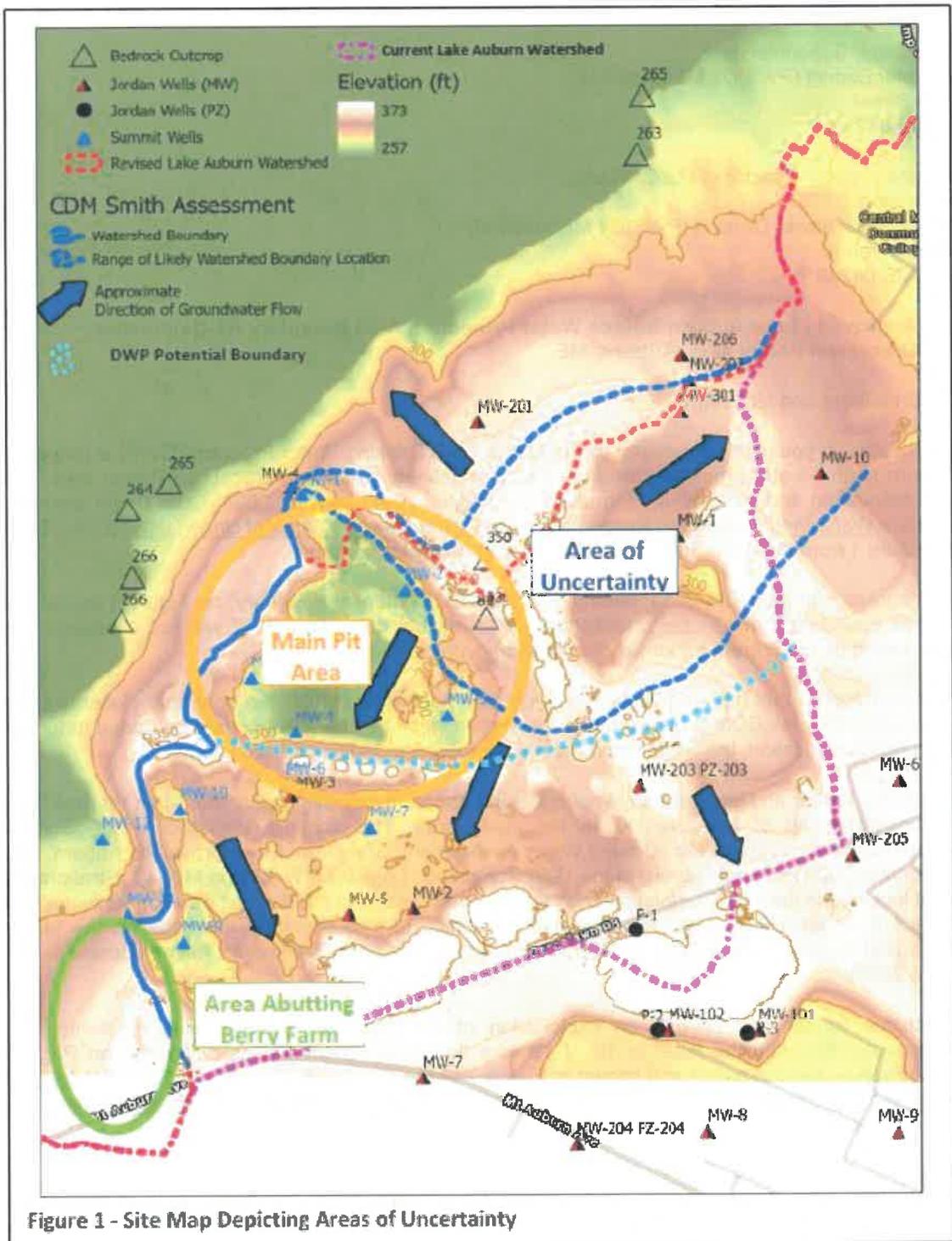
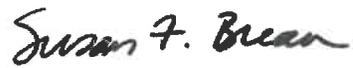


Figure 1 - Site Map Depicting Areas of Uncertainty

Feel free to contact me regarding our feedback within this letter, and thank you for your good work providing safe drinking water.

Sincerely,



Susan Breau, LG
Hydrogeologist, Water Resources Team Leader
Maine CDC Drinking Water Program
207.592.6981, susan.breau@maine.gov

cc Kevin Reilly, EPA Region 1
Denise Douin, DWP Public Water System Inspector; DWP file

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

• • •

DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

Sec. 60-950. Purpose.

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

(Ord. of 9-21-2009, § 5.3A)

Sec. 60-951. Boundaries and definitions.

(a) [Boundaries.](#) The Lake Auburn Watershed [Overlay](#) District is that section of the city in which surface and subsurface waters ultimately flow or drain into Lake Auburn as such section is delineated on a watershed map and survey by the [Auburn City Water District](#) on file in the office of the [Auburn City Water District](#), the city department of planning and permitting services and the city clerk. The Lake Auburn Watershed [Overlay](#) District shall be superimposed over underlying districts within such section. Permitted uses in the underlying districts shall continue subject to compliance with the provisions of the Lake Auburn Watershed [Overlay](#) District.

(b) [Definitions.](#) For purposes of this Division 4, the following words and terms as used herein shall have the meanings or limitations of meaning hereby defined, explained or assigned:

[Curtain drain](#) means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

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

[Lake Auburn Watershed Protection Commission or LAWPC](#) means the commission formed through an interlocal cooperation agreement between the City of Lewiston, Auburn Water District, Town of Turner, and Town of Minot/ Hebron/ Buckfield.

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

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

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

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

(Ord. of 9-21-2009, § 5.3B)

Sec. 60-952. Use and environmental regulations.

- (a) Agricultural uses. All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff. Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.
- (b) Residential dwellings in the agriculture and resource protection zoning district. Notwithstanding the provisions of Secs. subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new one-family detached dwellings units are only permitted-prohibited in the Lake Auburn Watershed Overlay District on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.
- (c) Agricultural buffer strip. Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 10050 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.
- (d) Municipal and mManure and sludge disposal. All sSpreading and disposal of municipal-sludge is prohibited. shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980. All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.

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- (e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:
- (1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.
 - (2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the [Auburn Water District](#). Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.
 - (3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the [Auburn Water District](#) indicating the changes so that a record can be maintained of watershed water yields to the system.
- (f) *Private [subsurface wastewater](#) disposal systems.* The following regulations shall be adhered to in the development of private [subsurface wastewater](#) disposal systems in the Lake Auburn Watershed [Overlay District](#):
- (1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or fill material below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.~~
 - (2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), no new disposal fields~~ ~~subsurface absorption area~~ shall be installed closer than ~~400~~300 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream ~~(as depicted on a 7.5 minute series USGS topographic map, dated 1981)~~. Where the daily ~~wastewater~~ flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.
 - (3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.
 - (4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a certain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R.
-

ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

- (5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.
- (6) Commencing July 1, 2024, all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District shall be inspected by LAWPC, or its designee, every 5 years or at the time that a property sold, whichever date is sooner.
- (73) The Auburn city Wwater Ddistrict shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that who shall require the abatement action by the property owner or operator of such defects or malfunctions.
- (84) The local plumbing inspector shall furnish a copy of all site investigation-evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn city Wwater Ddistrict.
- ~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

(Ord. of 9-21-2009, § 5.3C; Ord. No. 19-12022019, 12-9-2019)

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

All buildings and structures, except those requiring direct access to the water as an operational necessity, shall be constructed not less than 75 feet inland from the normal high-water mark. Operational necessity shall include private docks, but shall not include boathouses, storage sheds, garages or other structures. Marinas and boat rental facilities shall not be permitted within 75 feet of the normal high-water mark of Lake Auburn.

(Ord. of 9-21-2009, § 5.3D)

Sec. 60-954. Conflicts.

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

(Ord. of 9-21-2009, § 5.3E)

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ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

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DIVISION 2. PHOSPHORUS CONTROL

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Sec. 60-1065. Definitions.

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

Acceptable increase in lake phosphorus concentration (C) is based upon water quality and the city's selected level of protection. For Taylor Pond the number is 0.75; for Lake Auburn the number is 0.5.

Direct watershed means any land area which contributes storm-water runoff by either surface or subsurface flow to Taylor Pond or Lake Auburn without such runoff first passing through an upstream lake.

Future area to be developed (D) means an estimate of the acreage in the city's share of the direct watersheds that will be developed during the planning period of 50 years. For Taylor Pond, the estimated future developed acreage is 715.3; for Lake Auburn, the estimated future developed acreage is 1,180.0.

Lake Auburn means the Lake Auburn Watershed regulated by this chapter, [which](#) is all land areas within the direct watershed of Lake Auburn as defined on the attached map entitled Lake Auburn Watershed [Overlay District Map](#).

Per-acre phosphorus allocation (P) means the acceptable increase of phosphorus export per acre in the watershed as determined by solving the following equation $(P) = (FC)/(D)$. For Taylor Pond, the phosphorus allocation is 0.036; for Lake Auburn, the phosphorus allocation is 0.047.

Phosphorus export coefficient (F) means the amount of phosphorus export from the watershed each year that will produce a one ppb increase in the lake's phosphorus concentration. For Taylor Pond, the phosphorus coefficient is 35.26 lbs/ppb/year; for Lake Auburn, the phosphorus coefficient is 109.9 lbs/ppb/year.

Taylor Pond means the Taylor Pond Watershed regulated by this chapter, [which](#) is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

(Ord. of 9-21-2009, § 5.7B)

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ARTICLE XV. BOARD OF APPEALS

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DIVISION 6. SPECIAL APPEAL

Sec. 60-1237. Lake Auburn Watershed [Overlay District zone](#) variance.

When by reason of extraordinary physical conditions peculiar to the land or buildings under appeal but not to other land or buildings adjoining or nearby, an owner of land would be subject to unusual difficulty or special hardships (not mere financial hardship or hardships caused by rigid [subsurface wastewatersewage](#) disposal regulations) by reason of the literal application and rigorous enforcement of the terms of this chapter, the board of zoning appeals may grant a variance from strict compliance with the requirements of division 4 of article XII of this chapter after notice and public hearing as provided in this article. No such variance shall be granted unless the board is satisfied that the variance applied for will not adversely affect the quality of the Lake Auburn water supply. When an application for a variance is filed, it shall be forwarded to the [Auburneity Wwater De](#)istrict with a request for an informational report and a recommendation to the board regarding the disposition of the requested variance application. In any case in which a variance request is granted, despite the recommendation of the [Auburn Wwater De](#)istrict that it be denied, the board of appeals shall make part of its permanent records a written statement of its reasons for taking such action. In granting any such variance application, the board may also impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

Date: October 10, 2023

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Staff Report on proposed ordinance text changes within the Lake Auburn Watershed Overlay District

- I. **Workshop/ Text Amendment:** Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by City Council and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.
- II. **Background:** Since January 2022, several amendments have been proposed to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District. These amendments include 1.) changes to the private subsurface wastewater disposal system design and siting standards and inspection requirements; 2.) changes to agricultural and subsurface wastewater system buffer width from Lake Auburn and its tributaries and streams; and 3.) eliminating new non-hobby animal farms within the Lake Auburn Watershed Overlay District. These amendments were brought forward over time to improve the quality of Lake Auburn by updating septic standards and environmental regulations to meet current best practices. These amendments are important to maintain the quality of Auburn's and Lewiston's drinking water supply and maintain the existing waiver from filtration. All amendments are at various stages of review and approval by the city council and the planning board. For reference, below the relevant meetings to this point have been listed:

Previous Meetings and Actions:

- **Jan. 3, 2022**—Council directs planning board to maintain requirement of 36 inches above limiting factor for septic systems while allowing updating septic design to meet state standards.
- **Apr. 12, 2022**—Planning board workshop and public hearing re: updating Sec. 60-952(f) (1-5) and (c) subsurface wastewater systems in the Lake Auburn watershed. Planning Board forwarded a favorable recommendation contingent upon the change coinciding with a zone change reducing housing density in Lake Auburn watershed from one dwelling unit per acre to three dwelling units per acre in the currently existing Rural Residence district in the Lake Auburn watershed.
- **April 19, 2022**—City council workshop on Lake Auburn watershed ordinance updates.
- **May 2, 2022**—City council first reading: updating Ch. 60, Article XII, Division 4, Sec. 60-952 (c) and (f) (1-5) for agricultural buffer strip and subsurface wastewater systems in the Lake Auburn watershed. Favorable vote.
- **Jan. 17, 2023**—City council directs staff to direct ordinance text and map Amendment to prohibit any future residential structures and limit or prohibit animal farms in the Lake Auburn Watershed in the AGRP zone.
- **Jan. 17, 2023**-- City council directs the planning board to provide a recommendation for a zoning amendment that will prohibit any future subsurface wastewater disposal within 300' of Lake Auburn.

- **Aug. 9, 2022**—Planning board workshop on FB Environmental Report re: updating Sec. 60-952 (f) (1-5) for subsurface wastewater systems.
- **Oct. 11, 2022**—Planning board review of text amendment to Ch. 60, Article CVII, Div. 4, Sec. 60-952(c) agricultural buffer strip and (f) (1-5) private sewage disposal systems

Lake Auburn Water Quality Ad-Hoc Committee Memo: On September 26, 2023, a significant step forward was made in moving these amendments forward when the Lake Auburn Water Quality Ad-Hoc Committee recommended that the proposed zoning text amendments be forwarded by the Auburn Water District and Lewiston Water Division to the Maine Drinking Water Program for review. This Memo is attached in this packet for the planning board’s review.

The purpose of this workshop is to present all the proposed amendments for review at the same time to answer any remaining questions and prepare to hold a public hearing and recommend action in November. Below, I listed a summary of the changes in the attached proposed text amendment, and name where each proposed change originated.

Summary of Ordinance Text Changes:

1. Minor edits to clarify meaning made to Sec. 60-950. *(Edits made by legal counsel for clarity).*
2. Add Sec. 60-951 “(a) Boundaries”, make minor edits to clarify meaning. *(Edits made by legal counsel for clarity).*
3. Add Sec. 60-951” (b) Definitions” and under this section, add the definition of “curtain drain,” “hobby agricultural use,” “non-hobby agricultural use,” “soil horizon,” “soil horizon, limiting or limiting soil horizon,” and “soil profile.” *(Edits matching language in the State Plumbing Code made for specificity by legal counsel).*
4. Amend Sec. 60-952(a) to state that as of January 1, 2024, non-hobby farms are not permitted, and hobby farms require review from the LAWPC Watershed Manager and notification to the code enforcement officer. *(Introduced by the city council).*
5. Amend Sec. 60-952(b) to prohibit new dwelling units in the Lake Auburn Watershed Overlay District siting state law which may occasionally be amended. *(Language edit for clarity suggested by legal counsel, but the planning board and city council already took favorable action on this item’s content.)*
6. Amend Sec. 60-952(c) so that agricultural buffer strips become 100 feet wide instead of 50 feet wide and specify that applicable perennial or tributary streams should be identified on a 7.5-minute series USGS topographic map, dated 1981. *(City council introduced this item and has had first reading).*
7. Amend Sec. 60-953(d) to prohibit any spreading of sludge and specify that manure spreading shall be in conformance with the then-current edition of the Maine Dept. of Agriculture Conservation and Forestry’s rules, regulations and guidelines for manure spreading and disposal. *(Edit made by legal counsel to reflect existing environmental guidelines and practices.)*
8. Minor edits for specificity meaning in Sec. 60-952(e)(2) and (3). *(Introduced by legal counsel to add clarity).*
9. Amend Sec. 60-952(f) substituting “sewage” with “subsurface wastewater.” Under this section, also amend 60-952(f)(1) the private subsurface wastewater disposal system design to specify that there must be at least 36 inches separation between the bottom of the disposal field and the limiting soil horizon and allows for 24 inches of this material be natural or fill, which is a change from the current ordinance. *(Introduced by the city council, and favorable recommendation made by the planning board.)*
10. Amend Sec. 60-952(f)(2) from requiring 300 feet between any new septic field to the high-water line of a stream, tributary, or outlet of Lake Auburn to requiring 400 feet separation. *(Introduced by the city council).*
11. Add Sec. 60-952(f)(3) stating that all new or replacement systems must meet the above criteria or be designed in consultation with Auburn Water District. *(Introduced by legal counsel to add clarity).*
12. Add Sec. 60-952(f)(4) that all replacement or new systems shall have either a curtain drain, or a diversion ditch and that this is signed off on by a site evaluator. *(Introduced by the city council).*

13. Add Sec. 60-952(f)(5) which requires that all new and replacement systems be located on the same lot as the dwelling unit being served, or that in the case of an existing home, the applicant can prove to the plumbing inspector that it is physically impossible to have the septic system on the same lot. *(Introduced by the city council).*
14. Add Sec. 60-952(f)(6) which requires that systems in the Lake Auburn Watershed Overlay district be inspected by LAWPC or its designee every five years. *(Introduced by the planning board).*
15. Minor edits to clarify wording made to Sec. 60-952(f)(7). *(Introduced by legal counsel to add clarity).*
16. Grammatical edits made to Sec. 60-952(f)(8). *(Introduced by legal counsel).*
17. Eliminate original Sec. 60-952(f)(5) which exempts systems in existence since 1983 from meeting the provisions of this section.
18. Grammatical edits made to Sec. 60-1237. *(Introduced by legal counsel).*

III. Department Review:

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

IV. Planning Board Action: Review text changes, provide staff with feedback, and prepare for public hearing on these items in November.

Date: October 10, 2023

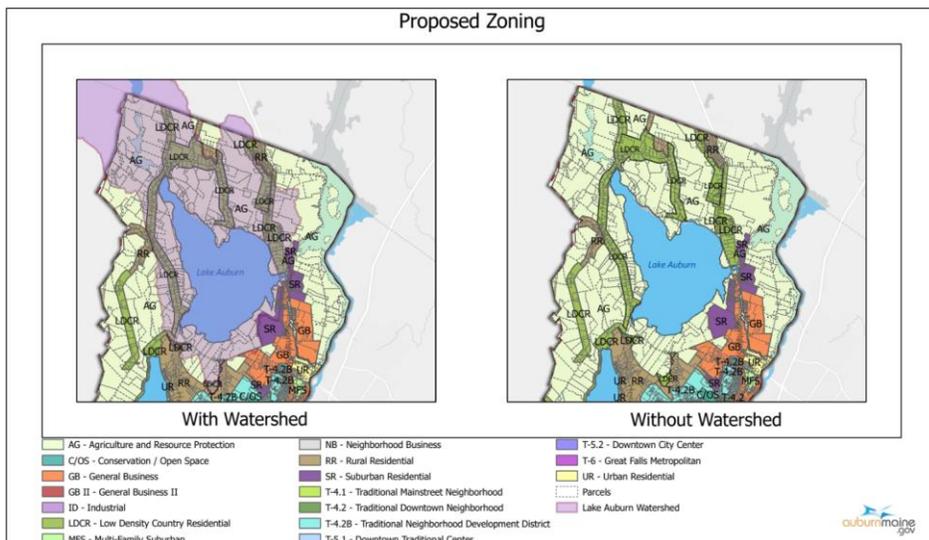
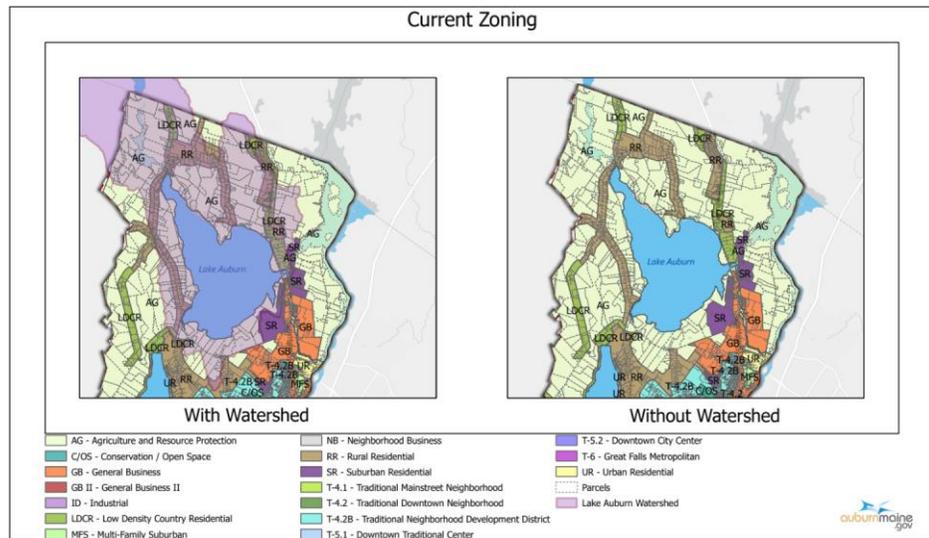
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: **Staff Report on Proposed Map Change Converting Rural Residential Zoning District to Low Density Country Residence Zone within the Lake Auburn Watershed Overlay District.**

- I. **Workshop/ Map Amendment:** Consider amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district. This map change is to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

II. **Background:** The City of Auburn is proposing several amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District. One such change includes amending subsurface wastewater disposal (SSWD) system standards to require that the limiting soil horizon be at least 36 inches below the bottom of the disposal field and allows for mounded leach fields to create this separation. The current standard, which the planning board may recommend updating in November, requires that the limiting factor must be at least 36 inches below the organic horizon. This current standard does not allow for the most efficient treatment of effluent. The proposed update is intended to improve the efficiency of approximately 251 existing systems within the Lake Auburn Watershed thereby reducing the accumulation of non-point source pollution into Lake Auburn. This change in design standard also would have the likely effect of rendering more lots in the



Lake Auburn Watershed Overlay district buildable, creating more septic systems, more land-based runoff, and less forested or vegetated area to collect nutrients before they enter the Lake. The planning board recommended to city council that changing the septic standards should coincide with changing the zoning in the Lake Auburn Watershed to allow fewer houses to offset the possible unwanted development in the watershed of Auburn's drinking water supply.

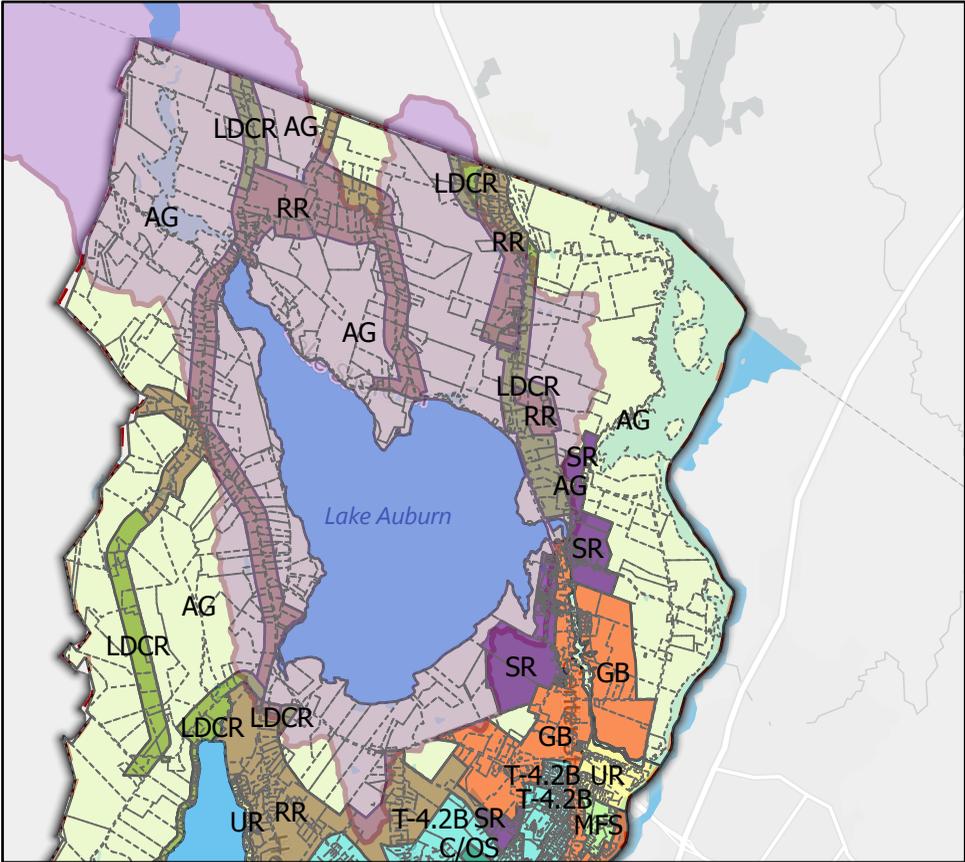
This map amendment proposes changing all land in the Low-Density Rural Residence or Rural Residence (RR) zoning district, shown in brown, to the Low-Density Country Residence (LDCR) zoning district, shown in green, within the Lake Auburn Watershed Overlay District. This change reduces the density from one dwelling unit per acre and minimum 250 feet road frontage to one dwelling unit per three acres and minimum 325 feet road frontage. For reference, the relevant meetings to this point have been listed below.

Previous Meetings and Actions:

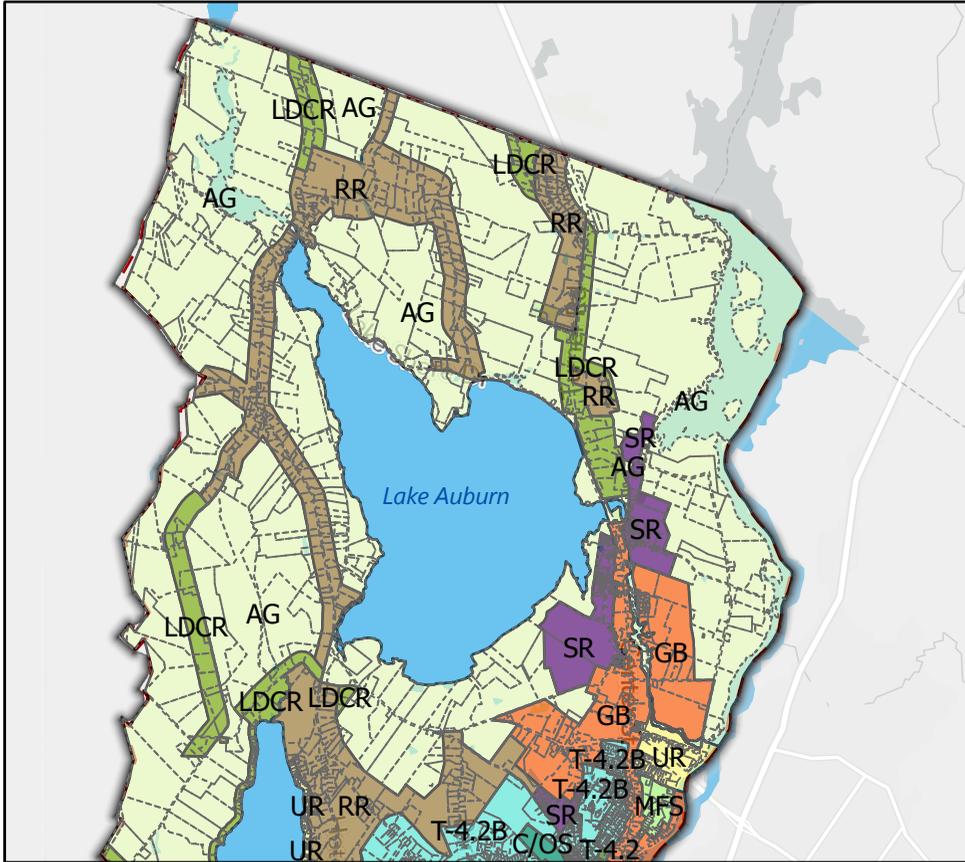
- **Apr. 12, 2022**— Planning Board forwarded a favorable recommendation contingent upon the change coinciding with a zone change reducing housing density in Lake Auburn watershed from one dwelling unit per acre to one dwelling units per three acres in the currently existing Rural Residence district in the Lake Auburn Watershed Overlay District.
- **May 2, 2022**—City Council orders the Planning Board to consider a zone change reducing housing density in the Lake Auburn Watershed from one dwelling per acre to one dwelling per three acres in the Rural Residence zoning district in the Lake Auburn Watershed.
- **May 3, 2023**—Special Planning Board workshop to consider reducing the housing density in all parts of the Lake Auburn Watershed from one unit per acre to one-unit per three acres by changing RR zone to the LDCR zone.
- **Aug. 15, 2022**—City Council Workshop on reducing housing density in Lake Auburn Watershed from one dwelling unit per acre to one dwelling unit per three acres in the Rural Residential District in the Lake Auburn Watershed.
- **October 11, 2022**—Planning Board Public Hearing to change RR to LDCR in all portions of the Lake Auburn watershed. Motion to recommend change to Council.

III. **Planning Board Action:** Review text changes, provide staff with feedback, and prepare for public hearing on these items in November.

Current Zoning



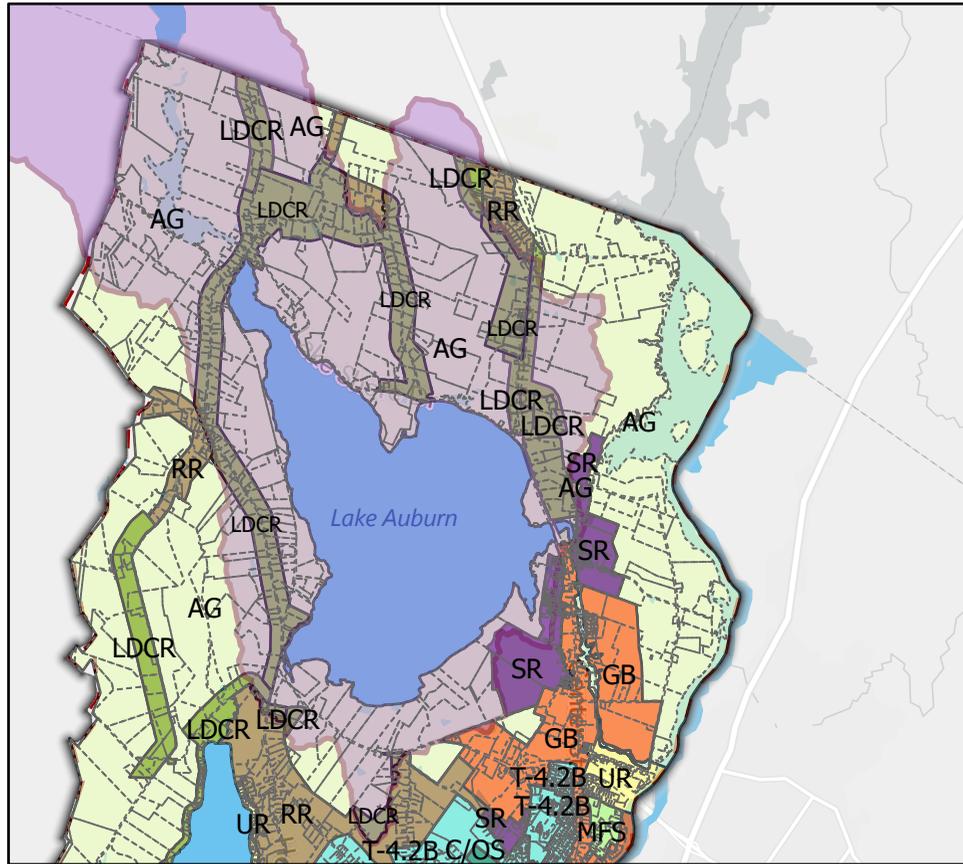
With Watershed



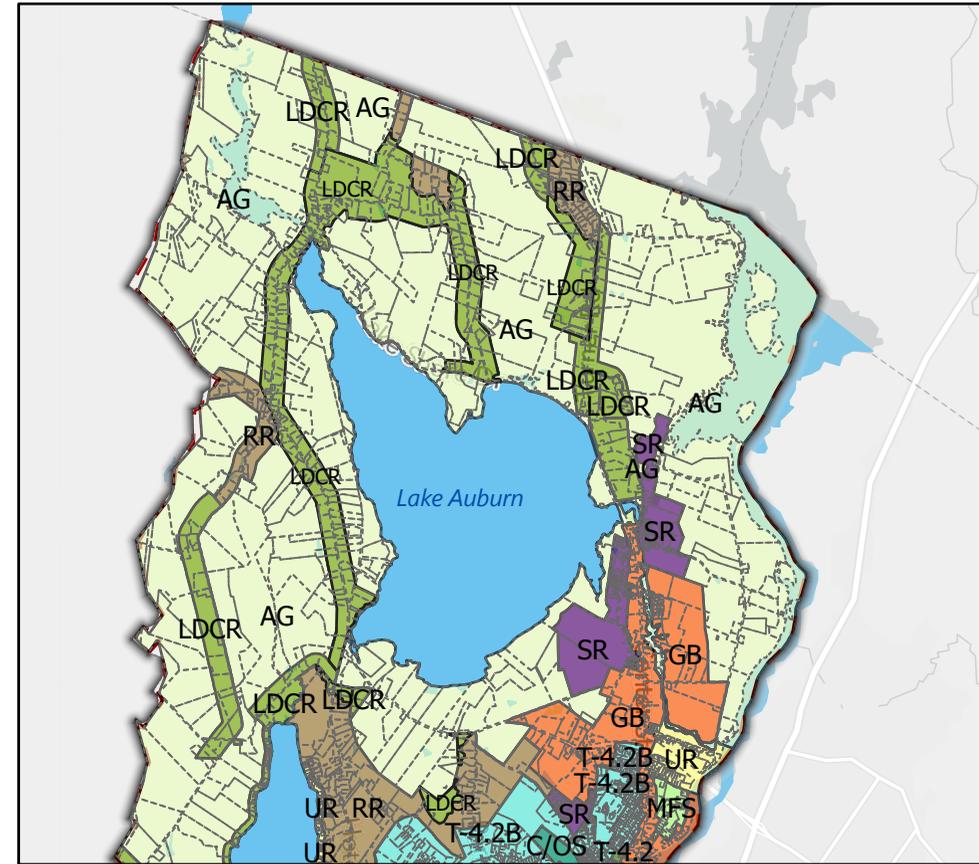
Without Watershed

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

Proposed Zoning



With Watershed



Without Watershed

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

PART II - CODE OF ORDINANCES
Chapter 60 - ZONING
ARTICLE IV. - DISTRICT REGULATIONS
DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT

Sec. 60-200. Purpose.

The purpose of this zone is to maintain and promote the rural/agricultural character of the land within this zone. This zone is composed of those areas in the city whose predominant land use is rural, wooded and agricultural. The regulations for this zone are designed to protect and stabilize these predominant land uses which are the essential characteristics of these areas and to minimize conflicting land uses detrimental to agricultural enterprises. Since residences are only incidental to this zone's development, the densities which require improved roads and expanded municipal services, in excess of those required by the present agricultural-oriented uses, shall not be permitted.

(Ord. of 9-21-2009, § 3.32A)

Sec. 60-201. Use regulations.

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

- (1) All uses permitted in the Agriculture and Resource Protection District, except uses allowed by section 60-145(a)(8), (14) and (15).
- (2) One-family detached dwellings.
- (3) Two-family dwellings.
- (4) Lawn maintenance services.

(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 XVI of this chapter:

- (1) All uses permitted by special exception in the Agriculture and Resource Protection (AR) District, (division 2 of article IV of this chapter), except uses allowed by section 60-172(b)(7), (14), and (15).
- (2) Bed and breakfast.
- (3) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.32B; Ord. 33-02072011-08, 2-7-2011; Ord. No. 08-08012011-07b, 8-1-2011; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-08192019, 9-9-2019; Ord. No. 11-03012021, § 9, 3-15-2021; Ord. No. 27-06212021, 7-19-2021)

Sec. 60-202. Dimensional requirements.

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

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than three acres and measuring less than 325 feet in width. No lot shall be less than 200 feet in depth. The keeping of horses, mules, cows, goats, sheep, hogs and similar size animals for

domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.

- (2) *Density.* The density of dwelling units shall not exceed an average of one dwelling per three acres.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot, whichever is less.
 - b. *Side.* There shall be a minimum distance of 15 feet between any building and the side property line plus the side yard setback shall be increased one foot for every five feet or part thereof increase in street frontage over 50 feet to a maximum of 25 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 50 feet or 25 percent of the average depth of the lot whichever is less.
- (4) *Height.* The height of all dwelling structures shall be limited to 2½ stories or 35 feet in height. Accessory buildings and structures may have a maximum height of 65 feet from grade, provided that the front yard, rear yard, and each of the side yards shall be increased by one foot for each foot in height in excess of 35 feet.
- (5) *Off-street parking.* Off-street parking spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.32C; Ord. No. 11-03012021, §§ 10, 11, 3-15-2021)

Secs. 60-203—60-227. Reserved.

Date: October 10, 2023

To: Auburn Planning Board

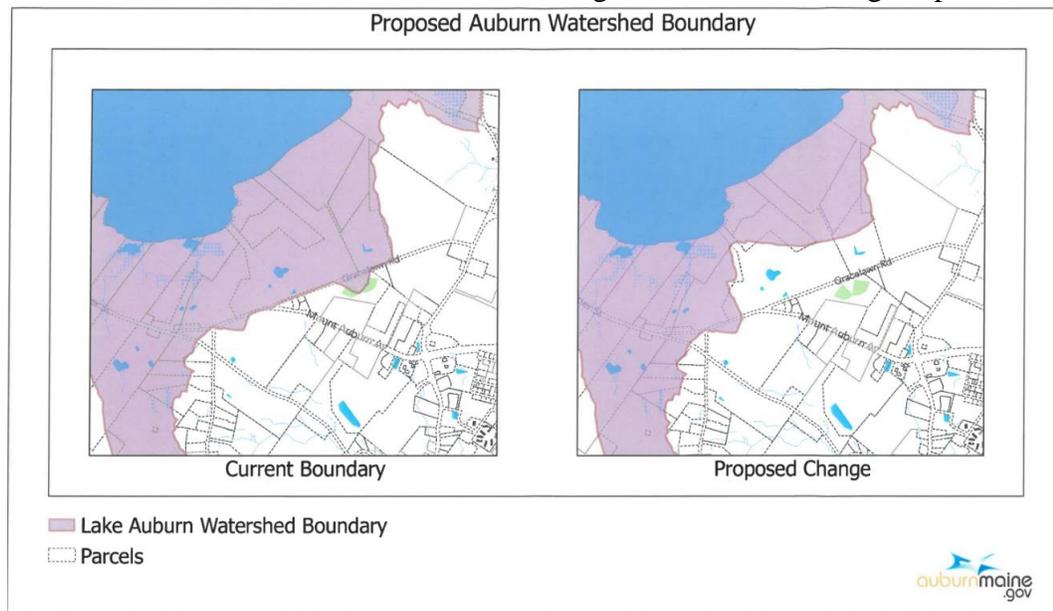
From: Katherine Cook, Planning Coordinator

Re: Staff Report on proposed map change to move the Lake Auburn Watershed Overlay boundary to match topographical watershed

Updated 10/5/2023

- I. **Workshop/ Map Amendment:** Consider changing the Lake Auburn Watershed Boundary to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line which was peer reviewed and agreed upon the Maine Drinking Water Program and recommended by the Lake Auburn Ad-Hoc Group. This map change is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

- II. **Background:** The City recognized that the Lake Auburn Watershed Boundary had changed from their previous understanding at the end of 2021 based on the report, “A Regulatory, Environmental, and Economic Analysis of Water supply Protection in Auburn, ME”. In the months that followed, the Planning Board and City Council held several hearings on changing the



zoning in the area that was formally, but no longer in the Lake Auburn Watershed from Agriculture and Resource protection to the GB district and move the boundary in the Future Land Use Plan in the Comprehensive Plan to the Community Development District (CDD). Following a petition to change the Lake Auburn Watershed Overlay boundary, the watershed boundary line reverted to what it was prior to March 21, 2022. Since then, the Auburn Water and Sewer District, the City of Auburn, and the City of Lewiston have conducted peer reviews of the hydrogeological features of the Gracelawn area. The Maine Drinking Water Program (DWP) agrees with the CDM Smith finding that the “DWP Potential Boundary” shown in the attached memo is a conservative boundary that can be established with available data. DWP also suggested that further studies should be conducted to move the boundary even closer to the lake in this area. All parties involved in the long process to delineate the accurate Lake Auburn watershed boundary agree that the “DWP Potential Boundary” is the best delineation based on available data.

The purpose of this workshop is to update the City’s Lake Auburn Watershed Overlay Map on our GIS system to match the agreed upon boundary shown as “DWP Potential Boundary” in Figure 1 - 0

Site Plan Depicting Areas of Uncertainty, and “Proposed Change” in the Proposed Auburn Watershed Boundary Map (attached). The purpose of this workshop is to discuss these changes, answer any questions that the planning board has outlying, and prepare for a public hearing and action in November. Relevant meetings and actions up to this point have been listed below.

Previous Meetings and Actions:

- **Oct. 1, 2021**—A Regulator, Environmental, and Economic Analysis of Water Supply Protection in, Auburn ME. Report resulted in a watershed boundary change.
- **Dec. 21, 2021**—City Council directive to forward recommendation on changing Gracelawn area (148 acres) from AG to CDD and moving CDD boundary to match new watershed boundary.
- **Jan. 3, 2022**—City Council Workshop on changing 148 acres from AG to CDD boundary to match new watershed boundary on the southern part of Lake Auburn.
- **Jan. 11, 2023**—Planning Board Workshop on amending 148 acres near the Gracelawn area from AG to CDD to match the watershed boundary.
- **Feb. 8, 2022**—Planning Board Public Hearing on changing Gracelawn Area zoning from AG to GB and moving CDD boundary update from 2021 Comprehensive Plan. Favorable Recommendation.
- **Mar. 7, 2022**—City Council first reading on amending 148 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary.
- **Mar. 21, 2022**—City Council second reading on amending what has changed to 120 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary. Passes.
- **Aug. 9, 2022**—City Clerk verifies a citizens’ petition to repeal Ordinance 08-03072022
- **Sept. 6, 2022**—City Council Repeals Ordinance 08-03072022 which reverts the watershed boundary to what it was before March 21, 2022, and reverts the zoning in this area from GB back to AGRP.
- **Sept. 5, 2023**—Maine Drinking Water Program (DWP) concurs with the “DWP Potential Boundary” depicted in in Figure 1 – Site Map Depicting Area of Uncertainty
- **Sept. 18, 2023**— “DWP Potential Boundary” was approved by Maine Drinking water following a peer review.
- **Sept. 26, 2023**—Lake Auburn Water Quality Ad-Hoc Committee issues memorandum recommending that AWS and LWD forward the new watershed boundary to Maine Drinking Water for Approval.

III. **Planning Board Action:** Provide questions, comments, feedback, staff, and initiate a public hearing on these items in November.

Administration

Phil Crowell, City Manager
City of Auburn
60 Court Street
Auburn, Maine 04210

September 18, 2023

Manager Crowell,

Last week, the Auburn Water District and the Lewiston Water Division received a letter from the Maine Drinking Water Program. I am pleased, as I am sure you were, that the Drinking Water Program approved the "DWP Potential Boundary," after CDM Smith determined that the DWP Potential Boundary is a conservative boundary that could be established with available data, in the technical memorandum entitled *Watershed Delineation Rezoning Review – Gracelawn Pit "Area of Uncertainty"*.

In 2022, the City of Auburn City Council amended the Lake Auburn Watershed Overlay District, as it affected the Gracelawn Parcel. Lewiston consents to an amendment of the Lake Auburn Watershed Overlay District, provided that the Auburn Water District first amend its bylaws to exclude the portion of the Gracelawn parcel that is between the DWP Potential Boundary line and the nearest roadway and that, second, the Auburn Water District, Lewiston and the Town of Turner execute a memorandum of understanding memorializing that the term "Watershed," as used in the Basic Agreement, excludes the portion of the Gracelawn parcel that is between the DWP Potential Boundary line and the nearest roadway.

The Drinking Water Program's process to approve the DWP Potential Boundary confirms the success of a consensus-building approach premised on relying on peer-reviewed science. The Auburn Water District has created an ad hoc committee to consider other zoning and land use ordinance or bylaw changes in the Lake Auburn Watershed. Lewiston remains optimistic that the committee can reach consensus on any other proposed changes based on peer-reviewed science, that these consensus changes will meet with regulators' approval, and that in this way the remaining issues in the present lawsuit, *City of Lewiston v. Auburn Water District, et al.*, can be settled.

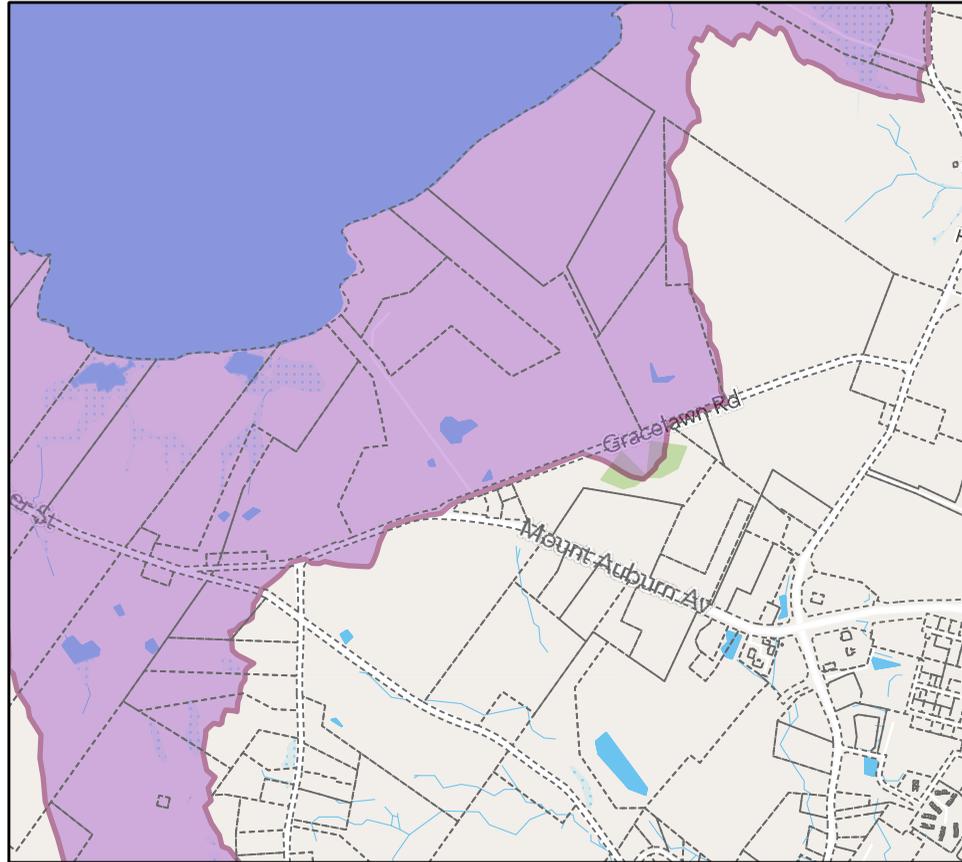
Please contact me with any questions.

Sincerely,

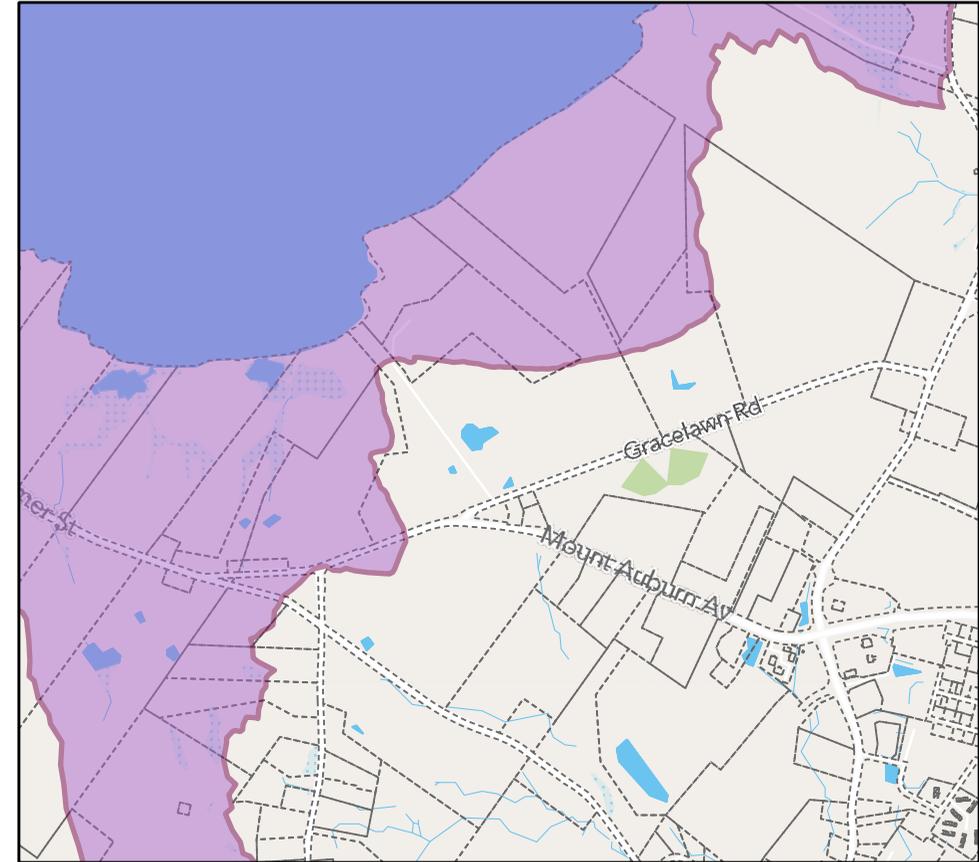


Heather Hunter

Proposed Auburn Watershed Boundary



Current Boundary



Proposed Change

 Lake Auburn Watershed Boundary

 Parcels

Public Works

September 18, 2023

Mr. Michael Broadbent, Superintendent
Auburn Water District
PO Box 414
Auburn, Maine 04212-0414


Superintendent Broadbent:

I am pleased, as I am sure you were, to have received the Maine Drinking Water Program's September 5, 2023 letter. As you know, the Drinking Water Program approved the "DWP Potential Boundary," after CDM Smith determined that the DWP Potential Boundary is a conservative boundary that could be established with available data, in the technical memorandum entitled Watershed Delineation Rezoning Review – Gracelawn Pit "Area of Uncertainty".

Of course, the Auburn Watershed boundary through the Gracelawn Parcel is an issue in the pending lawsuit, *City of Lewiston v. Auburn Water District, et al.* In an effort to remove that issue from suit, Lewiston consents to an amendment of the AWD bylaws to redefine the Level 1 zone of protection to exclude the portion of the Gracelawn parcel that lies between the DWP Potential Boundary line and the nearest roadway (and only to this extent).¹ Additionally, Lewiston proposes that AWD, Lewiston and the Town of Turner execute a memorandum of understanding memorializing that the term "Watershed," as used in the Basic Agreement, excludes the portion of the Gracelawn parcel that is between the DWP Potential Boundary line and the nearest roadway. Upon the successful completion of these actions, Lewiston will notify the court that it is dropping this issue from the lawsuit.

The Drinking Water Program's process to approve the DWP Potential Boundary confirms the success of a consensus-building approach premised on relying on peer-reviewed science. AWD has created an ad hoc committee to consider other zoning and land use ordinance or bylaw changes in the Lake Auburn Watershed. Lewiston remains optimistic that the committee can reach consensus on any other proposed changes based on peer-reviewed science, that these consensus changes will meet with regulators' approval, and that in this way the parties can amicably settle the remaining issues in the present lawsuit.

Please contact me with any questions.

Sincerely,



Kevin A. Gagne, P.E.
Deputy Director of Utilities

ENCLOSURES: Maine Drinking Water Program's September 5, 2023 letter

¹ As the City of Lewiston recently communicated to AWD through counsel, it is Lewiston's position that AWD's current bylaws limit the Board of Trustee's authority to revise and amend the watershed. The Board may more specifically identify and map "these restriction zones" only to the extent the map is consistent with the bylaws' existing definitions of the restriction zones. The Level 1 Intake Restricted Zone is defined to consist "of the shoreline of Lake Auburn upland to the closest roadway." The DWP Potential Boundary is between the shoreline of Lake Auburn and the closest roadway, so adopting it as the Watershed boundary will require a change to the bylaws.

Janet T. Mills
Governor



Maine Department of Health and Human Services
Maine Center for Disease Control and Prevention
11 State House Station
286 Water Street
Augusta, Maine 04333-0011
Tel; (207) 287-8016; Fax (207) 287-9058
TTY: Dial 711 (Maine Relay)

September 5, 2023

Mike Broadbent, Superintendent
Auburn Water District (PWSID# ME0090070)
268 Court Street
Auburn, ME 04210

Kevin Gagne, Deputy Director of Public Works
City of Lewiston
Lewiston Water & Sewer Division (PWSID# ME0090830)
103 Adams Avenue
Lewiston, ME 04240

**Subject: Approved - Lake Auburn Source Water Protection Area Boundary Re-Delineation,
Gracelawn Parcel area, Auburn, ME**

Dear Mr. Broadbent and Mr. Gagne:

On August 7, 2023, you jointly submitted to the Maine CDC Drinking Water Program (DWP) a proposed Lake Auburn source water protection area boundary re-delineation for the Gracelawn Parcel area. The proposed delineation and supporting information are located in the July 31, 2023, CDM Smith technical memorandum Watershed Delineation Rezoning Review – Gracelawn Pit “Area of Uncertainty” (CDM Smith Report). Figure 1 from the CDM Smith report is included below for reference.

The DWP agrees with the CDM Smith finding that the “DWP Potential Boundary” on Figure 1 below is a conservative boundary that can be established with available data. The DWP will not challenge this boundary, based on our current understanding of local hydrogeology.

The DWP also agrees that further investigation would be needed to establish a boundary closer to Lake Auburn. In addition to the CDM Smith Report’s recommendations that additional data be added to further refine the boundary location, the DWP recommends the following additional action items:

- Investigate further and integrate any impacts of the apparent clay-silt layer in the “Main Pit Area” into the understanding of bedrock flow in the study area. This layer is identified in the Summit Environmental Consultants Inc., Ground Water Assessment, Gracelawn Road Gravel Pit, Auburn, ME, September 2007 (Summit Report) in the Well Completion Logs for MW-11 and MW-12. Stratigraphy is not included in the Well Completion Logs for the other borings in the Summit Report. Additionally, a clay-silt layer identified as the Presumpscot Formation is also shown in this area on the Maine Geological Survey Surficial Geology Map of the Lake Auburn East Quadrangle, Maine (Open-File No. 08-72 2008).
- Investigate further and provide an explanation of the apparent “upward head gradients, i.e., groundwater flow into the lake” in 10 of 12 lake bottom sediment probes discussed on Page 7 (Paragraph A, second bullet) and shown in Figure 7 of the October 5, 2022, CDM Smith Watershed Delineation Rezoning Review – Gravel Pit Parcel, Lake Auburn Watershed Protection Commission memorandum.

It is possible that additional information may be required to establish a boundary closer to Lake Auburn, as determined by the DWP at the time of that investigation.

CDM Smith Report, Figure 1:

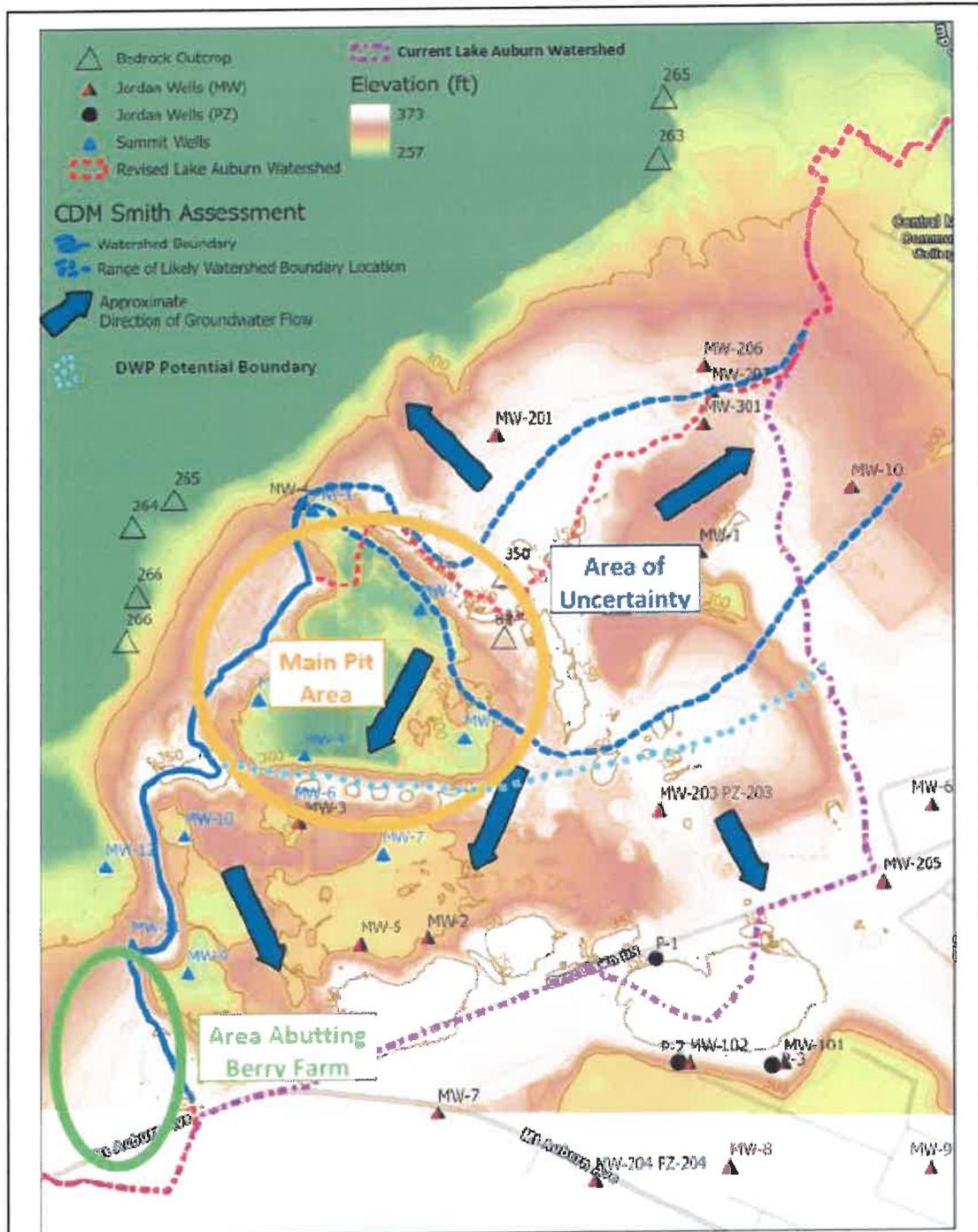


Figure 1 - Site Map Depicting Areas of Uncertainty

Feel free to contact me regarding our feedback within this letter, and thank you for your good work providing safe drinking water.

Sincerely,



Susan Breau, LG
Hydrogeologist, Water Resources Team Leader
Maine CDC Drinking Water Program
207.592.6981, susan.breau@maine.gov

cc Kevin Reilly, EPA Region 1
Denise Douin, DWP Public Water System Inspector; DWP file

Date: October 10, 2023

To: Auburn Planning Board

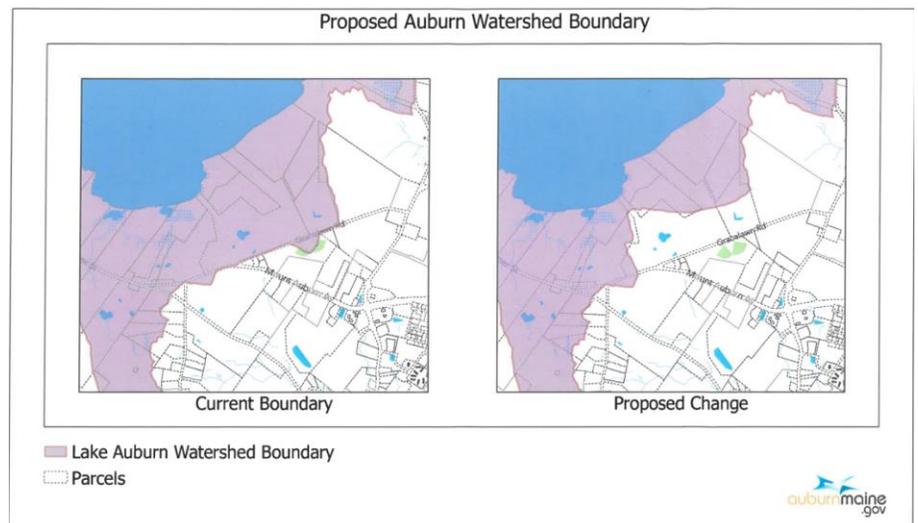
From: Katherine Cook, Planning Coordinator

Re: **Staff Report on possible zoning map amendment near Mount Auburn Ave.**

Updated 10/05/2023

I. **Workshop/ Map Amendment:** New zone considerations for area outside the new Lake Auburn Watershed Overlay at the south side of Lake Auburn

II. **Background:** In November, the planning board will consider updating the Lake Auburn Watershed Overlay zoning map to match the “DWP Potential Boundary” that was agreed upon by the City of Auburn, Auburn Water and Sewer District, and Lewiston Water Division. The land area that is removed from the watershed, approximately 80 acres, is currently zoned Agriculture and Resource Protection. The purpose of this workshop is to discuss what other zone would fit in the Gracelawn area that is no longer in the watershed. A draft map showing the potential zone change is attached.



The Future Land Use Plan for the area near Gracelawn to be changed to the Commercial Development District (CDD), which is synonymous with the General Business District in its allowed uses and densities. Staff believes that General Business (GB) would be the most appropriate option to apply in this area based on direction from the 2021 Comprehensive Plan. An important goal for the city is listed in Strategy I.2.3.c in the Comprehensive Plan: to “investigate opportunities for high quality, creative use of vacant land and/or buildings in and around commercial/ industrial centers.” This includes rezoning Gracelawn Pits as a planned development site to be used for a mix of office, retail, and residential space, while assuring that the water quality of Lake Auburn is protected, (page 73, Comprehensive Plan). Pursuing a zoning amendment to change the area outside the watershed in the Gracelawn pit area but excluding the landfill parcel achieves the goal of providing opportunity for mixed use development outside of the Lake Auburn Watershed.

III. **Planning Board Action:** Provide questions, comments, feedback, staff, and prepare for public hearing on a zoning map amendment in November.

Future Land Use

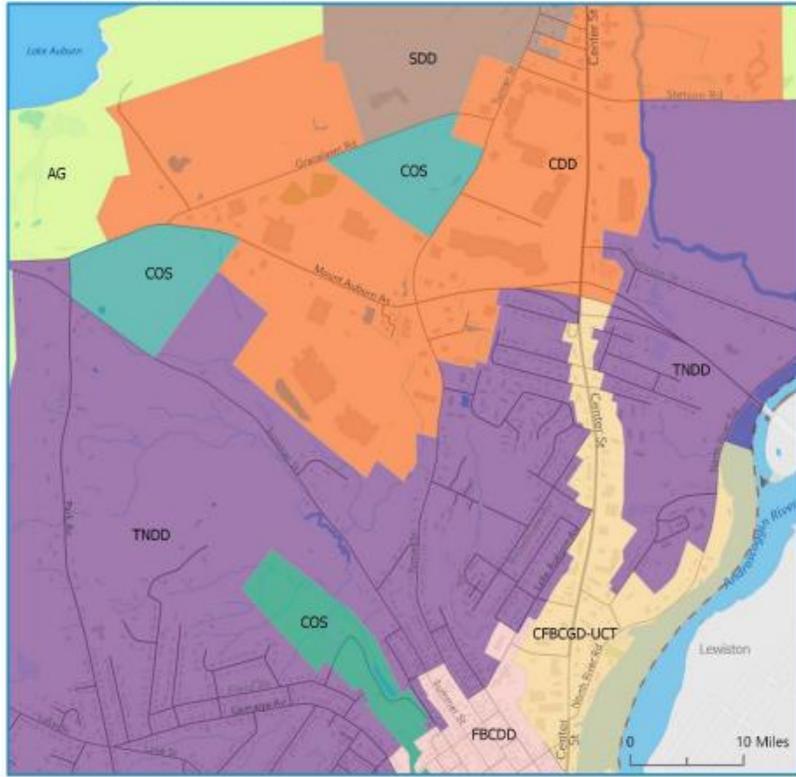
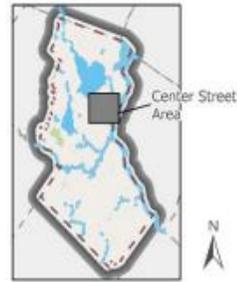
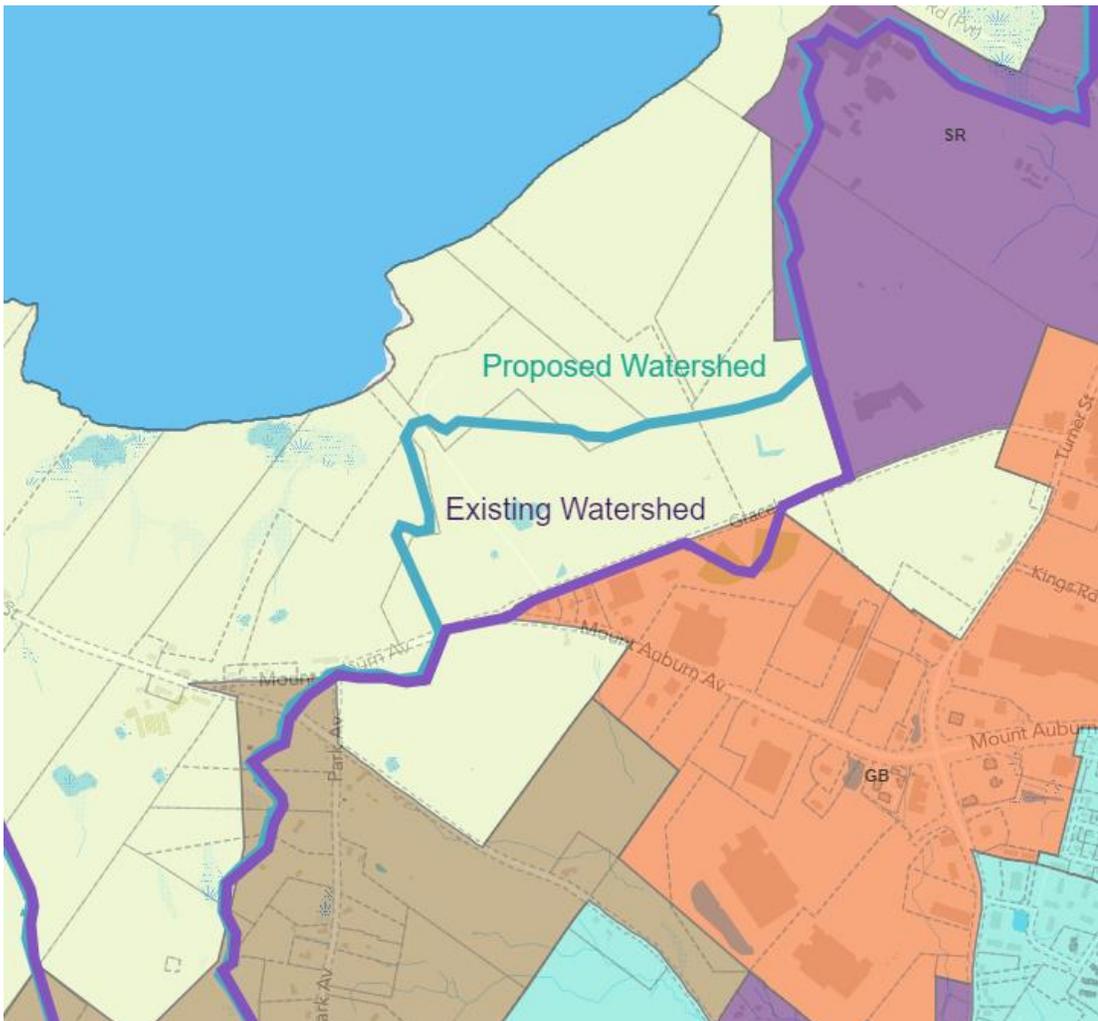


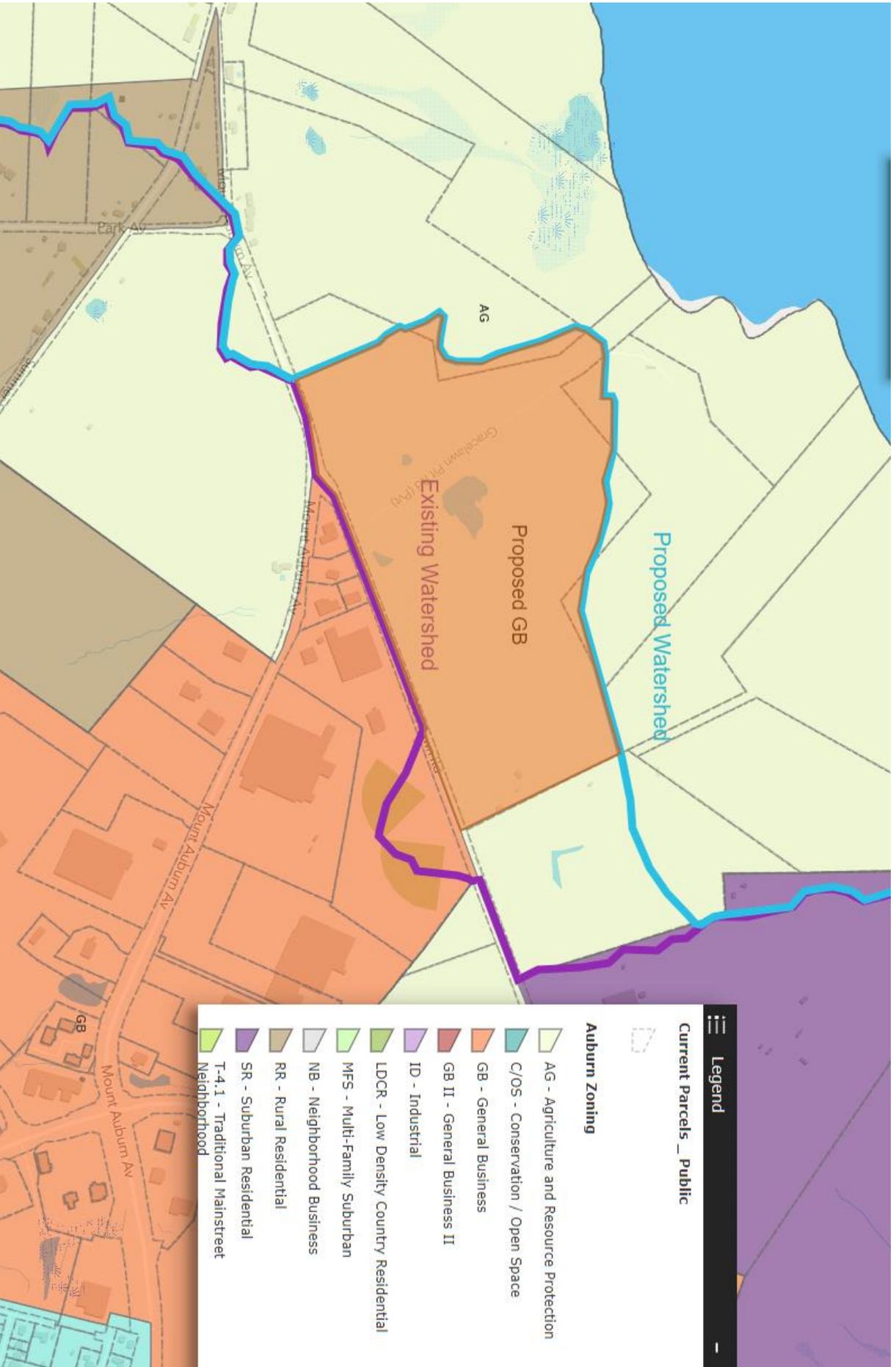
Figure 2.4
Center Street Area

- AG - Agriculture District
- CDD - Commercial Development District
- CFBCGD-UCT - Commercial Form-Based Code Gateway Development District (Union/Center/Turner)
- COS - Conservation/Open Space
- FBCDD - Form-Based Code Development District
- SDD - Suburban Development District
- TNDD - Traditional Neighborhood Development District



Path: I:\GIS\Projects\HM\Proj_Misc\Projects\CompPlans\2020\FutureLandUse\FutureLandUse.aprx Updated: 12/15/2021





DIVISION 12. GENERAL BUSINESS DISTRICT

Sec. 60-498. Purpose.

This district is intended to include commercial uses serving both the city and the region, together with normal accessory uses compatible with a cohesive and attractive shopping and office area.

(Ord. of 9-21-2009, § 3.62A)

Sec. 60-499. Use regulation.

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

- (1) Residential dwelling uses permitted in the Multifamily Suburban District (MFS) (division 7 of article IV of this chapter).
- (2) Grocery stores and supermarkets.
- (3) Clothing stores.
- (4) Furniture stores.
- (5) Department stores.
- (6) Specialty shops.
- (7) Hotels and motels.
- (8) Funeral homes and mortuaries.
- (9) Child day care centers.
- (10) Medical and dental clinics.
- (11) Wholesale bakeries.
- (12) Retail laundries and dry cleaners, but not plants.
- (13) Banks, business and professional offices.
- (14) Public transportation passenger offices.
- (15) Governmental offices.
- (16) Municipal, civic or public service buildings and other utility facilities.
- (17) Warehouses, wholesale offices, salesrooms and showrooms.
- (18) Restaurants, bars, dining rooms or lunchrooms, but not to include drive-in and carry-out restaurants.
- (19) Halls, private clubs and lodges, bowling alleys, ice and roller skating rinks, indoor theaters and similar places of indoor amusement or recreation.
- (20) Animal hospitals and pet shops, but no kennels.
- (21) Business equipment repair and business services.

-
- (22) Radio and television studios.
 - (23) Printing shops, but not publishing plants.
 - (24) Retail, service, office and commercial uses similar to the foregoing.
 - (25) Carwashes.
 - (26) Accessory uses, building and structures.
 - (27) Shelters for abused persons.
 - (28) Greenhouses and lawn maintenance services.
 - (29) Temporary outdoor places of amusement.
 - (30) Churches and temples.
 - (31) Adult use and medical marijuana stores subject to the requirements of chapter 14, article XVIII of the City of Auburn Ordinances.
 - (32) Marijuana cultivation accessory to a licensed retail store on the same property.
- (b) *Special exception uses.* The following uses are permitted as special exceptions after approval by the planning board in accordance with division 3 of article XVI of this chapter:
- (1) Automobile filling stations.
 - (2) Automobile repair and service stations.
 - (3) Automobile and marine sales lots and sales and service agencies.
 - (4) Automobile and marine paint and body repair shops.
 - (5) Hospitals, care homes, boardinghouses and lodginghouses.
 - (6) Research or philanthropic institutions.
 - (7) Outdoor theaters.
 - (8) Drive-in or carry-out restaurants.
 - (9) Commercial parks.
 - (10) Sales, rental and service agencies for mobile homes, farm equipment, trucks and trailers, and machine equipment.
 - (11) Light industrial plants which will not create a nuisance by noise, vibration, smoke, odor or appearance.
 - (12) Off-street parking as a commercial or municipal use provided that such parking is limited to occupants of buildings located within 500 feet of such parking area whether or not within the same district. The planning board may impose conditions regarding fencing and screening, drainage, ingress and egress, signs and lighting, and total capacity of the parking area as it deems necessary to protect the character of the neighborhood.
 - (13) Trucking terminals and similar nonprocessing storage and distribution uses, except bulk storage of chemicals, petroleum products and other flammable, explosive or noxious materials.
 - (14) Convenience stores.
 - (15) Research, experimental and testing laboratories.
 - (16) Landscape services.

-
- (17) Any new building of 5,000 square feet or more or any existing building which proposes a use permitted under subsection (a) of this section which will occupy an area of 5,000 square feet or more.
 - (18) Automotive towing and storage.
 - (19) Major retail development provided that it meets the conditions noted in section 60-45(g).
 - (20) Outpatient addiction treatment clinics.
 - (21) Adaptive reuse of structures of community significance.
 - (22) Public safety services.
 - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.
 - (23) Government services.
 - a. All projects shall provide a community impact and needs analysis with review and approval from city council or its designee.

(Ord. of 9-21-2009, § 3.62B; Ord. No. 11-11072016, 11-21-2016; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 05-05202019, 6-3-2019; Ord. No. 11-03012021, §§ 30, 31, 3-15-2021; Ord. No. 02-02132023, 2-17-2023)

Sec. 60-500. Dimensional regulations.

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

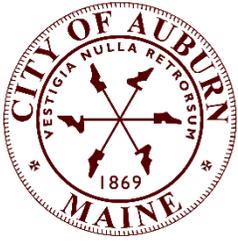
- (1) *Minimum lot width and depth.* No building used for commercial or office uses shall be constructed on a lot having less than 10,000 square feet minimum lot area and measuring 100 feet in width. No lot shall be less than 100 feet in depth. Buildings used for residential uses shall have the same minimum lot area, width and depth as provided for buildings in the Multifamily Suburban District (MFS), section 60-307(1).
- (2) *Density.* Not more than 30 percent of the total lot area shall be covered by buildings used for commercial or office uses. The density of residential uses shall be the same as that required for buildings in the Multifamily Suburban District (MFS), section 60-30(2).
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.
 - b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.
 - c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.
 - d. *Principal buildings.* More than one principal building may be erected on a lot, provided that the building meet all yard setback requirements and are separated by a distance equivalent to the height of the higher building or 30 feet, whichever is greater.
 - e. *Railroad tracks.* Where the principal use requires access to a railroad, the yard requirements are disregarded for the side of the building adjacent to the railroad trackage. The engineering

requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.

- f. *Open and unbuilt spaces.* Any yard, space or area required to be kept open and unbuilt on may be used, if otherwise lawful for outdoor storage and display of articles, supplies and materials. Such outdoor storage and display shall occupy no more than 20 percent of the lot with display areas not to exceed one-quarter of the total allowable area. Storage and display areas shall be clearly identified on the land in a fixed location. Storage areas shall be screened from the view of an abutting residential district or use and from the street by an evergreen tree line planted in staggered rows having the base of the trees not more than ten feet apart or by a solid fence not less than six feet in height.
- (4) *Height.* No permitted structure shall exceed four stories or 45 feet in height. Religious buildings, municipal buildings or buildings listed by the state historic preservations commission may have a steeple, cupola or tower to a maximum height of 90 feet, if said structure is limited to 15 percent of the footprint of the principal building. In the airport approach zone, Federal Aviation Administration regulations shall apply. Accessory structures, including windmills, that are necessary for the operation of an allowed principal use may exceed the above maximum height requirements, provided that the front yard, rear yard and each of the side yards shall be increased by one foot for each foot in height in excess of the yard required pursuant to this section. In the airport approach zone, Federal Aviation Administration regulations shall apply.
- (5) *Off-street parking.* Off-street parking and loading spaces shall be provided in accordance with the requirements for specific uses as set forth in article V of this chapter.

(Ord. of 9-21-2009, § 3.62C; Ord. of 3-22-2010; Ord. No. 11-03012021, §§ 32, 64, 3-15-2021)

Secs. 60-501—60-523. Reserved.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: October 16, 2023

Subject: Executive Session

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

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.

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

7:00 P.M. City Council Meeting

Pledge of Allegiance

- I. **Consent Items** – All items with an asterisk (*) are considered routine and will be enacted by one motion. There will be no separate discussion of these items unless a Council member or a citizen requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
 1. **Order 122-09182023***
Confirming Chief Moen’s appointment of Brent Bynum as a Constable with firearm for the Auburn Police Department.
 2. **Order 123-09182023***
Accepting the transfer of \$1,896.00 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-2020-01965 (St. Hilaire)).
 3. **Order 124-09182023***
Accepting the transfer of \$2,114.00 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-2019-02569 (Poulin)).
 4. **Order 125-09182023***
Accepting the transfer of \$1,421.00 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-22-2172 (Burnsworth)).
 5. **Order 126-09182023***
Accepting the transfer of \$557 of forfeiture assets to the Auburn Police Department (Unified Criminal Court Docket No. CR-23-1609 (Deam)).
 6. **Order 127-09182023***
Authorizing the cancellation of the October 2, 2023 regular City Council meeting and calling a special meeting to be held on October 23, 2023.
 7. **Order 128-09182023***
Designating Phil Crowell as the official Voting Delegate and Brian Wood as the alternate Voting Delegate for Auburn at the Maine Municipal Associations Annual Business Meeting scheduled for October 2023.

Councilor Staples requested that item #6, Order 127-09182023 be taken off consent and added to new business.

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

Passage 7-0.

II. Minutes - September 5, 2023, Regular City Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Whiting to approve the minutes of the September 5, 2023, Regular City Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Council Communications (about and to the community)

Mayor Levesque stated that he received a letter from President Joe Biden regarding his recent visit to Auburn. The Mayor read the letter for the public to hear. He also reported that he and Evan Cyr attended the CNU (Congress for the New Urbanism) New England Fall Summit and were presented with the Municipal Innovation Award.

Manager Crowell reported on the shops at Anniversary Park, kayaking opportunities on the river, and last, he noted that we are in search of a Christmas tree for Festival Plaza.

IV. Open Session –

Mike Adler, 82 Loring Avenue, spoke regarding pan handlers in Auburn.

Wayne Souza, Auburn resident read a few quotes.

Chance, who stated that he is a homeless healthcare worker who commented on Facebook and commented that a public official should not be able to block criticisms and voices of the community.

Bob Hayes, 172 Allen Avenue, spoke about what he called flaws in the process of ordinance changes and the form-based planning process.

V. Unfinished Business

1. Ordinance 11-09052023

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

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

Public comment. No one from the public spoke.

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

2. Ordinance 12-09052023

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

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

Public comment – Ryan Smith, provided handouts for the City Council which he stated outlines flaws in our definitions of structures and dwellings. He stated that there is no definition for a shared private drive adding that he feels it is a flaw that was overlooked.

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

3. Ordinance 13-09052023

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

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

Public comment - Ryan Smith, 14 Weaver Street provided written comments that were emailed and handed out to the Mayor and City Council. He stated that he was submitting written comments to clarify what the new LD2003 states. He noted that he is all for more flexible zoning, but only with more careful planning and citizen engagement. Included in the handout was a copy of Chapter 5: Housing Opportunity Program: Municipal Land Use and Zoning Ordinance Rule.

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

4. Ordinance 14-09052023

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

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

Public comment – Dee Chapman, Vivian Street, spoke in opposition of this proposed ordinance. She stated that the Sun Journal quoted her incorrectly and she wanted that noted. She said she would like to remove the whole T-4.2b in this section.

Mike Adler, 82 Loring Avenue, stated that he would like the Council to vote this down again.

Ryan Smith, 14 Weaver Street provided written comments that were emailed and handed out to the Mayor and City Council. He stated that he was submitting written comments to clarify what the new LD2003 states. He noted that he is all for more flexible zoning, but only with more careful planning and citizen engagement. Included in the handout was a copy of Chapter 5: Housing Opportunity Program: Municipal Land Use and Zoning Ordinance Rule.

Failed 0-6-1 (Councilor Walker abstained). A roll call vote was taken.

5. Ordinance 15-09052023

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

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

Public comment - Ryan Smith, 14 Weaver Street provided written comments that were emailed and handed out to the Mayor and City Council. He stated that he was submitting written comments to clarify what the new LD2003 states. He noted that he is all for more flexible zoning, but only with more careful planning and citizen engagement. Included in the handout was a copy of Chapter 5: Housing Opportunity Program: Municipal Land Use and Zoning Ordinance Rule.

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

6. Ordinance 16-09052023

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

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

Public comment – Ryan Smith, 14 Weaver Street expressed concerns that this zone change will save the neighborhoods from LD2003, and he would like to hear more discussion from the Council and would like to hear more regarding parking. He also provided written comments in advance of the meeting that were emailed and handed out to the Mayor and City Council. He stated that he was submitting written comments to clarify what the new LD2003 states. He noted that he is all for more flexible zoning, but only with more careful planning and citizen engagement. Included in the handout was a copy of Chapter 5: Housing Opportunity Program: Municipal Land Use and Zoning Ordinance Rule.

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

7. Ordinance 17-09052023

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

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

Public comment – No one from the public spoke.

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

8. Ordinance 18-09052023

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

Pond watershed. **Second reading.**

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

Public comment – No one from the public spoke.

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

9. Ordinance 19-09052023

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

Second reading.

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

Public comment - No one from the public spoke.

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

VI. New Business

Order 127-09182023

Authorizing the cancellation of the October 2, 2023 regular City Council meeting and calling a special meeting to be held on October 23, 2023.

This item was removed from the Consent Agenda.

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

Motion was made by Councilor Gerry to add a workshop on October 2, 2023. Motion failed for lack of a second.

Passage of Order 127-09182023 5-2 (Councilor Staples and Gerry opposed).

1. Public hearing

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

Mayor Levesque opened the public hearing at 7:43 pm.

Matt Dailey, Police Department spoke to endorse the proposed Public Safety Building and addressed some of the needs for adequate space.

Douglas Mathews, also spoke in favor of the proposed Public Safety Building and the need for additional space.

Chance, no last name or address provided, stated that it would be wise for the city to

invest in more protection for the vulnerable, less protected, and homeless.

Jason Moen, Police Chief, spoke regarding the needs of a Public Safety Building and spoke regarding the process that has gotten us to this point. He added that Auburn is growing and very different from 20 plus years ago and they need a location and space to support that.

Bob Chase, Fire Chief, wanted to build on what Chief Moen stated. He stated that there is a financial cost to do nothing as well. Both agencies have much more diverse work forces which will have to be addressed whether this building passes or not, as well as safety issues that will have to be addressed.

Wayne Souza said he has dealt with similar issues and understands it is difficult for the city to reach out to the state for money but when you take that step it makes it easier.

Mike Adler, 82 Loring Ave, stated that he supports Police and Fire, he knows they need a new building, and we need to support our city services, Police, Fire, Public Works, and EMT, and we also have to support the County Sheriff's Department as well.

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

2. Ordinance 20-09182023

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

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

Public comment – Chance, who stated that he is a homeless health care worker, and a CNA, and stated that we need general assistance during times of hardship.

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

3. Order 128-09182023

Authorizing the partial discontinuance of Chestnut Street.

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

Public comment – No one from the public spoke.

Passage 5-1-1 (Councilor Whiting abstained, Councilor Walker opposed).

4. Order 129-09182023

Authorizing the discontinuance and re-alignment of Miller Street.

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

Public comment – No one from the public spoke.

Passage 7-0.

5. Order 130-09182023

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

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

Public comment – No one from the public spoke.

Passage 7-0.

6. Ordinance 21-09182023

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

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

Public hearing – Hannah King, representing Marc Fishman, respectfully requests council to remove the retroactive language which would add to the license application criteria that is not in the current ordinance. She stated that it also creates a new appeals process. The application that was filed contained all required information. She suggested making it a condition which would make more sense than requiring all those approvals.

Marc Fishman, business owner at 213 Washington Street, Auburn said he would like to see the retroactive language removed. He stated that he included everything that was needed under the current ordinance. He stated that it does not seem like a fair process that could impact, not only his business, but also sets bad precedence for the city of Auburn.

Motion was made by Councilor Hawes and seconded by Councilor Walker to postpone this item until the October 16, 2023 meeting.

Passge 7-0.

VII. Open Session - Wayne Souza, commented on cones that are left around the city and also commented on drivers that do not slow down for people in the cross walk.

Chance, spoke regarding inflation, rent control, and wages.

VIII. Reports (from sub-committees to Council)

Mayor Levesque reported on the Blues and Brews Festival which was a success. He also noted that he was invited to serve on a state committee for creating permanent homes and financing options for ADU's.

Councilor Staples noted that Thursday is the Annual Meeting for Auburn Public Library starting at 5:30.

City Manager Crowell provided information regarding pan handling in the city. He also provided an update on the lawsuit against the City of Auburn. The judge found in favor of the City of Auburn and American Development Group and the plaintiff has 21 days to file an appeal.

August 2023 Finance Report

Motion was made by Councilor Whiting and seconded by Councilor Gerry to accept and place on file the August Finance report.

Passage 7-0.

IX. Executive Sessions – None

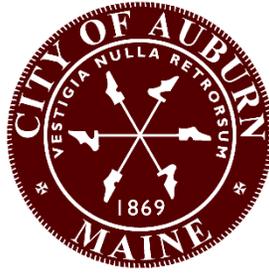
X. Adjournment

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

Unanimously approved and the meeting adjourned at 8:42 pm.

A TRUE COPY

ATTEST 
Susan Clements-Dallaire, City Clerk



PROCLAMATION | **EXTRA MILE DAY**

WHEREAS, Auburn, Maine is a community which acknowledges that a special vibrancy exists within the entire community when its individual citizens collectively “go the extra mile” in personal effort, volunteerism, and service; and

WHEREAS, Auburn is a community which encourages its citizens to maximize their personal contribution to the community by giving of themselves wholeheartedly and with total effort, commitment, and conviction to their individual ambitions, family, friends, and community; and

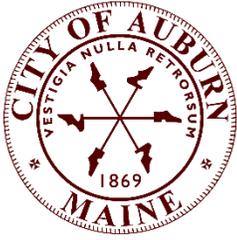
WHEREAS, Auburn is a community which chooses to shine a light on and celebrate individuals and organizations within its community who “go the extra mile” in order to make a difference and lift up fellow members of their community; and

WHEREAS, the City of Auburn acknowledges the mission of Extra Mile America to create 550 Extra Mile cities in America and is proud to support “Extra Mile Day” on November 1, 2023.

NOW THEREFORE, I Jason Levesque, Mayor of the City of Auburn, do hereby proclaim November 1, 2023, to be **Extra Mile Day**. I urge each individual in our community to take time on this day to not only “go the extra mile” in his or her own life, but to also acknowledge all those who are inspirational in their efforts and commitment to make their organizations, families, community, country, or world a better place.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the City of Auburn, Maine to be fixed this 16th day of October 2023.

Mayor Jason Levesque



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: October 16, 2023

Orders: 115-09052023

Author: Alison F. Pepin, Deputy City Clerk

Subject: Automobile Graveyard/Junkyard permits renewal

Information: This is an annual renewal of currently existing Automobile Graveyard/Junkyards in Auburn. Reminder letters and applications were sent out 08/15/2023. Inspections have been made. Council approval is required for renewal of these licenses. Because this is a renewal, a public hearing is not required. It has passed inspections conducted by the Code and Fire Departments. This was presented at the 9/5/2023 Council meeting and was postponed to tonight's meeting.

Title 30-A, Sec. 3754 states *"Municipal officers or county commissioners, as provided for in section 3753, shall hold a public hearing before granting a permit to establish a new automobile graveyard, automobile recycling business or junkyard and **may** hold public hearings annually regarding the relicensing of these facilities"*.

Don's No Preference Towing of L/A, Inc., dba Morris Auto Parts, 940 Washington St. North

City Budgetary Impacts: None

Staff Recommended Action: Consider passage to approve the license.

Previous Meetings and History: Annual Renewal

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

1. Automobile Graveyard/Junkyard application
2. Order



City of Auburn, Maine

Office of The City Clerk

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

Police - DK BS 8/24
Fire - OK DO 8/31
Code - DK EC 8/31
Tax - OK TN 8/24

CITY OF AUBURN
AUTOMOBILE GRAVEYARD/JUNKYARD PERMIT
APPLICATION

To the City of Auburn, County of Androscoggin, Maine: Bryan McLean / Donald St. Germain

I/We Dons No Preference Towing DBA Morris Auto Parts hereby
Make application for a permit to establish, operate or maintain an Automobile Graveyard and/or
Junkyard at the following described location and in accordance with the provisions of Title 30-A
MRSA Sections 3751-3760.

All questions must be answered in full.

- Where is the location of the Automobile Graveyard and/or Junkyard?
940 Washington St. N. Auburn, ME 0421
- Is this application made by or for a company, partnership, corporation or individual:
Corporation
- Is this property leased? NO Property owned by: _____
Address: 940 Washington St. N. Auburn
- How is "yard" screened?
 Fence (type) Wood Height: 8 FT
 Trees (type) _____
 Embankment: _____
 Gully: _____
 Hill: _____
 Other: metal 8 FT
- How far is edge of "yard" from center of highway?
53 FT center to fence
- Can junk be seen from any part of highway? Yes ___ No X
- Were Junkyard Law, Requirements and Fees explained to you? Yes X No ___

8. Is any portion of this "yard" on public property? Yes ___ No X
9. Is "yard" within 300 feet of a Public Park, Public Playground, Public Bathing Beach, School, Church or Cemetery? Yes ___ No X
10. When was "yard" established? 1938 By whom? Morris Auto Parts
11. When was last permit issued? 2022 By whom? City of Auburn
2023 — State of Maine

The undersigned certified that the above information is true and correct to the best of his/her knowledge and that he/she is the owner or agent of the property or that he/she has been duly authorized by the owner, individual, partnership, company or corporation to make this application and to receive the permit under the law.

Signed by: [Signature] for: Dons DBA Morris Auto Parts
Name of Company, Corporation, Partnership or Individual

Address: 940 Washington St N. Auburn, ME 04210
PO Box 283 Auburn ME 04212

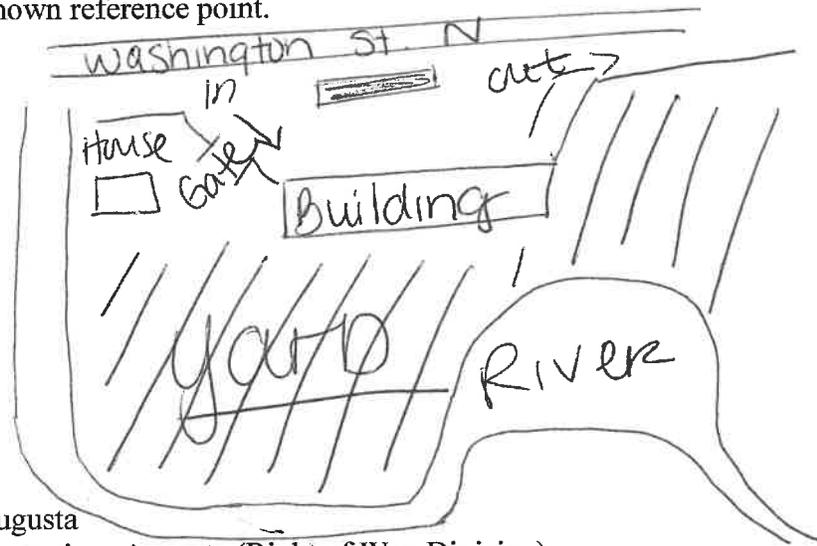
Make complete sketch of "yard". Show footage of all sides and location in relationship to adjacent properties. Show distance (in feet) from edge of "yard" to center of highway. Fill in Route Number or Local Road Name. Name of nearest City/Town in each direction. Distance from nearest intersection, bridge or other known reference point.

Tax Map No. 170
Lot No. 020
Zone _____

Check correct direction:

- North
- East
- West
- South

- 1 copy of application to City
- 1 copy of application to Applicant
- 1 copy of application to State Police, Augusta
- 1 copy of application to Dept. of Transportation, Augusta (Right of Way Division)



I would like to take a moment to introduce myself and tell you a little bit about me. I'm the new president of Don's Towing, Bryan Mclean. I spent my childhood here- from being in the tow trucks, processing/recycling cars, being in the salvage yard with my grandfather to working on our trucks and customer vehicles with my father. This business has been a part of the Lewiston/Auburn community for well over 60 years. A few years ago I officially took over the business from my grandfather Don. I am officially carrying on the grandfathering & legacy of the family business and working hard to make it great again.

Coming into this I knew there was a lot to be updated and taken care of. The scrap yard, front entrance, drive way and the all around appearance. We have been creating processes and procedures on how to take care of these things and keep up to date on them. I share a lot of your concerns and have been working towards addressing them all. The improvements to the business are needed and well overdue. Just like many companies in the area, we have been short staffed recently. Thankfully, we have been able to find a few new candidates to help us in the areas where we need it most.

While working with Eric over the past year we have painted the building and rebuilt the fence. I understand that there are some concerns on the overgrowth of the weeds out front- this summer we started cutting and removing stumps so we can make it easier to care for.

The driveway is a big issue and one that we are finally going to get taken care of this week. Last year we started to lay reclaim near our front door. When they started to tear up the road this year, we had reached out to them to see if we would be able to get more of the reclaim to fix the rest. In exchange for them parking their equipment in our yard, we were able to get more. As you all know there has been a lot of rain and in order to get the driveway leveled out and put the reclaim over it, we needed it to dry up. By leveling it and laying the reclaim- it will be easier on any vehicle that comes into our driveway- as well as cutting down on the dirt and mud that gets brought into the road.

When Eric came to express some of the concerns you had he mentioned the lot (not fenced in, to the left of the building). We are also a used car dealer- and we use that space to hold the vehicles that are too good to process, crush and recycle. We currently use that space as a holding area so we can go over each vehicle one by one and see what they need in order to be fixed for resale to the public and other used car dealers. We have maintained being in compliance with the proper paperwork as a used car dealer. Over the last few years we have hauled into our impound lot at least 150 abandoned vehicles a year off the streets of Lewiston/Auburn. These often come from people abandoning vehicles where they shouldn't be, parking bans, criminal tows and both cities parking garages-anything that the police need us to haul off.

Our facility has also been used by the fire department for training. They train using the jaws of life, cutting up vehicles and training to do extractions. We recently acquired a school bus that they had mentioned wanting when they did their inspection this year. We have since moved it

out back fully processed now ready for them to use for their training. After they are done, it will be recycled.

We have a very large tire pile that we are working on getting rid of. We had BDS (a tire recycling company) bring a tractor trailer truck to remove at least 10 TON of them last week. We are on the schedule for them to come again within the next week to take another 10 TON or more. Once this second load is done we will not have many left. We will continue to have them come as needed to ensure that the tire pile stays low/non-existent, cleaning up the problem area.

We have also started to monitor the riverbanks. We are creating a "buffer zone" around the property so we can get through the overgrowth and address the debris. We will be working section by section of the riverbank and yard to get it cleaned up. We now have access to a small boat to help maintain and monitor the riverbanks.

I also wanted to explain our process, when processing vehicles to ensure that we are in compliance with the rules & regulations of the city as well as the EPA.

We originally had 2 different zones- one for vehicles with fluids and one for fully drained vehicles. We now have a 3rd zone, a holding zone. Once the car is processed, it gets transferred to the holding zone- where myself or another member of the team will double check to make sure everything is drained, safe, secure and in compliance.

We understand that for years this facility has been a bit... neglected, and now that we have new ownership and a new team that have been working on making improvements everyday.

We are more than happy to take suggestions and work with you all to get this place up to par. Thank you for your time and if you have any questions- please feel free to reach out to me. We look forward to working with you in the future and making this facility a place that the town of Auburn/Lewiston can be proud of.

- Sincerely, Stephen McLeod





City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn Mayor and City Council
From: Eric Cousens, Director of Planning and Permitting
Re: Junkyard License Inspection – Don’s Towing

Date: October 11, 2023

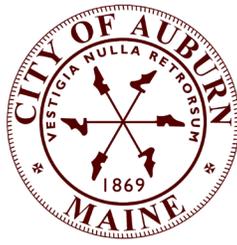
- I. PROPOSAL:** As we have discussed, this junkyard has a history of violations and our inspections have been limited to operational standards because the location predates our zoning and is legally non-conforming with some standards. Some issues have been a result of flooding and we have limited the storage of vehicles with fluids remaining in them to the front portion of the lot and only drained vehicles may be stored out back in the floodplain. Staff reinspected the junkyard on October 11, 2023 and found that they are making improvements as noted in the letter from the new management included in your packet. They have provided receipts for tire removal and reclaim asphalt delivery totaling approximately \$10,000 over the past month to show their effort. After legal advice, staff recommends approval with the conditions that will help the business avoid violating junkyard standards and avoid any materials making their way to the river during flooding events. The conditions are noted in the order attached and listed below:
1. Any vehicle containing fluids or batteries shall only be stored or dismantled within the area shown as “Storage of vehicles w/fluids + batteries limited to this area” on an aerial map entitled “940 Washington Street – 2012 Flood Plain Zones – 2013 Aerial” (the “Compliance Plan”), on file in the City’s Planning and Permitting Office, and in no event shall any vehicle containing fluids or batteries be stored or dismantled within 100 feet of the normal high water line of the Little Androscoggin River.
 2. No vehicles or junk shall be stored or dismantled within 50 feet of the normal high water line of the Little Androscoggin River.
 3. Tires shall be stored at least 100 feet from the normal high water line of the Little Androscoggin River, except that if tires are maintained within a fenced enclosure of sufficient height and durability to contain the tires within the enclosure, they may be stored more than 50 feet but less than 100 feet from the normal high water line of the Little Androscoggin River.
 4. The used car display area shall be limited to the area of the premises that is located north of the rectangular building shown on the Compliance Plan.
 5. The driveway entrance to the premises and exit onto Washington Street North shall at all times be kept free and clear of dust and debris so that dust and debris is not tracked onto Washington Street North or any other public street.
 6. Licensee shall cooperate with the City’s Director of Planning and Permitting or their designee, who is to conduct inspections of the premises for compliance with (a) these conditions, (b) Sec. 14-74(c) of the Code of Ordinances, and (c) 30-A M.R.S. § 3751 et seq. no less frequently than quarterly. If any violations are observed as a result of such an inspection, they shall be communicated to the licensee for

immediate remediation and, if not immediately remediated, to the City Council for potential suspension or revocation proceedings.

Although these conditions will require some consolidation of stored materials to a smaller footprint, we believe that is necessary for the business in order to comply with local and State Licensing Standards that have been violated over time.

ORDERED, that the City Council hereby approves the annual renewal request for an Automobile Graveyard/Junkyard permit for Don's No Preference Towing of L/A d/b/a Morris Auto Parts, 940 Washington Street North, subject to the following conditions imposed pursuant to Sec. 14-74(a) of the Code of Ordinances and 30-A M.R.S. § 3751 *et seq.*:

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



ORDER 115-09052023

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby approves the annual renewal request for an Auto Graveyard/Junkyard permit for Don's No Preference Towing of L/A, Inc., dba Morris Auto Parts, 940 Washington St. North.

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: October 16, 2023

Ordinance: 20-09182023

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

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

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

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

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

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

Staff Recommended Action: Approval of changes to the General Assistance Appendices A-C, and Recovery Residences as required by State statute and ordinance. Public hearing and passage of 2nd reading.

Previous Meetings and History: This is a yearly approval needed by the council when changes are made to the appendices. Passage of first reading on 9/18/2023.

City Manager Comments:



I concur with the recommendation. Signature:

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

2023-2024 GA Overall Maximums

Metropolitan Areas

Persons in Household

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

Appendix A

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

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

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

Non-Metropolitan Areas

Persons in Household

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

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

Appendix B

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

2023-2024 Food Maximums

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

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

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

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

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

Non-Metropolitan FMR Areas

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

Non-Metropolitan FMR Areas

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

Non-Metropolitan FMR Areas

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

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

Metropolitan FMR Areas

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

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

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

Metropolitan FMR Areas

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

2023-2024 GA MAXIMUMS SUMMARY SHEET

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

APPENDIX A - OVERALL MAXIMUMS

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

APPENDIX B - FOOD MAXIMUMS

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

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

APPENDIX C - HOUSING MAXIMUMS

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

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

FOR MUNICIPAL USE ONLY

APPENDIX D - UTILITIES

ELECTRIC

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

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

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

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

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

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

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

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

APPENDIX E - HEATING FUEL

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

FOR MUNICIPAL USE ONLY

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

APPENDIX F - PERSONAL CARE & HOUSEHOLD SUPPLIES

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

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

SUPPLEMENT FOR HOUSEHOLDS WITH CHILDREN UNDER 5

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

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

2023-2024 Mileage Rate

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

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

Funeral Maximums

Burial Maximums

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

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

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

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

Cremation Maximums

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

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

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

Appendix H

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

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

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

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

2023-2024 GA Housing Maximums

Recovery Residences

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

Non-Metropolitan FMR Areas

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

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

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

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

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

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

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

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

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

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

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

Metropolitan FMR Areas

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

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

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

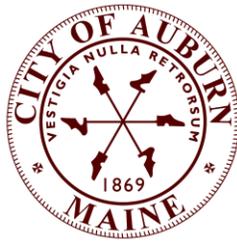
<u>Penobscot Cty. HMFA</u>	<u>Recovery Residence Rates</u>	
	<u>Weekly</u>	<u>Monthly</u>
	156.75	627.00

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

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

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

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



City Council Ordinance

IN CITY COUNCIL

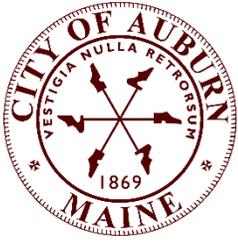
AMENDING CHAPTER 24, ARTICLE II, DIVISION 1, SEC. 24-23 OF THE GENERAL ASSISTANCE ORDINANCE ANNUAL ADJUSTMENT OF MAXIMUM BENEFITS.

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

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

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

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: October 16, 2023

Ordinance: 21-09182023

Author: Sue Clements-Dallaire, City Clerk

Subject: Amending Chapter 14, Article XVIII Adult Use and Medical Marijuana Businesses

Information: The proposed ordinance amendments provides the city clerk with the authority to issue marijuana licences and requires the applicant provide evidence of all State approvals or conditional approvals, evidence of all land use approvals or conditional land use approvals, and evidence of all other local approvals or conditional approvals required to operate a marijuana business at the subject premises, and also outlines the appeals process.

City Budgetary Impacts: N/A

Staff Recommended Action: Recommend passage

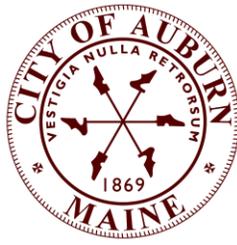
Previous Meetings and History: Presented at the 09/18/2023 Council meeting for the first reading, a public hearing was held, and this item was postponed until tonight's meeting.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:



City Council Ordinance

IN CITY COUNCIL

Amending the Code of Ordinances, Chapter 14, Business Licenses and Permits, Article XVIII. Adult Use and Medical Marijuana Businesses

Be it ordained, that the City Council hereby approves the amendment of Chapter 14, Business Licenses and Permits, of the Code of Ordinances as follows (additions are underlined; deletions are ~~struck through~~):

ARTICLE XVIII. ADULT USE AND MEDICAL MARIJUANA BUSINESSES

Sec. 14-650. Title

This article shall be known and cited as the "City of Auburn Adult Use and Medical Marijuana Businesses Ordinance" and will be referred to hereinafter as "this ordinance". This ordinance limits all subject adult use and medical marijuana businesses to the zoning districts specified under the auburn zoning ordinance, prescribes definitions of adult use and medical marijuana businesses, and provides for permitting/licensing and regulation of adult use and medical marijuana businesses, and provides performance standards for adult use and medical marijuana businesses.

Sec. 14-651. Authority and applicability.

WHEREAS, implementing a system for the regulation of stores, dispensaries, cultivation, manufacturing, and testing for the production and sale of marijuana, is a complex function with significant administrative demands on the City of Auburn; and

WHEREAS, ensuring that possession and use of Adult Use and Medical Marijuana is limited to persons who are 21 years of age or older, except in the case of minors in possession of a medical marijuana patient card, is necessary to protect those who have not yet reached adulthood from the effects of irresponsible use of marijuana; and

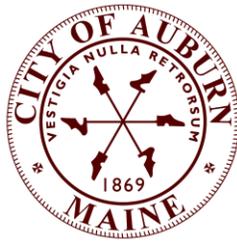
WHEREAS, the City of Auburn believes that any production, processing, or selling of Adult Use and Medical Marijuana should be conducted in a safe and fair manner for the health, safety, and welfare of the community, which includes complying with provisions of all applicable laws and ordinances relating to adult use and medical use of marijuana throughout the City of Auburn; and

NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. § 101 et seq.; the Maine Medical Use of Marijuana Act, 22 M.R.S. § 2421 et seq.; and the city's home rule

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Jason J. Levesque, Mayor

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Phillip L. Crowell, Jr., City Manager



City Council Ordinance

authority under Article VIII, Part 2, Section 1 of the Maine Constitution 30-A M.R.S. § 3001 et seq., and 30-A M.R.S. § 4301 et seq.

Sec. 14-652. Purpose.

It is the purpose of this ordinance to regulate adult use and medical marijuana businesses in order to promote the health, safety, and general welfare of the citizens of Auburn, and to establish reasonable and uniform regulations for the appropriate location of adult use and medical marijuana businesses in Auburn.

Persons or entities wishing to establish an adult use or a medical marijuana business within the City of Auburn shall first obtain a license from the Auburn City ~~Council~~Clerk (hereinafter "~~the city council~~") and shall be subject to the provisions of this ordinance.

This ordinance may not be construed to limit any privileges or rights of a qualifying patient, primary caregiver, registered or otherwise, or registered dispensary under the Maine Medical Use of Marijuana Act.

Sec. 14-654. Effective date; applicability date.

The effective date of this ordinance [from which this article derived], and the business licensing thereunder, shall be the date of adoption by the city council. Notwithstanding the provisions of 1 M.R.S. § 302 or any other law to the contrary, the amendments to this Article evidenced by Ordinance 21-09182023, when enacted, shall govern any proposed license application for which an application has not been submitted to and finally acted upon by the City prior to July 1, 2023.

Sec. 14-657. License required.

No person may establish, operate or maintain a marijuana business without first obtaining a license from the ~~city council~~clerk.

It is a violation of this ordinance for any person to operate a marijuana business without a valid marijuana business license issued by the ~~city~~ clerk pursuant to this ordinance.

Pursuant to 28-B M.R.S.A. § 402, an applicant seeking to operate an adult use marijuana business may not submit an application for a license unless the applicant has been issued a conditional license by the ~~s~~State of ~~m~~Maine to operate the adult use marijuana business.

Marijuana business licenses shall be administered on a first come, first served basis based upon the date the application is deemed complete.

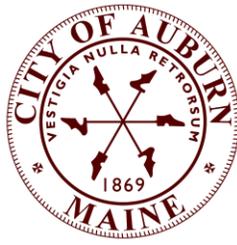
Registered caregivers operating out of their residence shall apply for and obtain a permit for a home occupation in accordance with article IX of the Auburn Zoning Ordinance and shall comply with all standards set forth in the article. Registered caregivers who cultivate medical marijuana only for themselves and/or members of their household are exempt from this requirement and are not required to obtain a permit or license.

The cultivation, manufacturing, testing or sale of adult use marijuana from a residence is prohibited, unless it is for personal use in accordance with 28-A M.R.S.A. § 1502. Home cultivation of adult use marijuana for personal use is

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exempt from the licensing requirements of this ordinance. Provided, however, that outdoor cultivation of adult use marijuana for personal use is prohibited, unless the residence is located in an agricultural zoning district.

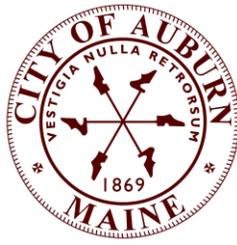
Sec. 14-658. Application procedure.

- (a) *An application for a license must be made on a form provided by the city.*
- (b) *All applicants must be qualified according to the provisions of this ordinance. Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this ordinance.*
- (c) *Application to establish a marijuana business.*
 - (1) If the applicant who wishes to operate a marijuana business is a single individual, this person must sign the application for a license. If the applicant who wishes to operate a marijuana business is more than one individual, each person who has an interest in the business must sign the application for a license as applicant. Each applicant must be qualified under the following section and each applicant shall be considered a licensee if a license is granted.
 - (2) The completed application for a marijuana business license shall contain the following information and shall be accompanied by the following documents:
 - a. If the applicant is an individual means the individual shall state their legal name and any aliases, and submit proof that they are at least 21 years of age.
 - b. If the applicant is a partnership. The partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, submit a copy of the partnership agreement, if any, and submit proof that all partners are at least 21 years of age.
 - c. If the applicant is a corporation. The corporation shall state its complete name, the date of its incorporation, evidence that the corporation is in good standing under State law, the names and capacity of all officers, directors and principal stockholders, the name of the registered corporate agent, the address of the registered office for service of process, and submit proof that all officers, directors and principal stockholders are at least 21 years of age.
 - d. If the applicant is a limited liability company (LLC). The LLC shall state its complete name, the date of its establishment, evidence that the LLC is in good standing under State law, the names and capacity of all members, a copy of its operating agreement, if any, the address of its registered office for service of process, and submit proof that all members are at least 21 years of age.
 - e. If the applicant intends to operate the marijuana business under a name other than that of the applicant, they must state the marijuana business' name and submit the required registration documents.
 - f. If the applicant, an officer, member or employee has been convicted of criminal activity under state and/or federal law, they must list the specified criminal activity involved, and the date, place, and jurisdiction of each conviction.
 - g. If the applicant has had a previous license under this ordinance or other similar marijuana business license applications in another town, city or state denied, suspended or revoked, they must list the name and location of the marijuana business for which the license was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and they must

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City Council Ordinance

list whether the applicant has been a partner in a partnership or an officer, director, or principal stockholder of a corporation that is permitted/licensed under this ordinance, whose license has previously been denied, suspended or revoked, listing the name and location of the marijuana business for which the permit was denied, suspended, or revoked as well as the date of denial, suspension or revocation.

- h. If the applicant holds any other permits/licenses under this ordinance or other similar marijuana business license from another town, city, or state the applicant shall provide the names and locations of such other permitted/licensed businesses.
- i. The type of marijuana business for which the applicant is seeking a license.
- j. The location of the proposed marijuana business, including a legal description of the property, street address, and telephone number.
- k. Sufficient documentation demonstrating possession or entitlement to possession of the proposed licensed premises of the marijuana business pursuant to a lease, rental agreement, purchase and sale agreement or other arrangement for possession of the premises or by virtue of ownership of the premises.
- l. The applicant's mailing address and residential address.
- m. Recent passport-style photograph(s) of the applicant(s).
- n. The applicant's driver's license.
- o. A sketch showing the configuration of the subject premises, including building footprint, interior layout with floorspace to be occupied by the business, and parking plan. The sketch must be drawn to scale with marked dimensions.
- p. A copy of a city tax map depicting: The subject property lines and the property lines of other properties containing any existing marijuana businesses within 1,000 feet of the subject property; and the property lines of any public or preexisting private school within 750 feet of the subject property, measured in accordance with section 14-659.
- q. Evidence of all State approvals or conditional approvals required to operate a marijuana business at the subject premises.
- r. Evidence of all land use approvals or conditional land use approvals required to operate a marijuana business pursuant to the Code of Ordinances, including, but not limited to, a building permit, site plan approval, change of use permit or certificate of occupancy for the subject premises.
- s. Evidence of all other local approvals or conditional approvals required to operate a marijuana business pursuant to the Code of Ordinances, including, but not limited to, food service establishment licenses.

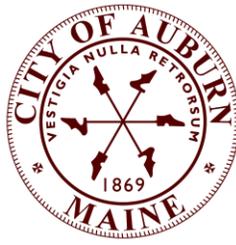
All applications for a marijuana business license shall be kept confidential by the city.

- (4) All applicants, including all individuals, officers, directors, managers, members, and partners, for any medical marijuana business license must be residents of the state, as defined in 22 M.R.S.A. § 2422.
- (5) If an applicant is a person, the applicant must be a resident as that term is defined in the application. If the applicant is a corporation, partnership, or limited liability company, every officer, director, and

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City Council Ordinance

managing partner must be a person who is a resident, and a majority of shares, partnership interests, and membership interests, or other equity interests must be held or owned by persons who are residents. This residency requirement does not apply to applicants for testing facility licenses.

- (e) *Application and license fees.* All applications must be submitted with a \$500.00 fee. If an application is approved, the following license fees must be paid before the city will issue a license:

Marijuana store. Annual operation license fee: \$5,000.00.

Marijuana manufacturing facility. Annual operation license fee: \$2,500.00.

Marijuana testing facility. Annual operation license fee: \$2,500.00.

Adult use marijuana cultivation:

Tier 1. 0—500 square feet of plant canopy—Annual permit/licensing fee: \$1,000.00.

Tier 2. 501—2,000 square feet of mature plant canopy—Annual license fee: \$1,500.00.

Tier 3. 2,001—7,000 square feet of mature plant canopy—Annual license fee: \$2,500.00.

Tier 4. Greater than 7,000 square feet of mature plant canopy—Annual license fee: \$5,000.00.

Medical marijuana cultivation. Annual operation license fee: \$1,000.00.

Adult use marijuana nursery cultivation. Annual license fee: \$1,000.00 (Plant canopies of individual nursery cultivations are permanently capped at 1,000 square feet.)

Renewal applicants for adult use marijuana cultivation licenses may seek an increase to a higher tier if they comply with the requirements in this section.

Applicants for adult use marijuana cultivation licenses may not hold more than three such licenses or a total combined plant canopy in excess of 30,000 square feet.

- (f) *Complete application.* In the event that the city clerk determines that a submitted application is not complete, the city clerk shall notify the applicant that the application is not complete and shall inform the applicant of the additional information required to process the application.

Sec. 14-662. Appeals.

- (a) Any parties aggrieved by a decision of the city clerk under this ordinance may bring the following appeals to the city council:

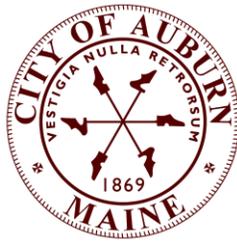
(1) Appeal by the applicant of the city clerk's denial of an application;

(2) Appeal by the applicant of any license granted by the city clerk with conditions to which the applicant/licensee objects; and

(3) Appeal by any aggrieved party having legal standing of any decision by the city clerk to grant a license under this ordinance.

- (b) Appeals must be filed in writing with the office of the city clerk or designee within 30 days of the date of the decision subject to appeal.

- (c) The city council shall hold a *de novo* hearing on an appeal within 30 days of the date the appeal is received by the city, unless all parties consent to an enlargement of that time period. It shall be the duty of the city clerk



City Council Ordinance

or designee to notify such parties of the time and place of the hearing. At the hearing, the city council will receive evidence on the application. Following the hearing, the city council shall issue a written decision on the appeal with its findings of fact and conclusions of law.

(d) The city council may approve any application previously denied by the city clerk only upon the affirmative vote of five or more members of the city council.

(e) An appeal from any final decision of the city council may be taken by any party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

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**City of Auburn
City Council Information Sheet**

Council Meeting Date: October 16, 2023

Public Hearing

Author: John Blais

Subject: Public Hearing, discontinuance of 250+/- Chestnut Street as a city street per § 3026-A

Information: Step two, in a three-step process once a recommendation is made by the Planning Board. 1. File order of discontinuance for notification of abutters. (9.19.23) **2. Public Hearing, notification to abutters (10. 16. 23)**. 3. Approval of order minimum 10 days after the public hearing (11.06.23).

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

- A. The Location of the town way or public easement is attached.
 - B. Notification of abutting property owners is complete; Notified through certified mail.
-

City Budgetary Impacts: None known.

Staff Recommended Action: Hold public hearing, no vote required.

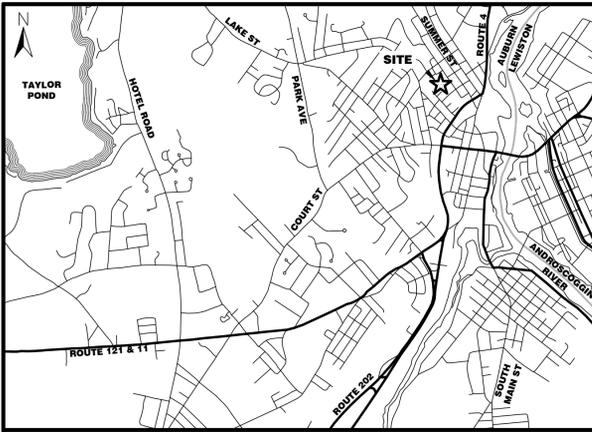
Previous Meetings and History: PB workshop August 10, 2023, PB Public Hearing September 12, 2023 City Council Workshop August 7, 2023, City Councilor Order and 1st vote September 19, 2023.

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

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



LOCATION MAP 1" = 1/2 MILE

NOTES

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

PLAN REFERENCES

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

AUBURN
TAX MAP 250, LOT 325
NOW OR FORMERLY
DONALD W. BRIGHT, JR.
BOOK 7088, PAGE 131

AUBURN
TAX MAP 250, LOT 334
REMAINING LAND OF
AUBURN SEWER DISTRICT
BOOK 624, PAGE 420
BOOK 624, PAGE 428

AUBURN
TAX MAP 250,
LOT 282
NOW OR FORMERLY
JAMIE LABBE
& DEREK G. LABBE
BOOK 6326, PAGE 165

AUBURN
TAX MAP 250, LOT 281
NOW OR FORMERLY
BRION W. GALLAGHER &
MAUREEN M. O'BRIEN
BOOK 1657, PAGE 164

AUBURN
TAX MAP 250, LOT 280
NOW OR FORMERLY
CANDICE L. NORTHRUP
BOOK 6747, PAGE 201

AUBURN
TAX MAP 250, LOT 279
NOW OR FORMERLY
JOHN R. LANDRY &
BARBARA J. LANDRY
BOOK 6864, PAGE 210

AUBURN
TAX MAP 250, LOT 327
NOW OR FORMERLY
CRRK, LLC
BOOK 8516, PAGE 302

AUBURN
TAX MAP 250, LOT 333
NOW OR FORMERLY
HERO HOMES, LLC
BOOK 9614, PAGE 308

AUBURN
TAX MAP 250, LOT 349
NOW OR FORMERLY
CITY OF AUBURN
BOOK 1168, PAGE 229
"GULLY PARK"
PART OF CONSERVATION
EASEMENT

AUBURN
TAX MAP 250, LOT 335
CONVEYED TO LWCF
0.58 ACRES
(25,285 SQ. FT.)

AUBURN
TAX MAP 250, LOT 33
NOW OR FORMERLY
DEBRA SULLIVAN
BOOK 6373, PAGE 235

AUBURN
TAX MAP 250, LOT 338
NOW OR FORMERLY
BERNARD C. IWUANYANWU
BOOK 10509, PAGE 218

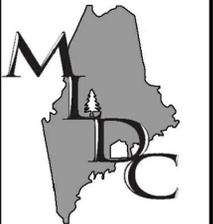
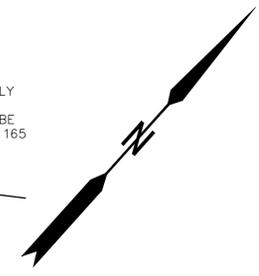
WALNUT STREET

CHESTNUT STREET
AREA OF CHESTNUT STREET
TO BE DISCONTINUED
0.23 ACRES
(9,996 SQ. FT.)

AREA TO BE
CONVEYED TO
LWCF (HATCHED)
0.05 ACRES
(2,000 SQ. FT.)

LEGEND

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



MAIN-LAND
DEVELOPMENT
CONSULTANTS, INC.

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

PLAN SHOWING

CONVEYANCES & PARTIAL DISCONTINUANCE OF CHESTNUT STREET

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

OWNER OF RECORD

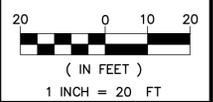
CITY OF AUBURN

60 COURT STREET,
AUBURN, MAINE 04210
MADE FOR

CITY OF AUBURN

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

DRAWING SCALE:



REVISION NOTES:

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

CONVEYANCES

SEAL:

DRAFT

CHARLES L. BUKER PLS #2397
DRAWING NO.

S3.1

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

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

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

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

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

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

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

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

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

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

Meaning and intending to describe a portion, and only a portion, of Chestnut Street to be discontinued by the City of Auburn.



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To Auburn City Council

From: Auburn Planning Board

Re: Recommendation on the discontinuance of Chestnut Street

Date: September 12, 2023

PROPOSAL: PUBLIC HEARING Discontinuance of Chestnut Street (250+/- feet): This section of road is shown on the map below and is part of larger project with the redevelopment of the PAL Center. This project will adhere to Chapter 46, Article VI, Division 3, Section 46-374 and Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies.

Motion: Riley Bergeron; **second:** Tim DeRoche

“I make a motion to provide a positive recommendation to discontinue (252.05’) section of Chestnut Street which more fully described in Exhibit B and Easement Conveyances & Partial Discontinuance Plan dated August 31st, 2023, as it applies to Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies. Other associated tasks include providing continuance of public utilities as Title 23, Part 3, Chapter 304 §3026-A, (6) and under Sec. 46-374 of the City of Auburn Ordinance.”

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 | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director
Re: Staff Report on Discontinuance of Chestnut Street

Date: September 12, 2023

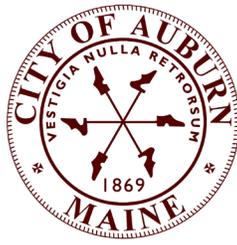
I. PROPOSAL: City Staff is requesting the city to discontinue 252.05' +/- of Chestnut Street/Public Way, as a City Street, to provide a more robust site plan that assists in the development of the new PAL center. The discontinuance of the "town way" will follow the Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies. Other associated tasks include providing continuance of public utilities as Title 23, Part 3, Chapter 304 §3026-A, (6) Description on the proposed portion of Chestnut Street Discontinuance is described and will be recorded at the Androscoggin County registry of deeds. (See Exhibit B and Conveyances & Partial Discontinuance Plan of Chestnut Street).

II. Department Review:

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

III. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff suggests a planning board discuss the plan and Discontinuance. Staff then recommends that the Board forward a positive recommendation to the Council under Sec. 46-374 supporting the proposed changes at this planning board meeting.

IV. Suggested Motion: I make a motion to provide a positive recommendation to discontinue (252.05') section of Chestnut Street which more fully described in Exhibit B and Easement Conveyances & Partial Discontinuance Plan dated August 31st, 2023, as it applies to Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies. Other associated tasks include providing continuance of public utilities as Title 23, Part 3, Chapter 304 §3026-A, (6) and under Sec. 46-374 of the City of Auburn Ordinance.



ORDER

City Council Order

IN CITY COUNCIL

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

LOCATION:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ABUTTERS:

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

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

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

DAMAGES:

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

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

<u>Abstained</u>	<u>In Favor</u>	<u>In-Favor</u>
Richard Whiting	Ryan Hawes	Stephen G. Milks

<u>In-Favor</u>	<u>Against</u>	<u>In-Favor</u>
Joseph Morin	Leroy G. Walker	Dana Staples

In-Favor
Belinda A. Gerry

Motion carries 5-1-1 on September 18, 2023

Vote Attested by City Clerk:

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

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

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

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

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

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

OPTIONS:

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

Date: _____

Printed Name: _____

Signature: _____

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

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

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

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

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

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

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

OPTIONS:

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

Date: _____

Printed Name: _____

Signature: _____

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

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

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

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

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

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

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

OPTIONS:

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

Date: _____

Printed Name: _____

Signature: _____

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

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

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

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

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

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

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

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

OPTIONS:

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

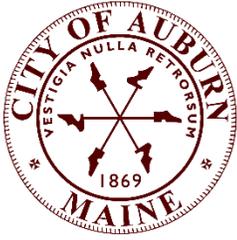
I disagree with the preliminary determination and will request damages in the amount of \$ _____ to move forward with the proposed discontinuance.

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

Date: 26 Sep 2023 **Printed Name:** Harley W Clark

Signature:





**City of Auburn
City Council Information Sheet**

Council Meeting Date: October 16, 2023

Public Hearing

Author: John Blais

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

Information: Step two, in a three- step process once a recommendation is made by the Planning Board. 1.) File order of discontinuance for notification of abutters. (9.19.23) **2. Public Hearing, notification to abutters (10. 16. 23).** 3. Approval of order minimum 10 days after the public hearing (11.06.23).

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

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

City Budgetary Impacts: None known.

Staff Recommended Action: Hold public hearing, no vote required.

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

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

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

Exhibit A
Proposed Street Relocation
Miller Street

A certain lot or parcel of land with the improvements thereon on the easterly sideline of the current location of Miller Street in the City of Auburn, County of Androscoggin, and State of Maine depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through July 28, 2023 (Sheet 3, Job #220503-01), and being more particularly bounded and described as follows:

Commencing at a railroad spike in pavement on the now or former westerly sideline of Miller Street at the northeasterly corner of land now or formerly of City of Auburn as described in a deed recorded in Book 3233, Page 1 and southeasterly corner of land now or formerly of Turson, LLC as described in a deed recorded in said Registry in Book 7852, Page 290, thence N 73°04'09" E across said Miller Street a distance of 35.62 feet to the northeasterly corner of "Proposed Discontinuation of Miller Street 3,784 S.F." as shown on said Plan, and the now or former easterly sideline of said Miller Street, and the **Point of Beginning**;

1. Thence N 05°10'28" E by said easterly sideline of said Miller Street a distance of 42.28 feet;
2. Thence S 46°08'03" E through land of the Grantor a distance of 33.94 feet;
3. Thence S 20°28'47" E through said land of the Grantor a distance of 15.03 feet;
4. Thence S 05°10'28" W through said land of the Grantor a distance of 107.64 feet;
5. Thence S 36°17'25" W through said land of the Grantor a distance of 18.38 feet;
6. Thence S 67°24'21" W through said land of the Grantor a distance of 25.65 feet;
7. Thence S 31°35'33" W through said land of the Grantor a distance of 1.82 feet to the easterly sideline of said Miller Street;
8. Thence N 05°10'28" E by the now or former easterly sideline of said Miller Street a distance of 38.50 feet to the easterly side of said Proposed Discontinuation of Miller Street;
9. Thence N 05°10'28" E by said Proposed Discontinuation of Miller Street a distance of 90.94 feet to the **Point of Beginning**.

Meaning and intending to describe the area depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through May 18, 2023 (Sheet 3, Job #220503-01).

Subject to a proposed Temporary Construction Easement as shown on said plan.

Subject to and Together with any easements or restrictions of record.

Bearings are referenced to Grid North, Maine State Plane Coordinate System, West Zone, NAD83.

July 28, 2023
JMS/mwe



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To Auburn City Council

From: Auburn Planning Board

Re: Recommendation on realignment of Miller Street

Date: September 12, 2023

PROPOSAL: PUBLIC HEARING Realignment of Miller Street (150 +/- feet): This section of road is shown on the map below and is part of larger project to develop the commercial and residential space at 186 Main Street. This project will adhere to Chapter 46, Article VI, Division 3, Section 46-374 and Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies.

Motion: Evan Cyr; **second:** Amanda Guerrette

“I make a motion to provide a positive recommendation to discontinue a 90.94 foot section of Miller Street and realigning a 125.34 foot section of Miller Street more fully described in Exhibit A and Easement Plan dated May 5th, 2023, as it applies to Title 23, Part 3, Chapter 304 §3026-A, 1-6 of Maine State Statute as required and applies. Other associated tasks include providing continuance of public utilities as Title 23, Part 3, Chapter 304 §3026-A, (6) of Maine State Statute and under Sec. 46-374 of the City of Auburn Ordinance.” **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 | 207.333.6601

To: Auburn Planning Board
From: John Blais, Deputy Director
Re: Staff Report on Discontinuance of Miller Street and Relocation

Date: September 12, 2023

I. PROPOSAL: City Staff is requesting the city to discontinue 90.94' +/- of Miller Street/Public Way, as a City Street, to provide a more robust site plan that assists in the development of 186 Main Street- That site plan was approved by planning board on June 6, 2023. The discontinuance of the "town way" will follow the Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies. Other associated tasks include providing continuance of public utilities as Title 23, Part 3, Chapter 304 §3026-A, (6)

City Staff is also requesting Miller Street be realigned as part of the 186 Main Street project, which will be accomplished through the appropriate process that meets state statute following 23 M.R.S. § 3026-A as it applies to the City of Auburn. Description on the proposed Miller Street Relocation is described and will be recorded at the Androscoggin County registry of deeds. (See Exhibit A and Easement Plan)

II. Department Review:

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

III. PLANNING BOARD ACTION/STAFF SUGGESTIONS: Staff suggests a planning board discuss the plan and realignment. Staff then recommends that the Board forward a positive recommendation to the Council under Sec. 46-374 supporting the proposed changes at this planning board meeting.

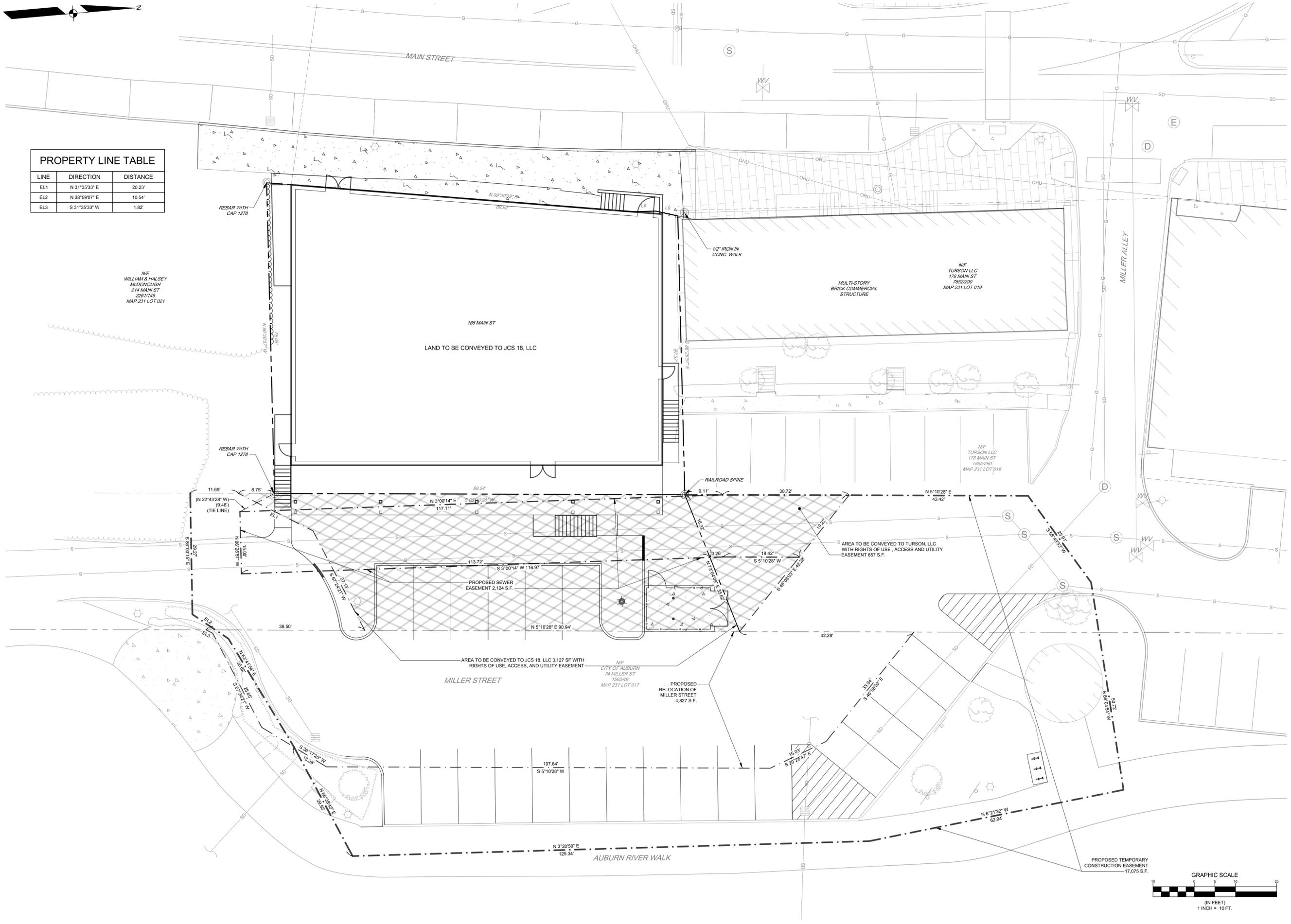
IV. Suggested Motion: I make a motion to provide a positive recommendation to discontinue (90.94') section of Miller Street and realigning a (125.34') section of Miller Street more fully described in Exhibit A and Easement Plan dated May 5th, 2023 as it applies to Title 23, Part 3, Chapter 304 §3026-A, 1-6 as required and applies. Other associated tasks include providing continuance of public utilities as Title 23, Part 3, Chapter 304 §3026-A, (6) and under Sec. 46-374 of the City of Auburn Ordinance.



PROPERTY LINE TABLE

LINE	DIRECTION	DISTANCE
EL1	N 31°35'33" E	20.23'
EL2	N 38°59'07" E	10.54'
EL3	S 31°35'33" W	1.82'

NF
WILLIAM & HALSEY
MC DONOUGH
214 MAIN ST
2261/145
MAP 231 LOT 021



REV.	BY.	DATE	STATUS
H	PDO	07/29/2023	REVISED EASEMENT PLAN
G	PDO	06/05/2023	ISSUED FOR FLOOD HAZARD DEVELOPMENT & NRPA PBR
F	PDO	06/02/2023	REVISED EASEMENT PLAN
E	PDO	05/22/2023	REVISED EASEMENT PLAN
D	PDO	05/18/2023	REVISED & RESUBMITTED PER CITY OF AUBURN COMMENTS
C	PDO	05/05/2023	ISSUED TO CITY OF AUBURN FOR SITE PLAN SUBMISSION
B	ACH	01/27/2023	REVISED PER CLIENT AND CITY OF AUBURN COMMENTS

THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

SEBAGO
TECHNICS
WWW.SEBAGOTECHNICS.COM
75 John Roberts Rd.
Sullivan, IA
South Portland, ME 04106
Tel. 207-200-2100

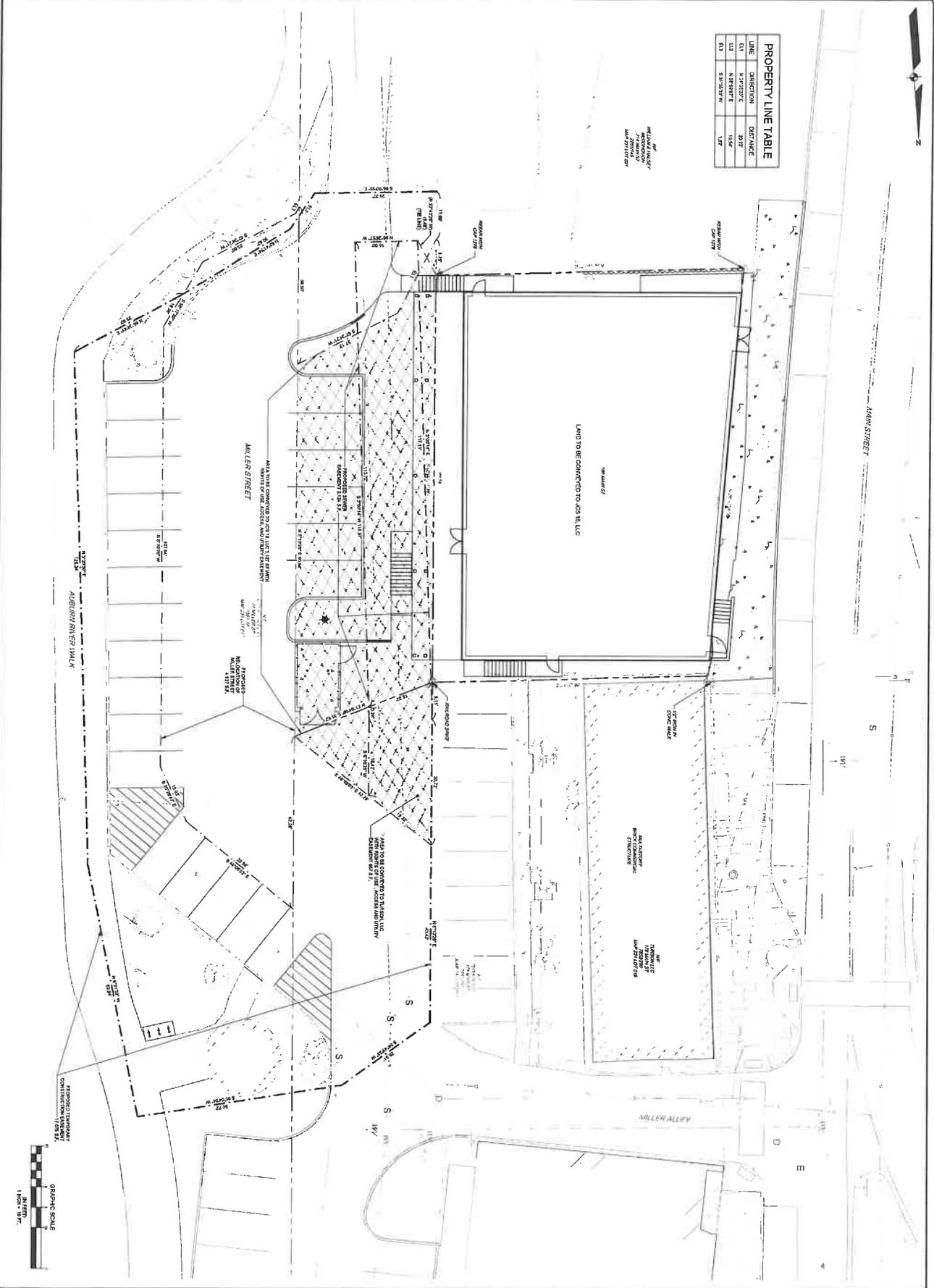
RECORD OWNER:
CITY OF AUBURN
60 COURT STREET
AUBURN, ME 04210

EASEMENT PLAN
OF:
186 MAIN STREET
186 MAIN STREET
AUBURN, MAINE 04210
FOR:
JCS 18, LLC
20 MECHANIC STREET
GORHAM, MAINE 04038

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

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

220503 EASEMENT PLAN.dwg, TAB 6 EASEMENT PLAN



LINE	DIRECTION	DISTANCE
E1	N 173° 28' 00" E	20.32'
E2	N 88° 48' 00" E	15.64'
E3	S 33° 02' 00" W	1.67'



220503 EASEMENT PLAN.dwg - TAB 4 EASEMENT PLAN

EASEMENT PLAN
OF
186 MAIN STREET
 186 MAIN STREET
 AUBURN, MAINE 04210
 FOR
JCS 18, LLC
 20 MECHANIC STREET
 OROUKA, MAINE 04008

RECORD OWNER:
 CITY OF AUBURN
 60 COURT STREET
 AUBURN, ME 04210

PROJECT: 220503/03

DATE: 06/06/2023
 TIME: 1:14

DESIGNED: TFC
 CHECKED: MBG
 DPO: 06/06/2023

SHEET 3 OF 10

SEBAGO
TECHNICS

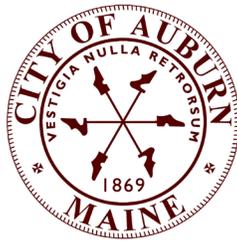
WWW.SEBAGOTECHNICS.COM
 75 SOLE ROAD RD.
 SUITE 44
 SOUTH BARRIS RD. BOX 108
 TEL: 207-365-2100

H	PDO 07/29/2023	REVISED EASEMENT PLAN
G	PDO 06/09/2023	ISSUED FOR FLOOD HAZARD DEVELOPMENT & NRPA PER
T	PDO 06/09/2023	REVISED EASEMENT PLAN
E	PDO 05/22/2023	REVISED EASEMENT PLAN
D	PDO 05/19/2023	REVISED & RESUBMITTED PER CITY OF AUBURN COMMENTS
C	PDO 04/06/2023	ISSUED TO CITY OF AUBURN FOR SITE PLAN SUBMISSION
B	MCN 03/27/2023	REVISED PER CLIENT AND CITY OF AUBURN COMMENTS
REV. BY:	DATE	STATUS

THE PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM SEBAGO TECHNICS, INC. ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO SEBAGO TECHNICS, INC.

PAUL D. GASTROWSKI, PE 11175





ORDER

City Council Order

IN CITY COUNCIL

ORDERED, that Miller Street, as laid out on plan and titled “Easement Plan”, as recommended by the Auburn Planning Board and approved by the Auburn City Council and to be recorded at the Androscoggin County Registry of Deeds, is hereby discontinued 90.94’ +/- as a City Street as provided in Title 23 M.R.S.A § 3026-A, 1-6 et sequ:

LOCATION:

**Exhibit A
Proposed Street Relocation
Miller Street**

A certain lot or parcel of land with the improvements thereon on the easterly sideline of the current location of Miller Street in the City of Auburn, County of Androscoggin, and State of Maine depicted as “Proposed Relocation of Miller Street 4,827 S.F.” as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through July 28, 2023 (Sheet 3, Job #220503-01), and being more particularly bounded and described as follows:

Commencing at a railroad spike in pavement on the now or former westerly sideline of Miller Street at the northeasterly corner of land now or formerly of City of Auburn as described in a deed recorded in Book 3233, Page 1 and southeasterly corner of land now or formerly of Turson, LLC as described in a deed recorded in said Registry in Book 7852, Page 290, thence N 73°04’09” E across said Miller Street a distance of 35.62 feet to the northeasterly corner of “Proposed Discontinuation of Miller Street 3,784 S.F.” as shown on said Plan, and the now or former easterly sideline of said Miller Street, and the **Point of Beginning**;

1. Thence N 05°10’28” E by said easterly sideline of said Miller Street a distance of 42.28 feet;
2. Thence S 46°08’03” E through land of the Grantor a distance of 33.94 feet;
3. Thence S 20°28’47” E through said land of the Grantor a distance of 15.03 feet;
4. Thence S 05°10’28” W through said land of the Grantor a distance of 107.64 feet;
5. Thence S 36°17’25” W through said land of the Grantor a distance of 18.38 feet;
6. Thence S 67°24’21” W through said land of the Grantor a distance of 25.65 feet;
7. Thence S 31°35’33” W through said land of the Grantor a distance of 1.82 feet to the easterly sideline of said Miller Street;
8. Thence N 05°10’28” E by the now or former easterly sideline of said Miller Street a distance of 38.50 feet to the easterly side of said Proposed Discontinuation of Miller Street;
9. Thence N 05°10’28” E by said Proposed Discontinuation of Miller Street a distance of 90.94 feet to the **Point of Beginning**.

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

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

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

Meaning and intending to describe the area depicted as “Proposed Relocation of Miller Street 4,827 S.F.” as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through May 18, 2023 (Sheet 3, Job #220503-01).

Subject to a proposed Temporary Construction Easement as shown on said plan.

Subject to and Together with any easements or restrictions of record.

Bearings are referenced to Grid North, Maine State Plane Coordinate System, West Zone, NAD83.

July 28, 2023

JMS/mwe

ABUTTERS:

William T. Turner
178 Main Street (physical address)
368 Minot Avenue (mailing address)
Auburn, Maine 04210
PID: 231-019

William McDonough
214 Main Street (physical address)
61 Winter Street (mailing address)
Auburn, Maine 04210
PID: 231-021

DAMAGES:

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

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

Richard Whiting

Ryan Hawes

Stephen G. Milks

Joseph Morin

Leroy G. Walker

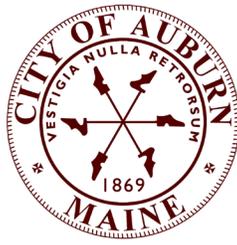
Dana Staples

Belinda A. Gerry

Jason J. Levesque

Phillip L. Crowell, Jr.

Vote Attested by City Clerk:



ORDER

City Council Order

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Joseph Morin, Ward Four
Belinda A. Gerry, At Large

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

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

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July 28, 2023

JMS/mwe

ABUTTERS:

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178 Main Street (physical address)
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PID: 231-019

William McDonough
214 Main Street (physical address)
61 Winter Street (mailing address)
Auburn, Maine 04210
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DAMAGES:

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

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

 In-favor
Richard Whiting

 In-Favor
Ryan Hawes

 In-Favor
Stephen G. Milks

 In-Favor
Joseph Morin

 In-Favor
Leroy G. Walker

 In-Favor
Dana Staples

 In-Favor
Belinda A. Gerry

Motion carries 7-0 on September 18, 2023

Vote Attested by City Clerk:

Exhibit A
Proposed Street Relocation
Miller Street

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Meaning and intending to describe the area depicted as "Proposed Relocation of Miller Street 4,827 S.F." as shown on an Easement Plan made for JCS 18, LLC by Sebago Technics dated May 5, 2023 as revised through May 18, 2023 (Sheet 3, Job #220503-01).

Subject to a proposed Temporary Construction Easement as shown on said plan.

Subject to and Together with any easements or restrictions of record.

Bearings are referenced to Grid North, Maine State Plane Coordinate System, West Zone, NAD83.

July 28, 2023
JMS/mwe

**Discontinuance of a Miller Street – Waiver of Damages -214 Main Street
PID 231-021**

TO: William McDonough, Property Owner, 214 Main Street, Auburn, ME

FROM: Jay Brenchick, Director of Economic Development

The City of Auburn is being asked to order the discontinuance of a portion section of Miller Street abutting 178 Main Street and 186 Main Street. The discontinuance will begin approximately at the intersection of Miller Alley and Miller Street and end approximately at the southern boundary of 186 Main Street. as shown more particularly on the attached plan by Sebago Technics dated July 28, 2023 and described in Exhibit A, dated July 28, 2023. This discontinuance will not interfere with tenants accessing existing parking for 214 Main Street.

I understand you are aware that this will be considered based on our previous discussions. You are being notified as an abutting property owner that this will be scheduled for a City Council Meeting. In a preliminary review we have determined that it is likely that no damage to the abutting property owners is warranted. This letter is to verify if you agree with that determination or if you would prefer that the city investigate this further prior to scheduling a hearing before the City Council.

Please review, select one of the options below and sign and return it to The Department of Planning, Permitting & Code at 60 Court Street, Auburn, Me 04210.

OPTIONS:

- I agree that no damages are warranted or due to me for the discontinuance of Miller Street
- I disagree with the preliminary determination and will request damages in the amount of \$_____ to move forward with the proposed discontinuance.
- I disagree with the preliminary determination and would like to request that the city acquire the services of a commercial appraiser determine if damages are warranted.

Date: _____

Printed Name: _____

Signature: _____

Please contact me with any questions at 333-6601, ext. 1218

**Discontinuance of a Miller Street – Waiver of Damages -178 Main Street
PID 231-019**

TO: William T. Turner/ Turson, LLC, Property Owner, 178 Main Street, Auburn, ME

FROM: Jay Brenchick, Director of Economic Development

The City of Auburn is being asked to order the discontinuance of a portion section of Miller Street abutting 178 Main Street and 186 Main Street. The discontinuance will begin approximately at the intersection of Miller Alley and Miller Street and end approximately at the southern boundary of 186 Main Street. as shown more particularly on the attached plan by Sebago Technics dated July 28, 2023 and described in Exhibit A, dated July 28, 2023. This discontinuance will not interfere with tenants accessing existing parking for 178 Main Street.

I understand you are aware that this will be considered based on our previous discussions. You are being notified as an abutting property owner that this will be scheduled for a City Council Meeting. In a preliminary review we have determined that it is likely that no damage to the abutting property owners is warranted. This letter is to verify if you agree with that determination or if you would prefer that the city investigate this further prior to scheduling a hearing before the City Council.

Please review, select one of the options below and sign and return it to The Department of Planning, Permitting & Code at 60 Court Street, Auburn, Me 04210.

OPTIONS:

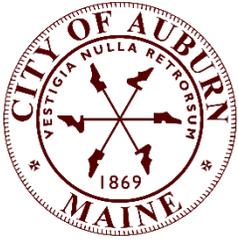
- I agree that no damages are warranted or due to me for the discontinuance of Miller Street
- I disagree with the preliminary determination and will request damages in the amount of \$_____ to move forward with the proposed discontinuance.
- I disagree with the preliminary determination and would like to request that the city acquire the services of a commercial appraiser determine if damages are warranted.

Date: _____

Printed Name: _____

Signature: _____

Please contact me with any questions at 333-6601, ext. 1218



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: October 16, 2023

PUBLIC HEARING

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

Subject: CDBG/HOME Consolidated Annual Performance Evaluation Report (CAPER) Program Year 2022

Information:

The City of Auburn receives allocations from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) and HOME Investment Partnership programs each year. The CDBG program aims to enhance urban communities by providing quality housing, improved living environments, and expanded economic opportunities for low and moderate-income individuals. Meanwhile, the HOME program's national goal is to create affordable housing for low-income households. This Consolidated Annual Performance Evaluation Report (CAPER) encompasses the utilization of HOME funds for Auburn and Lewiston, CDBG funds for Auburn, as well as leveraged funds for the period spanning July 1, 2022, through June 30, 2023.

A significant initiative highlighted in this CAPER is the Housing Resources Program, funded by HOME-ARP resources. This program serves individuals experiencing homelessness or at risk of homelessness. It underwent a soft launch as a referral source in January, concurrently with policy development. The complete program was officially launched by the conclusion of the fiscal year.

City Budgetary Impacts:

CDBG funds expended during this program year totaled \$319,342. Home Funds expended totaled \$477,010. These federal grant dollars cover staff salary/benefits as well as program activities for the Business and Community Development program.

Staff Recommended Action:

Hold Public Hearing

Previous Meetings and History:

Draft CAPER published Sept 15, 2023

Public Comment Period Sept. 15th - Oct. 15th, 2023

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:

PY22 CAPER

City of Auburn
**Consolidated Annual
Performance
Report (CAPER)**

PROGRAM YEAR 2022

On behalf of:

The Auburn-Lewiston Home Consortium &
City of Auburn CDBG program

Prepared by Auburn Community Development Office



Contents

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CR-15 - Resources and Investments 91.520(a) 9

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CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c) 19

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CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)

This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

The City of Auburn annually receives allocations from the U.S. Department of Housing and Urban Development (HUD) through the Community Development Block Grant (CDBG) and HOME Investment Partnership programs. The CDBG program aims to enhance urban communities by providing quality housing, improved living environments, and expanded economic opportunities for low and moderate-income individuals. Meanwhile, the HOME program's national goal is to create affordable housing for low-income households. This Consolidated Annual Performance Evaluation Report (CAPER) encompasses the utilization of HOME funds for Auburn and Lewiston, CDBG funds for Auburn, as well as leveraged funds for the period spanning July 1, 2022, through June 30, 2023. The objectives and expectations for HOME and CDBG funds align with the Consolidated Plan developed for program years 2020-2024. The Annual Action Plan, delineating one-year performance measures and the strategy for achieving identified objectives, is referenced within this framework. The Auburn Community Development Office (ACDO) diligently collaborated with HUD staff to rectify prior financial and project reporting discrepancies. All necessary corrections were implemented, resulting in full compliance with HUD policies by ACDO.

A significant initiative highlighted in this CAPER is the Housing Resources Program, funded by HOME-ARP resources. This program serves individuals experiencing homelessness or at risk of homelessness. It underwent a soft launch as a referral source in January, concurrently with policy development. The complete program was officially launched by the conclusion of the fiscal year.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)

Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Improve Infrastructure and reduce blight	Non-Housing Community Development	CDBG: \$ / HOME: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	3000	3590	119.67%	1000	1570	157.00%
Improve Infrastructure and reduce blight	Non-Housing Community Development	CDBG: \$ / HOME: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	0				
Promote Economic Opportunities	Non-Housing Community Development	CDBG: \$ / HOME: \$	Jobs created/retained	Jobs	10	11	110.00%			
Promote Economic Opportunities	Non-Housing Community Development	CDBG: \$ / HOME: \$	Businesses assisted	Businesses Assisted	10	7	70.00%	10	0	0.00%
Provide Essential Services	Homeless Non-Homeless Special Needs	CDBG: \$ / HOME: \$	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	1200	2265	188.75%	500	681	136.20%
Provide Essential Services	Homeless Non-Homeless Special Needs	CDBG: \$ / HOME: \$	Homeless Person Overnight Shelter	Persons Assisted	0	5		0	5	

Provide Essential Services	Homeless Non-Homeless Special Needs	CDBG: \$ / HOME: \$	Overnight/Emergency Shelter/Transitional Housing Beds added	Beds	0	0		0	0	
Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: \$ / HOME: \$	Rental units constructed	Household Housing Unit	0	0		5	0	0.00%
Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: \$ / HOME: \$	Rental units rehabilitated	Household Housing Unit	100	6	6.00%	25	1	4.00%
Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: \$ / HOME: \$	Homeowner Housing Added	Household Housing Unit	0	0		3	0	0.00%

Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: \$ / HOME: \$	Homeowner Housing Rehabilitated	Household Housing Unit	50	16	32.00%	10	1	10.00%
Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: \$ / HOME: \$	Direct Financial Assistance to Homebuyers	Households Assisted	0	0		5	0	0.00%
Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: \$ / HOME: \$	Tenant-based rental assistance / Rapid Rehousing	Households Assisted	125	24	19.20%	30	4	13.33%

Provide Safe and Affordable Housing	Affordable Housing Public Housing Homeless Non-Homeless Special Needs	CDBG: \$ / HOME: \$	Housing Code Enforcement/Foreclosed Property Care	Household Housing Unit	0	2		0	2	
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Table 1 - Accomplishments – Program Year & Strategic Plan to Date

Assess how the jurisdiction’s use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The PY22 Action Plan encompasses four specific objectives:

1. **Safe and Affordable Housing:** CDBG funds were employed to rehabilitate homes for low to moderate-income residents in Auburn. These funds were leveraged with additional resources obtained through a grant from the Office of Lead Hazard Control & Health Homes, resulting in the completion of two projects in 2022. Additionally, a new affordable housing program for smaller developers was initiated, with ten applications initiated in 2022, although no projects reached the shovel-ready stage by year-end. Furthermore, the ACDO utilized \$287,984 in American Rescue Plan Act (ARPA) funds to provide energy efficiency rebates to 388 residents, a funding source separate from HUD.
2. **Infrastructure Improvement and Blight Reduction:** In 2021, the installation of the final of three community gardens was completed. Throughout 2022, these gardens accommodated 63 plots, managed by 43 households. Furthermore, seven benches were installed along the Art Wall in downtown Auburn. A project to remove lead-based paint from the exterior of the Community Little Theatre in Bonney Memorial Park commenced at the end of program year 2022 but was not finalized by year end, and thus, will be reported in the 2023 CAPER.
3. **Promotion of Economic Opportunities:** Although the Micro-loan program was available in 2022, no projects were executed with CDBG or HOME funds. However, \$98,380 in ARPA funds were allocated to four neighborhood grocery stores to enhance healthy food options.

Additionally, the ACDO provided one business loan to a new restaurant and one commercial Agriculture incentive grant for a total investment value of \$155,000.

4. **Provision of Essential Services:** In this program year, CDBG funds were allocated to eight programs aimed at delivering essential Public Services to low and moderate-income residents of Auburn. These services included support for Safe Voices, scholarships for Auburn Rec's summer camp, and the establishment of a warming center during the coldest weekend of the year. These programs play a crucial role in assisting families grappling with poverty-related challenges. Notably, the Recreation Scholarship Program was funded to facilitate summer camp experiences for local youth from low and moderate-income families, fostering diversity among campers and enabling parents to pursue employment opportunities and improve their financial situations. Additionally, through HOME-ARP funds, supportive services were provided to 46 households experiencing homelessness or at risk of homelessness.

Please note that the Community Gardens, HOME-ARP, and ARPA projects are not detailed in Table 1.

CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted).

91.520(a)

	CDBG	HOME
White	505	2
Black or African American	153	2
Asian	0	0
American Indian or American Native	8	0
Native Hawaiian or Other Pacific Islander	3	0
Total	669	4
Hispanic	19	0
Not Hispanic	650	4

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

Auburn's total population, as of the 2020 Census, stands at 24,061. The demographic breakdown indicates that 87.7% of the population is white, 4.5% is Black or African American, and 0.4% are identified as American Indian or Alaskan Native. In the context of CDBG, 75% of the beneficiaries were white, 20% were Black or African American, and 1.4% were American Indian or Alaskan Native. For Home Funds, 88% of the recipients were white, while 9% were Black or African American.

It's important to note that the CR-10 reporting system does not accommodate individuals or households of mixed racial backgrounds. In such cases, individuals who identified with two races were categorized under the primary race listed. For instance, if someone identified as American Indian/Alaskan Native and Black, they were recorded as American Indian/Alaskan Native. Additionally, 21 other individuals or households with multiple racial identities were not included in the CDBG program data presented above.

Within the allocation of PY22 CDBG funds, one particular activity falls under the designation of "area wide benefit." These activities, while impactful, do not gather data regarding the racial and ethnic composition of the beneficiaries they serve. Notably, these "area wide benefit" projects are strategically located in census tracts that qualify as Low-to-Moderate income areas. These tracts tend to exhibit a racial and ethnic composition that diverges from the city's overall demographic makeup, often serving a more diverse population.

Please note that the accomplishments related to HOME-ARP are not represented in the table provided above.

CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	1,561,227	319,342
HOME	public - federal	2,213,134	477,010

Table 3 - Resources Made Available

Narrative

In 2021, the city received a significant amount of Program Income, which has carried over into the current year.

During the same year, substantial efforts were dedicated to re-evaluating recent projects and formulating solutions for non-compliant initiatives. These endeavors had an impact during the first half of the year, resulting in performance below initial expectations in housing rehabilitation and new unit creation. Furthermore, the availability of contractors for ongoing programs was constrained, leading to extended project completion timelines.

However, following a comprehensive system overhaul, there has been a notable surge in interest in the rehabilitation and new unit creation programs. As a result of these improvements, these programs are anticipated to align with program goals by the year 2023.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description

Table 4 – Identify the geographic distribution and location of investments

Narrative

In the 2020-24 Consolidated Plan, activities were categorized under a city-wide approach without a specific target area of focus. Consequently, the IDIS reporting system did not capture such data. In contrast, the most recent Action Plan outlined a targeted focus area for Public Infrastructure projects. This focus area encompasses Census tracts 101, 103, and 105, which were determined to have a population with 51% or more Low-to-Moderate Income status based on the 2015 American Community Survey (ACS) data derived from the Census 2010.

During the current program year, one Public Infrastructure project was successfully completed. Another project commenced within this year but remained incomplete as of June 30, 2023. It is expected to reach completion in early FY 2023.

Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The city diligently monitors the carry-forward of available matching funds from prior years. In the current year, there was a carry-forward of \$1,351,209.88 in matching funds. It's noteworthy that no matching funds were required for HOME projects in 2022.

The city's programs augment their financial resources by stipulating that owner-investors of rental properties contribute matching funds. Specifically, CDBG Rehab projects necessitate a 25% match of project costs, while Lead projects entail matching funds of up to \$2,000 per unit.

Public Service funds were leveraged with other federal, state, and local funding. These funders include:

- MaineCare
- EFSP (Emergency Food and Shelter Program)
- MaineHousing
- Individual donors
- United Way
- John T. Gorman Foundation
- Lewiston Auburn Metropolitan Chamber of Commerce
- Lewiston Adult Education
- Auburn school system

Numerous public facilities were employed for various public service initiatives. For instance, the Auburn Senior Center at 48 Pettengill Park Road served as a location for both Senior Care Packages and the Auburn Recreation Summer Camp. The Grab-N-Go Food Pantry operated from the PAL Center at 24 Chestnut Street. Additionally, in June, a Housing and Employment Symposium took place at Festival Plaza, located at 112 Maine St. The Auburn Housing Authority generously provided space at 100 Valerie Circle for a temporary warming center in February.

Fiscal Year Summary – HOME Match	
1. Excess match from prior Federal fiscal year	1,351,210
2. Match contributed during current Federal fiscal year	0
3. Total match available for current Federal fiscal year (Line 1 plus Line 2)	1,351,210
4. Match liability for current Federal fiscal year	0
5. Excess match carried over to next Federal fiscal year (Line 3 minus Line 4)	1,351,210

Table 5 – Fiscal Year Summary - HOME Match Report

Match Contribution for the Federal Fiscal Year								
Project No. or Other ID	Date of Contribution	Cash (non-Federal sources)	Foregone Taxes, Fees, Charges	Appraised Land/Real Property	Required Infrastructure	Site Preparation, Construction Materials, Donated labor	Bond Financing	Total Match

Table 6 – Match Contribution for the Federal Fiscal Year

HOME MBE/WBE report

Program Income – Enter the program amounts for the reporting period				
Balance on hand at beginning of reporting period \$	Amount received during reporting period \$	Total amount expended during reporting period \$	Amount expended for TBRA \$	Balance on hand at end of reporting period \$
216,609	\$85,765	\$289,000	\$0	\$13,374

Table 7 – Program Income

Minority Business Enterprises and Women Business Enterprises – Indicate the number and dollar value of contracts for HOME projects completed during the reporting period

	Total	Minority Business Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Contracts						
Dollar Amount	0	0	0	0	0	0
Number	0	0	0	0	0	0
Sub-Contracts						
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0
	Total	Women Business Enterprises	Male			
Contracts						
Dollar Amount	0	0	0			
Number	0	0	0			
Sub-Contracts						
Number	0	0	0			
Dollar Amount	0	0	0			

Table 8 - Minority Business and Women Business Enterprises

Minority Owners of Rental Property – Indicate the number of HOME assisted rental property owners and the total amount of HOME funds in these rental properties assisted

	Total	Minority Property Owners				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Dollar Amount	0	0	0	0	0	0

Table 9 – Minority Owners of Rental Property

Relocation and Real Property Acquisition – Indicate the number of persons displaced, the cost of relocation payments, the number of parcels acquired, and the cost of acquisition

Parcels Acquired		0	0			
Businesses Displaced		0	0			
Nonprofit Organizations Displaced		0	0			
Households Temporarily Relocated, not Displaced		0	0			
Households Displaced	Total	Minority Property Enterprises				White Non-Hispanic
		Alaskan Native or American Indian	Asian or Pacific Islander	Black Non-Hispanic	Hispanic	
Number	0	0	0	0	0	0
Cost	0	0	0	0	0	0

Table 10 – Relocation and Real Property Acquisition

CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	48	8
Number of Special-Needs households to be provided affordable housing units	0	0
Total	48	8

Table 11 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	4
Number of households supported through The Production of New Units	8	0
Number of households supported through Rehab of Existing Units	35	4
Number of households supported through Acquisition of Existing Units	5	0
Total	48	8

Table 12 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The annual goals for HOME programs are outlined in the 2022 Annual Action Plan, with pertinent data presented in Tables 11 and 12, focusing on TBRA/Security Deposit assistance and two CDBG rehab projects, each comprising two units.

The city operates five programs geared towards assisting low-income residents in accessing and maintaining decent, safe, and affordable housing:

- The TBRA program facilitates security deposit assistance for low-income households seeking affordable housing.
- The CDBG Accessibility and Critical Repair programs serve low to moderate-income homeowners, enabling them to enhance home accessibility or conduct essential major repairs.
- These programs also extend to landlords, aiming to maintain or create affordable housing for a year.
- The Auburn HOME Unit Development Program (AHUD) empowers small developers to establish new, decentralized affordable housing.
- Funded through ARPA, the Auburn Accessory Dwelling Unit Development Program (AHUD) allows single-family homeowners or landlords to construct a secondary housing unit on their property, thereby contributing to the creation of new affordable units.

During the first half of the year, security deposit assistance and ongoing rent support were provided to low and moderate-income populations in Auburn through the U.S. Department of the Treasury's Emergency Rental Assistance (ERA) program. Following the conclusion of this program in December, there was a notable increase in households applying for TBRA.

Two Critical Repair projects were successfully executed for two owner-occupied duplexes, one of which housed the landlord/owner. Additionally, two Lead remediation projects, encompassing five affordable units, were completed, although this information is not reflected in the provided tables.

The AHUD and ADUD programs garnered substantial interest. Under these initiatives, applicants act as their own developers, with the prerequisite that projects be shovel-ready before approval. Consequently, there were delays between initial expressions of interest and the formal submission of applications, resulting in no shovel-ready projects by year-end.

All housing programs, excluding TBRA, are subject to an affordability period and rent maximums. TBRA rent caps align with Fair Market Rent (FMR), while Critical Repair and Accessibility programs maintain a one-year affordability period, with rents aligned with FMR. AHUD sustains a 20-year affordability period, with rates set in accordance with High Home Rent. HUD adjusts FMR and High Home Rent annually to account for rising housing costs.

A challenge faced by all programs pertains to rent caps in comparison to Market Rent. For TBRA clients, securing a rental unit that complies with rent limits while considering utility costs presents difficulties. Landlords must weigh potential loan funds against potential rent differentials to evaluate profitability. Increasing rent caps could significantly alleviate this barrier.

Another hurdle for TBRA relates to the city's exceedingly low rental vacancy rate. A July 9, 2023 report by the Sun Journal highlighted a vacancy rate of essentially 0% in Lewiston and Auburn (<https://www.sunjournal.com/2023/07/09/more-of-everything-a-vacancy-rate-of-zero-is-pushing-up-rents-and-has-the-twin-cities-embracing-any-and-all-housing>).

Anticipating an uptick in project numbers, the city has significantly ramped up marketing efforts for its rental assistance, rehabilitation, and new unit creation programs in 2023.

Discuss how these outcomes will impact future annual action plans.

Securing safe, quality, and affordable housing is an escalating challenge statewide in Maine. In forthcoming action plans, there is a pressing need to conduct more comprehensive research into reducing barriers to accessing affordable housing programs. The Community Development Office has engaged with a program at Bates College to work with a statistic program for conducting a market study on rental rates to facilitate the establishment of more accessible rent caps.

Furthermore, HOME-ARP funds offer the opportunity to provide enhanced support to individuals grappling with homelessness. This expanded support encompasses a wider range of housing-related costs, including moving expenses, storage facilities, and utility payments.

These vital considerations will be taken into account by the Consortium as they shape the objectives of the forthcoming 2023 Action Plan.

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	0	0
Low-income	2	4
Moderate-income	0	0
Total	2	4

Table 13 – Number of Households Served

Narrative Information

In the year 2022, no HOME rehabilitation or unit creation projects reached completion.

However, HOME funds were allocated to support four low-income households in securing security deposits, facilitating their transition to affordable housing.

Meanwhile, CDBG funds were utilized to rehabilitate two duplexes, each comprising one rental unit and one owner-occupied unit. Notably, one of these projects addressed a code violation, although this information is not reflected in Table 13. It's imperative to note that CDBG-funded projects must ensure that at least 51% of units income qualify.

Furthermore, ongoing initiatives aim to uphold and preserve affordable housing through the Lead & Healthy Homes program. This program offers grants to homeowners and landlords, enabling them to enhance living conditions by mitigating lead hazards. All units benefiting from this program must either be occupied by low-to-moderate income families or be made available to such tenants in the future. Additionally, this program, leveraging CDBG funds, covers the required match funding for income-qualifying homeowners, ensuring an affordability period of three years during which maximum rent rates are monitored to guarantee continued affordability. Importantly, each newly rehabilitated unit generates one new affordable unit within the city.

CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The Auburn-Lewiston Consortium demonstrated early leadership in the implementation of the HOME-ARP (American Rescue Plan) Program, securing approval for its allocation plan ahead of many other communities.

The Housing Resources Program, funded by HOME-ARP, commenced with a soft launch in January 2022, accompanied by the hiring of an additional staff member within the Community Development department to oversee the program's operations. The initial two quarters were primarily focused on referral processes while concurrently developing comprehensive policies and procedures to fortify the program.

Collaborative efforts were undertaken with other service providers dedicated to assisting individuals and families facing homelessness or at risk of homelessness. This approach aimed to prevent duplication of services and build a robust referral network. In June, the city organized an Employment and Housing Symposium, offering clients direct access to service providers for housing, employment, and essential support services.

Community Development staff actively engaged with provider sessions at Pleasant Street Drop-In Center (now the Drop-In Center) and Trinity Jubilee Center, establishing connections with potential clients. During the program's early phase, 34 homeless households and 14 households at risk of homelessness received assistance, encompassing housing searches, apartment applications, housing subsidy applications, and referrals to programs such as employment training, shelters, and food assistance.

The Housing Resources Coordinator initiated the construction of an extensive repository containing potential referring agencies for use by housing providers and clients, although this endeavor was not completed by year-end.

The full-scale program is set to launch in early July 2023, with Tenant-Based Rental Assistance (TBRA) and support service funds accessible to eligible clients.

Additionally, the Community Development department continued its collaboration with the General Assistance program and the Public Health Officer, who share office space. Notably, the General Assistance team witnessed a substantial surge in local demand during this reporting period. A total of 426 applications were received, marking a remarkable 330% increase compared to the previous reporting period. Among these applications, 112 were cases with pending asylum requests, reflecting a

509% increase from the previous year. The City General Assistance budget contributed a total of \$233,375 annually, a remarkable 237% increase from the prior year, with the majority of funds allocated to housing-related expenses, including housing, utilities, and food aid.

Furthermore, the City Council allocated additional resources from the American Rescue Plan Act (ARPA) funds to support the Project Support You (PSY) program, which introduced a dedicated co-responder with expertise in mental health and substance abuse. This individual worked closely with the Auburn police and fire departments to enhance care during rescue calls. Over the initial seven months of this collaborative effort, city-contracted staff, in partnership with Tri-County Mental Health, diligently provided services to 263 homeless Auburn residents.

In addition to these initiatives, key personnel, including the City Public Health Officer, Housing Resource Coordinator, and Community Development Manager, actively participated in various housing committees and organizations. These include the Lewiston Auburn Alliance of Services to the Homeless (LAASH), Region II Homeless Council, Main State Homeless Council, the Lewiston Auburn Area Recovery Collaborative (LAARC), and frequent attendance at the Sewall Foundation's Housing Collaboration Sessions and the HUB 3 Coordinator's meetings.

Addressing the emergency shelter and transitional housing needs of homeless persons

Maine continues its efforts to address the urgent needs of emergency shelter and transitional housing for individuals experiencing homelessness, guided by the leadership and advocacy of the Maine Continuum of Care, the Maine Statewide Homeless Council, and regional homeless councils.

During the winter season, MaineHousing allocated funding for 14 overnight warming shelters across the state; however, none of these shelters received funding in Auburn or Lewiston. The city responded by financing an overnight warming shelter in early February using CDBG-CV funds.

It is noteworthy that most local shelters do not receive funding from the Maine Housing Authority. Instead, the city allocates portions of its Public Service funding to provide financial support to these programs. One such recipient of this support is Safe Voices, a domestic violence response organization that offers assistance, including re-housing and homelessness diversion programs.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after 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); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The city's Housing Resources Program caters to a diverse range of individuals and families facing homelessness or the risk thereof. This encompasses those fleeing domestic or dating

violence, sexual assault, stalking, trafficking, and individuals discharged from public institutions or systems of care.

Moreover, both Auburn and Lewiston's HOME TBRA programs serve individuals based on income, encompassing a substantial portion of those recently discharged who fall within income limits.

These programs provide a comprehensive array of services to Auburn residents confronting homelessness or the imminent threat of it. The TBRA programs offer support by covering security deposits equivalent to two months' rent, subject to program guidelines.

Additionally, the Housing Resources Program extends further assistance, including:

- Security deposits (for clients who do not qualify for TBRA)
- Funding for first and last month's rent
- Coverage for housing application fees
- Relief for utility arrears and short-term payments for ongoing utilities
- Support for rent arrears
- Assistance with moving costs and temporary storage fees
- Financial aid for non-housing expenses, such as childcare, bus passes or gas vouchers, supplies and testing for HiSET classes, certification classes and exams, credit repair classes, and outpatient medical care not covered by MaineCare or private insurance.

Furthermore, both programs have the capacity to refer clients to:

- Housing navigators who assist participants in securing homes within a competitive housing market, in accordance with program guidelines
- Employment and training programs
- Educational services, including local adult education programs
- Case managers
- Credit counseling services

Challenges arose in disbursing move-in costs for rental units due to Fair Market Rent (FMR) caps imposed by HUD, which posed difficulties for landlords who were hesitant to engage with a program capping their rent at reduced rates amid a surge in market rent.

Lastly, the Statewide Homeless Council collaborates with the Department of Corrections to implement the Maine Criminal Justice System Blueprint for Ending and Preventing Homelessness. This initiative aims to prevent inmates from being released into homelessness. A

parallel Blueprint for Ending Homelessness, in partnership with DHHS, addresses discharge planning from state-run mental health facilities.

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

Community Development staff, particularly the Public Health Officer and General Assistance Administrator, collaborate closely with the School Department, Police & Fire departments, and local non-profit organizations such as Safe Voices and New Beginnings. This coordinated effort facilitates seamless referrals of residents in need to various service providers.

The HOME-ARP Housing Resources Program and HOME TBRA programs allocate funding for essential move-in costs, including security deposits and utility connections, benefiting homeless individuals and those at risk of homelessness. Additionally, program staff are equipped to facilitate mediation between tenants and landlords and offer referrals to organizations that assist recently unhoused families in reacquiring essential home management skills, budgeting, financial literacy, credit repair, and other life skills training.

Furthermore, the Housing Resources Program has the capacity to cover the costs of mental health, physical health, and substance use disorder treatments that are not covered by MaineCare or other insurance providers. Clients are actively connected to resources to support their healthcare needs when they lack access to such care.

In the forthcoming year, Auburn and Lewiston are set to collaborate with local non-profit organizations to expand the scope of HOME-ARP projects. One notable project includes the introduction of an Auburn-exclusive Housing Navigator, a role that was absent in 2022. Additionally, a new initiative will pair unaccompanied minor children experiencing homelessness with host families to provide them with stable housing, enabling them to complete their high school education, pursue their HiSET, or engage in employment training programs. Furthermore, a potential project aims to establish connections with individuals and families residing in homeless encampments to provide critical services before such encampments are dismantled.

CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

The City of Auburn works closely with the Auburn Housing Authority (AHA) to promote and develop affordable housing. In this program year, AHA raised its payment standards within the Section 8 voucher program to 110% of Fair Market Rent. This adjustment aims to assist eligible renters in finding and affording housing, especially in the face of rising rental rates and limited available units.

MaineHousing's Family Self-Sufficiency (FSS) staff continue to take the lead in statewide efforts to enhance program processes and evaluation among Public Housing Authorities (PHAs) that administer it. They also collaborate with FSS staff from other PHAs to address new HUD program regulations. MaineHousing, in partnership with Compass Working Capital, is a member of the National FSS Network, along with the Portland Housing Authority.

Furthermore, the Auburn Housing Authority has intensified its efforts to transition its operations toward voucher-based support. These efforts aim to facilitate the development of privately built housing units that can accommodate housing vouchers, further expanding affordable housing options.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

The city currently refers low-income residents, including public housing residents, to Community Credit Union (CCU) and Community Concepts (CCI). Both organizations offer programs to assist with obtaining mortgages and down payment support. HOME-ARP funds can be allocated to cover the cost of CCI's Homebuyer Education Course, which can enable clients to meet the requirements for receiving \$5,000 from Maine Housing, which can be applied towards a down payment or closing costs.

The city is in the process of developing a three-year project aimed at constructing a mixed-income neighborhood comprising 100 units. This development will encompass 48 single-family residences, 8 owner-occupied duplexes, and 3 to 12 unit mixed-use apartment buildings. The primary objectives of this project include creating 56 new homeowners, adding 44 new rental units, establishing a new childcare facility, and setting up a new community facility.

Key partners involved in this project include the City of Auburn, Maine State Housing Authority, Auburn Housing Authority, Androscoggin Land Trust, Auburn-Lewiston YMCA, Fatuma Hussein Development Corp., and Androscoggin Emergency Management System.

Public housing residents will be informed about the project and encouraged to utilize resources like Maine Housing's First Home Loan Program or other resources provided by CCU and CCI to

prepare for homeownership.

Actions taken to provide assistance to troubled PHAs

Neither Lewiston Housing Authority nor Auburn Housing Authority are troubled. There are currently no troubled PHAs in Maine.

CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken 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. 91.220 (j); 91.320 (i)

The City of Auburn has demonstrated proactive efforts in eliminating barriers to housing development over the past three years. Notable achievements include the adoption of new ordinances that permit accessory dwelling units, enhance density standards, and reduce road frontage requirements for residential lots. Complemented by a newly established form-based code, these changes are expected to encourage infill development of new housing, facilitate multi-unit housing projects in residential zones, and potentially waive or decrease permit fees for specific target demographics.

In the current year, the Auburn City Council took the step of removing an income requirement for building homes on rural land. The previous ordinance mandated that 30% of a household's income be derived from farming in rural zones. The revised ordinance now necessitates that landowners maintain a connection to the land and possess a minimum of 10 acres to construct homes. It's important to note that this amendment faced significant opposition from the public.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The General Assistance Administrator and Public Health Officer continue to be vital members of the Community Development team. In addition, new staff members were brought on board under the HOME-ARP program to provide direct services to underserved residents who are homeless or at risk of homelessness. The Housing Resources Program had a soft launch this year and is slated for full implementation in early 2023.

These individuals play integral roles in weekly team meetings and actively contribute to the development of the Action Plan and CAPER reporting. Their front-line, community-facing positions enable them to interact with underserved communities daily, enabling them to promptly convey program challenges and evolving community needs to the team. This agile approach allows for rapid adjustments to program delivery as necessary.

The addition of a Project Support You (PSY) staff worker was a strategic move to collaborate with the police and fire departments in connecting with individuals in crisis, including those who are unhoused and individuals with substance use or mental health disorders.

This year, the city initiated the establishment of a "hub" within the Community Development Office, inviting several non-profit organizations to co-locate their staff in the same physical space. This initiative is designed to facilitate swift referrals, enhance client updates, and foster a higher level of comprehension among all staff members regarding each step of a client's housing needs. The ultimate

objective is to incorporate staff members from five non-profit organizations who will operate from the Community Development Office.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The City of Auburn secured a three-year Lead Hazard Control & Healthy Homes (OLHCHH) grant commencing in November 2021. To complement this grant, CDBG funds are employed as matching resources to offer supplementary subsidy grants to residents who meet income qualifications.

In 2022, a total of eleven housing units underwent lead assessments, and subsequent remediation efforts were undertaken for six of these units.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

The City of Auburn administers four programs aimed at directly assisting individuals and families experiencing poverty: General Assistance, Project Support You, HOME TBRA, and the HOME-ARP Housing Resources Program.

1. **General Assistance (GA)** provides emergency and ongoing support to low-income families. This includes food vouchers, temporary lodging in hotels or motels, and continuous rent aid. In 2022, GA aided 381 households, including 270 with housing assistance, 121 with utility support, 58 with food assistance, 1 with medical aid, 10 with burial or cremation assistance, 21 with baby supplies, and 74 with household items.
2. **Project Support You (PSY)**, funded through ARPA, is a frontline initiative that collaborates closely with the police and fire departments to offer immediate assistance to individuals in crisis. Over a seven-month period, the PSY worker served 315 clients, with 263 of them being unhoused. From March to June, this staff member responded to 41 fire department calls and 528 police calls.
3. **The HOME TBRA program** assists low-income families by covering the security deposit when they move into a new rental unit. Given that 37% of American families lack the financial means to address a \$400 emergency expense, these upfront costs can pose significant challenges to many low-income families. Auburn and Lewiston together supported 4 families through this program.
4. **The HOME-ARP Housing Resources Program** extends aid to individuals and families living in unstable housing situations, including those in encampments, vehicles, and emergency shelters. The Housing Resources Coordinator served 46 households by assisting them in applying for housing assistance, providing case management, and aiding in housing searches. The full program launch is scheduled for 2023, enabling it to provide financial assistance such as security deposits, first and last months' rent, childcare support, rent and utility arrears assistance, and other forms of aid to help households regain stability.

Furthermore, Auburn Community Development continues to allocate resources to fund public services

and housing programs. These services encompass food pantries, homelessness prevention, housing navigators, domestic violence support, neighborhood centers, Meals on Wheels, and youth programs.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

Internally, the City of Auburn has undergone a comprehensive redevelopment of the entire Community Development department. This redevelopment includes the integration of General Assistance and the Public Health Officer. This new team-based approach to program delivery has enabled staff to provide a more comprehensive and holistic range of services to specific communities. In 2022, the city expanded its team by adding a Housing Resources Coordinator and a Project Support You worker. Additionally, the groundwork was laid to establish a hub of housing resource providers operating from the Community Development office.

This redevelopment effort coincided with broader city initiatives aimed at streamlining the application, approval, and service delivery processes. These endeavors have significantly reduced response times and allowed the program to address identified needs more effectively. In 2022, MaineHousing and the Maine Continuum of Care continued their collaborative work to revamp and enhance the Coordinated Entry system. The Maine CoC has also made strides in addressing concerns highlighted in the gaps and needs analysis conducted in 2019.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The Community Development Staff is collaborating closely with Auburn Housing Authority (AHA) staff to formulate plans for the creation of new affordable housing units. Additionally, they are jointly managing the Security Deposit assistance and Housing Resources programs.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

The City has dedicated substantial effort to eliminate obstacles hindering the development of new affordable housing units. These endeavors encompass the adoption of a form-based code, revisions to density standards in residential zones permitting the construction of accessory dwelling units, and the reduction of required road frontage to facilitate in-fill development of new residential units. Furthermore, significant attention has been directed towards recognizing and addressing impediments to fair housing, as highlighted by the Maine Housing Authority.

In 2019, the Maine State Housing Authority (MSHA) issued an analysis of Impediments to Fair Housing Choice, acknowledging that opposition from communities and neighbors to planning and zoning improvements aimed at promoting affordable housing is discriminatory. MSHA vowed to support affordable housing projects against such opposition. The City of Auburn shares a similar commitment to actively advance fair housing, not solely as a condition of federal funding but also as a just and practical

approach to enhancing our community's quality. Restricting access to specific types or locations of housing development for low-income populations deprives our most vulnerable community members of opportunities and equity.

Similarly, concentrating subsidized housing exclusively in downtown urban areas, as a development model, only succumbs to the pressures of opposition that MSHA identified in its assessment. Therefore, the City embraces development models that expand housing choices for residents reliant on affordable housing. Each neighborhood in our city possesses a unique style and value, just as each resident does. Ensuring that all families, regardless of income, have the freedom to select their homes and the environment in which to raise their children is an essential right.

This department not only supports the inclusive zoning efforts spearheaded by the Planning & Permitting department but also remains committed to approaching the creation of affordable housing in Auburn with an emphasis on increased inclusion, accessibility, and choice. This approach aligns with MSHA's recommendation to promote economic diversity by encouraging mixed-income housing and increasing the utilization of housing choice vouchers in low-poverty areas.

CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

The Community Development Staff, in collaboration with the Auburn-Lewiston Consortium, has established a comprehensive monitoring program to ensure that recipients of funds adhere to program guidelines throughout the federally mandated affordability period. This program entails an annual desk monitoring, risk assessment, and on-site inspection process designed to verify and document compliance with prescribed standards related to income levels, fair market rental rates, and adherence to the city's housing standards.

Additionally, a heightened level of oversight and technical assistance has been implemented for Public Service and HOME-ARP grant recipients. The city mandates that subrecipients submit quarterly demographic and impact reports for preliminary review before requesting fund disbursements. These reports encompass demographic information concerning low and moderate-income program recipients and administrative data, including payroll records and financial expenditure reports. This increased scrutiny ensures that grant recipients are well-equipped not only to deliver vital services but also to effectively track and report the significant impact they generate.

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The draft 2022 CAPER was posted on the city website and available for public comment, as mandated by statutory requirements, from September 15th to October 16th. A Public Hearing was conducted by the Auburn City Council on October 16th. Public notification was carried out in accordance with the Citizen Participation Plan, and evidence of the public hearing notice was documented on the administration screen. Additional efforts to solicit input were made through the city's social media platforms. Furthermore, the CAPER was directly emailed to the 2,041 individuals who have subscribed to email alerts via the city's marketing department. Notably, no comments were received for inclusion.

Enhanced citizen outreach initiatives comprised the posting of CAPER notices (complete with direct access links and QR codes) in public facilities across the city, including city hall, the public library, senior housing facilities, and food pantries. Supplementary outreach methods encompassed a multilingual

CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

No changes were made to the city's program objectives during the program year

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-50 - HOME 24 CFR 91.520(d)

Include the results of on-site inspections of affordable rental housing assisted under the program to determine compliance with housing codes and other applicable regulations

Please list those projects that should have been inspected on-site this program year based upon the schedule in 24 CFR §92.504(d). Indicate which of these were inspected and a summary of issues that were detected during the inspection. For those that were not inspected, please indicate the reason and how you will remedy the situation.

The city has begun utilizing the Code Enforcement office to assist in the completion of HQS and property standard inspections.

Activity #904, Vincent Square: Desk monitoring was conducted on the property. On-site inspection was not conducted on the 6 units. On-site inspection will be completed by 12/31/2023.

Activity #1175, Tedford Housing: desk monitoring was conducted on the property. On-site inspection was not conducted on the 6 units. On-site inspection will be completed by 12/31/2023.

Activity #1821, Gauvreau Place: units 202 and 211 were inspected post-construction. No deficiencies were found to remedy.

Provide an assessment of the jurisdiction's affirmative marketing actions for HOME units. 24 CFR 91.520(e) and 24 CFR 92.351(a)

Property owners are mandated to develop and uphold both a Management Plan and a Marketing Plan that actively advance Fair Housing objectives. Owners are accountable for the impartial selection of residents, ensuring nondiscriminatory practices. Additionally, they are responsible for maintaining a documented waiting list of applicants, adhering to the project's resident selection policies and criteria. These policies must conform to all federal and state regulations prohibiting discrimination based on various factors, such as race, color, national origin, religion, sex, physical or mental handicap, sexual orientation, familial status, ancestry, and receipt of public assistance.

Eight properties were required to follow an affirmative marketing plan this year. The city did not effectively monitor these properties on their affirmative marketing activities, which will be rectified by 12/31/2023.

The city has recently revised its affirmative marketing plan to align with the evolving needs of the community. This encompasses the introduction of new outreach methods, translation services, and enhanced accessibility provisions.

Data on the amount and use of program income for projects, including the number of projects and owner and tenant characteristics.

One program was funded with HOME program income. Gauvreau Place, activity #1821, received \$289,000 in program income funding to finance the development of two rental units. Both of these units were occupied following their construction. The tenants had the following characteristics: one family of African-American descent and one family of Caucasian descent, one household consisting of three individuals, and another household consisting of a single individual. One single parent household, one single, non-elderly household. Neither household was Hispanic/latino.

Describe other actions taken to foster and maintain affordable housing. 24 CFR 91.220(k) (STATES ONLY: Including the coordination of LIHTC with the development of affordable housing). 24 CFR 91.320(j)

The cities of Auburn and Lewiston actively support the construction and upkeep of affordable housing through their Housing Development and Rehabilitation programs. These initiatives provide federal funding to developers and property owners to cover eligible costs while stipulating that the units created or refurbished must maintain affordability. The affordability criteria are set according to HUD guidelines, with rent limits established at either the Fair Market Rent (FMR), Low HOME Rent, or High HOME Rent levels.

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	0	0	0	0	0
Total Labor Hours					
Total Section 3 Worker Hours					
Total Targeted Section 3 Worker Hours					

Table 14 – Total Labor Hours

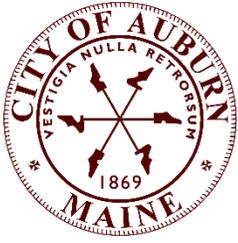
Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers					
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.					
Direct, on-the job training (including apprenticeships).					
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.					
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).					
Outreach efforts to identify and secure bids from Section 3 business concerns.					
Technical assistance to help Section 3 business concerns understand and bid on contracts.					
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.					
Provided or connected residents with assistance in seeking employment including: drafting resumes, preparing for interviews, finding job opportunities, connecting residents to job placement services.					
Held one or more job fairs.					
Provided or connected residents with supportive services that can provide direct services or referrals.					
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.					
Assisted residents with finding child care.					
Assisted residents to apply for, or attend community college or a four year educational institution.					
Assisted residents to apply for, or attend vocational/technical training.					
Assisted residents to obtain financial literacy training and/or coaching.					
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.					
Provided or connected residents with training on computer use or online technologies.					
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.					
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.					

Other.					
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Table 15 – Qualitative Efforts - Number of Activities by Program

Narrative

The city did not have a project which required Section 3 tracking. Outreach efforts continued during the program year, including hosting lead hazard control and RRP training for local contractors and their employees.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: October 16, 2023

Ordinance: 22-10162023

Author: John Blais, Deputy Director of Planning and Permitting

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

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

City Budgetary Impacts: None.

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

Previous Meetings and History: August 8, 2023- planning board workshop; September 12, 2023- planning board workshop; October 10, 2023- planning board public hearing.

City Manager Comments:

I concur with the recommendation. Signature:

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



City of Auburn, Maine
Planning & Permitting Department
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

To: Auburn City Council
From: Auburn Planning Board
Subject: Public Hearing on minimum dwelling size pursuant to Chapter 60, Article XVII, Division 2-Sec.60-2 Definitions
Date: 10/16/2023

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

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

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

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

Sec. 60-2. Definitions.

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

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

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

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

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

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

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

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

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

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

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



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

Is To: Auburn Planning Board

From: John Blais, Deputy Director

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

Date: October 10, 2023

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

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

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

C. Lending Specialist (Value vs. Square Footage)

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

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

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

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

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

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

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

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

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

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



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

JANET T. MILLS
GOVERNOR

MICHAEL SAUSCHUCK
COMMISSIONER

JOSEPH E. THOMAS
STATE FIRE MARSHAL

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

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

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

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

Tiny Homes is defined in Statute as:

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

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

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

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

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

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

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

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

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H.P. 1134 - L.D. 1530

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

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

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

§4363. Regulation of tiny homes

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

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

PREVENTION * MITIGATION/ SUPPRESSION * LAW ENFORCEMENT

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2015 International Residential Code

APPENDIX V TINY HOUSES

CHAPTER PART AV101— GENERAL

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

CHAPTER PART AV102— DEFINITIONS

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

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

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

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

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

CHAPTER PART AV103— CEILING HEIGHT

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

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

CHAPTER PART AV104— LOFTS

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

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

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

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

2

2

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

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

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

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

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

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

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

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

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

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

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

Exceptions:

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

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

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

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

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

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

SECTION 1209 ACCESS TO UNOCCUPIED SPACES

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

1209.2 Attic spaces. An opening not less than 20 inches by 30 inches (559 mm by 762 mm) shall be provided to any *attic* area having a clear height of over 30 inches (762 mm). Clear headroom of not less than 30 inches (762 mm) shall be provided in the *attic* space at or above the access opening.

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

SECTION 1210 TOILET AND BATHROOM REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-THREE

—
H.P. 1095 - L.D. 1706

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. July 1, 2024 for all other municipalities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

B. DEFINITIONS

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

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

Affordable housing development. "Affordable housing development" means

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Implementation date. “Implementation date” means:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. AFFORDABLE HOUSING DENSITY

A. GENERAL

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

B. ELIGIBILITY FOR DENSITY BONUS

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

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

2. Long-Term Affordability

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

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

C. DENSITY BONUS

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

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

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

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

SECTION 3. DWELLING UNIT ALLOWANCE

A. GENERAL

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

B. REQUIREMENTS

1. Dwelling Unit Allowance

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

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

2. Zoning

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

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

3. Dimensional and Setback Requirements

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

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

5. Water and Wastewater

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

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

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

C. MUNICIPAL IMPLEMENTATION

In adopting an ordinance, a municipality may:

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

SECTION 4. ACCESSORY DWELLING UNITS

A. GENERAL

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

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

B. REQUIREMENTS

1. Accessory Dwelling Unit Allowance

An accessory dwelling unit may be constructed only:

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

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

2. Zoning

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

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

3. Other

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

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

4. Size

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

5. Water and Wastewater

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

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

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

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

C. MUNICIPAL IMPLEMENTATION

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

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

D. RATE OF GROWTH ORDINANCE

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

STATUTORY AUTHORITY:

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

EFFECTIVE DATE:

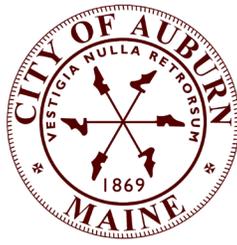
April 18, 2023 – filing 2023-056

AMENDED

APPENDIX

List of Reference Material

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



City Council Ordinance

IN CITY COUNCIL

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

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

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

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



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

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

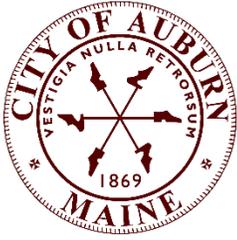
Date: 10/16/2023

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

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

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

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



**City of Auburn
City Council Information Sheet**

Council Meeting Date: October 16, 2023

Ordinance: 23-10162023

Author: Katherine Cook, Planning Coordinator

Subject: First reading: zoning map amendment changing UR and LDCR zoning to T-4.2B in Area B.

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

City Budgetary Impacts: None known.

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

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

City Manager Comments:

I concur with the recommendation. Signature:

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



City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

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

Date: 10/16/2023

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

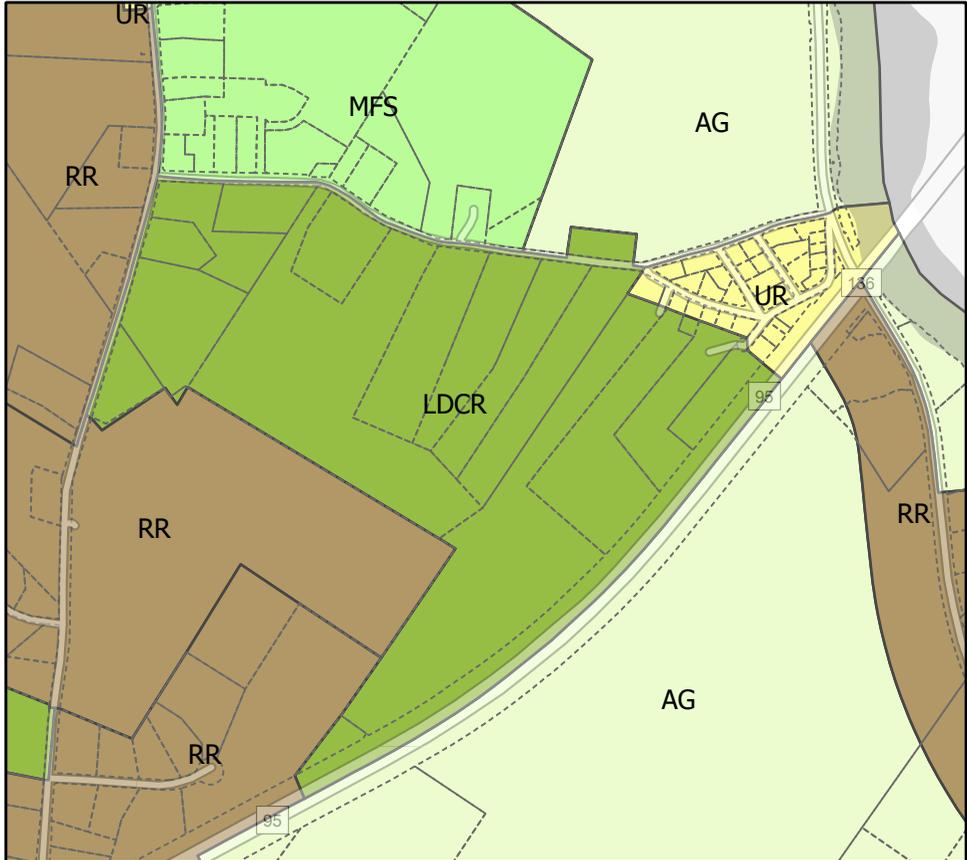
PROPOSAL: PUBLIC HEARING/ZONING MAP AMENDMENT T-4.2B “AREA B”: Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area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

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

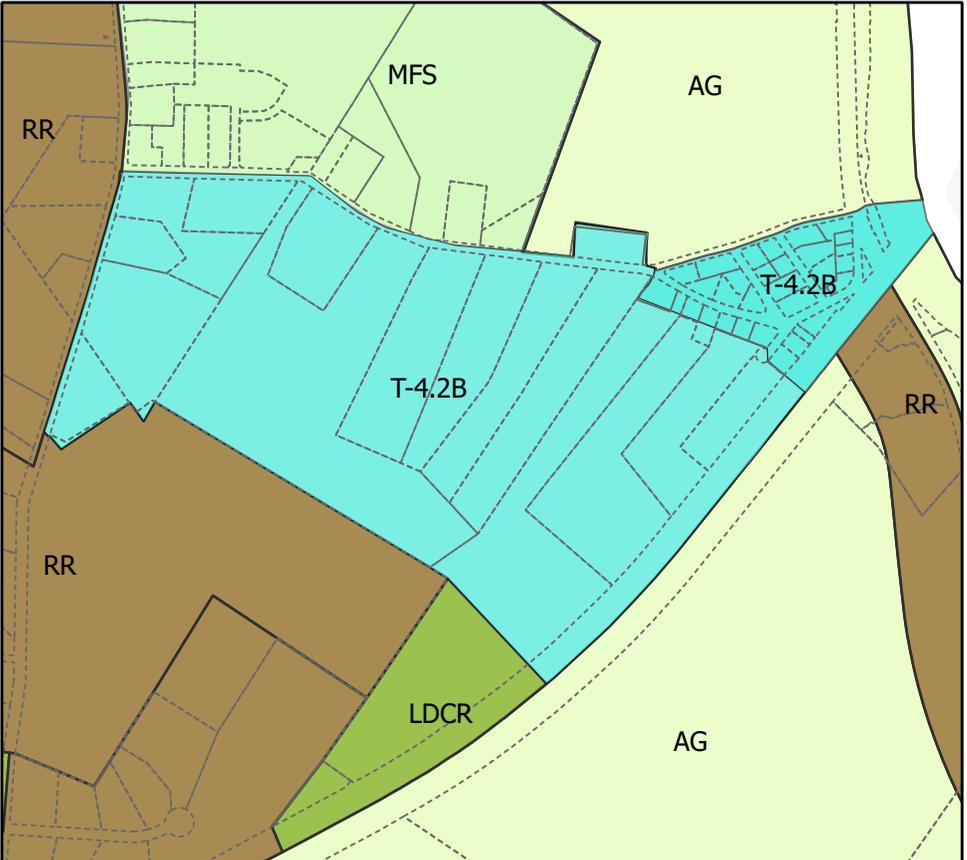
“I make a motion to forward a favorable recommendation to city council to amend the official zoning map of the City of Auburn entitled *City of Auburn, Zoning Map, dated May 16, 2016*, revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain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

VOTE: 7-0-0. Motion passes.

Area B: Option 1



Current Zoning



Proposed Change

Zoning Districts

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

Date: October 10, 2023

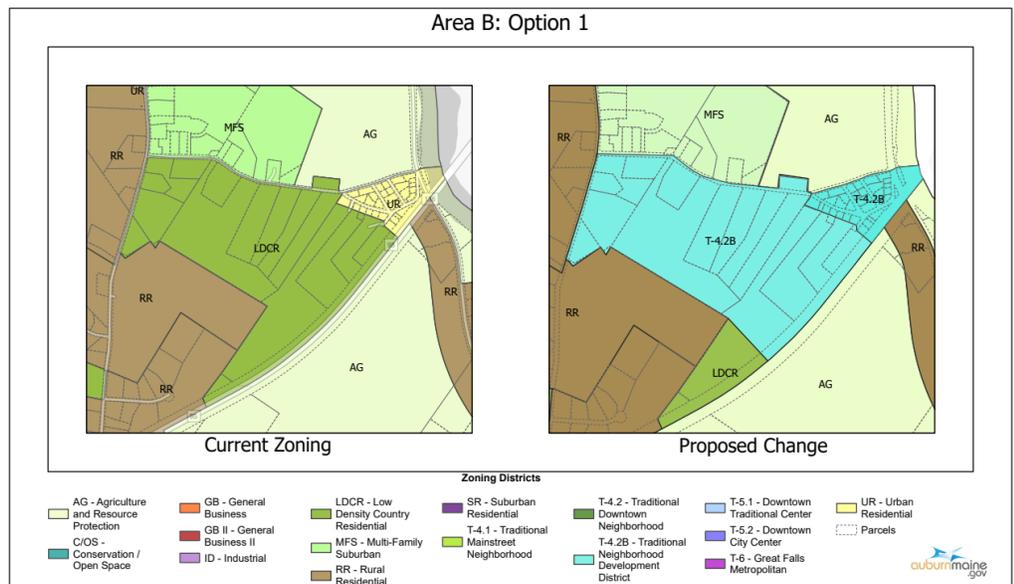
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

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

- I. **Public Hearing/ Map Amendment “Area B”:** Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence zoning district and the Low-Density Country Residence zoning district to the Traditional Neighborhood Form Based Code T-4.2B zoning district. This area is generally located near Vickery Road. This item is pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

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



Previous Meetings:

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

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

III. Department Review:

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

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

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

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

Illustrative View of T-4.2B



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

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



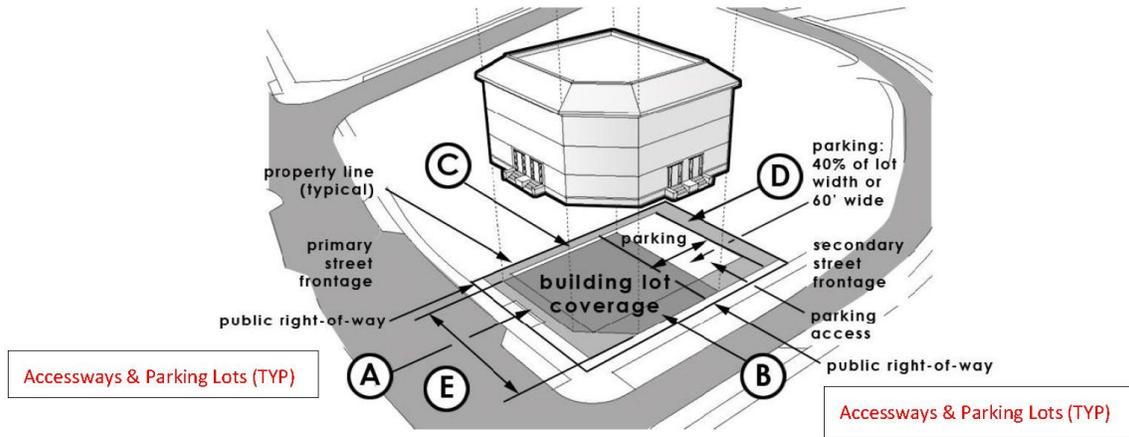


Characteristic Features

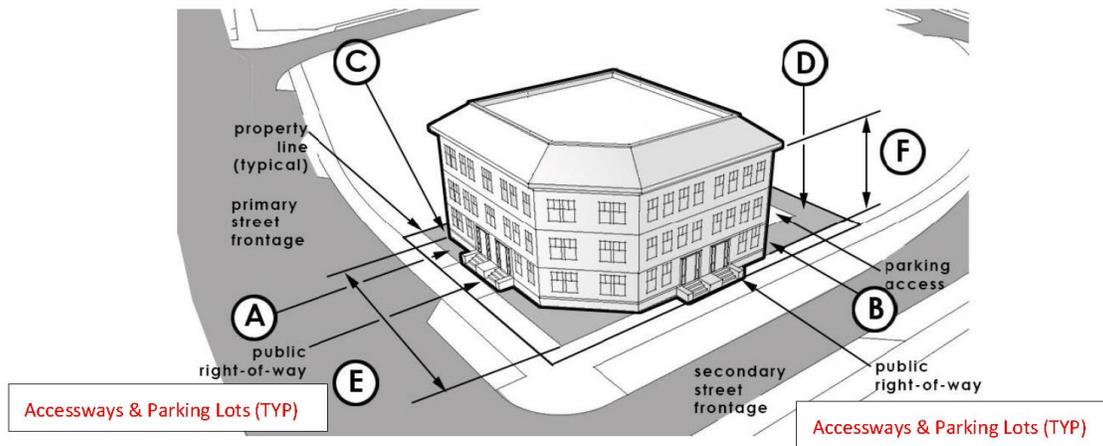
- More public and private realm interaction
- Front facade detailing
- Small front yards
- Bay windows
- Neighborhood scaled storefronts with large windows
- Frontage Fences
- Street Trees
- Moderate densities

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

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



Elevated Building Placement



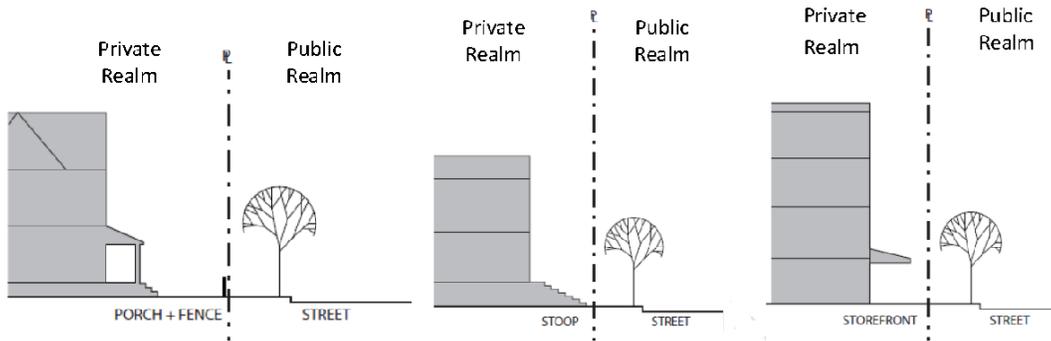
Building Placement on Lot

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

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

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

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



Common or Porch Yard Stoop Yard Frontage Storefront Type

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

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

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

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

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

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

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

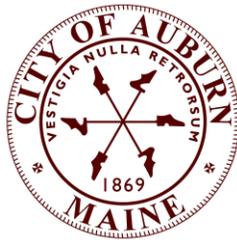
USE(1)	T-4.1	T-4.2B(4)	T-4.2	T-5.1	T-5.2	T-6	PARKING REQUIREMENTS(2)
Residential Use Type							
Single family	P	P	P	P			1 sp/DU
Duplex	P	P	P	P	P	P	1 sp/DU
Townhouse	P	P	P	P	P	P	1 sp/DU
Multi-family	P	P	P	P	P	P	1 sp/DU plus 1 guest space/4 DU
Bed & breakfast < 4 rooms	S	S	P	P	P	P	1 sp/employee plus 1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

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

Notes:

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

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

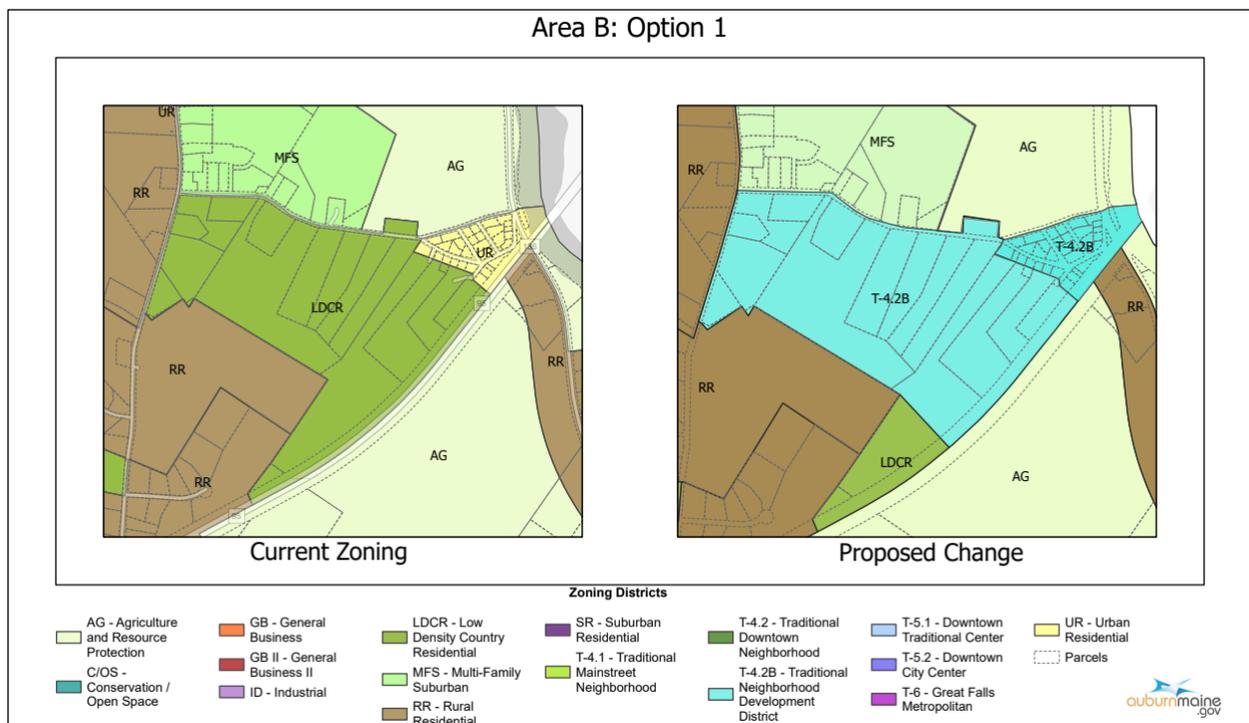


City Council Ordinance

IN CITY COUNCIL

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

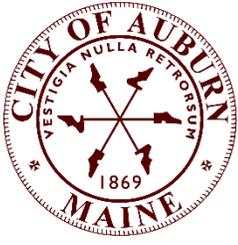
Be it ordained, That the Auburn City Council Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone certain land area from the Urban Residence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



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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: October 16, 2023

Order: 131-10162023

Author: Jill M. Eastman, Finance Director

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

Information: This is the Public Safety Building Project for FY 23-24 that we are recommending for bonding. Please see attached sheet that describes the project being funded. This Bond Issue will be on the November 2023 ballot to be approved by the citizens of Auburn due to the charter. This Bond issue needs to be approved by Council before the voting takes place.

City Budgetary Impacts: This is a 20-year bond, interest only for FY 25 and principal and interest payments for 20 years.

Staff Recommended Action: Hold a public hearing and recommend passage of the first reading.

Previous Meetings and History:

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:

Copy of the Order.

**CITY OF AUBURN
NOTICE OF PUBLIC HEARING**

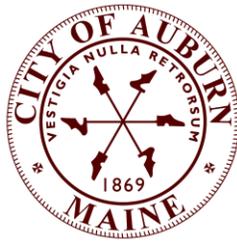
Pursuant to Section 8.13 of the City Charter, notice is hereby given that the Auburn City Council will hold a public hearing and first reading on Monday, October 16, 2023, at 7:00 p.m. in the Council Chambers, Auburn Hall, 60 Court Street on a proposed order authorizing the City's general obligation bonds in the principal amount not to exceed \$45,000,000 to finance a new public safety facility to house the headquarters of the City's Police Department and Fire Department. The order is available for inspection on the City's website: www.auburnmaine.gov/pages/government/budget-fy24.

Following the public hearing and first reading, the City Council expects to conduct a second reading and take final action on the order at its October 23, 2023 meeting.

Members of the public that attend and would like to offer public comment during the meeting, you may do so by speaking at the podium located in Council Chambers.

Written comments may be sent via email to: comments@auburnmaine.gov. Your comments will be included in the meeting minutes.

The City Council meeting will also be broadcast on Great Falls TV (cable channel 11) and on the City of Auburn YouTube channel.



City Council Order

IN CITY COUNCIL

TITLE: ORDER AUTHORIZING ISSUANCE OF GENERAL OBLIGATION BONDS AND A TAX LEVY THEREFOR

WHEREAS, pursuant to Order 119-09052023 (the "Bond Referendum Order"), the City Council submitted a referendum question to the voters of the City of Auburn to see if they would authorize the issuance of the City's general obligation bonds (and notes in anticipation thereof) in the principal amount not to exceed \$45,000,000 to finance a new public safety facility to house the headquarters of the City's Police Department and Fire Department (referred to as the "Public Safety Building Project"); and

WHEREAS, the City Council now desires to supplement the Bond Referendum Order to hold a public hearing with respect to the Public Safety Building Project and the bonds prior to the referendum vote and to establish certain details of the bonds, if approved by the voters;

NOW, THEREFORE, be it hereby ORDERED by the Auburn City Council, following a public hearing duly called and held as required by Section 8.13 of the Auburn City Charter:

THAT subject to and conditioned on an approving vote of the voters of the City pursuant to the Referendum Order and Section 8.13(C)(2) of the City Charter, there is hereby authorized the issuance and sale of the City's general obligation bonds and notes in anticipation thereof in the principal amount not to exceed \$45,000,000, the proceeds of which, including original issue premium and investment earnings thereon, if any, are hereby appropriated to finance the Public Safety Building Project.

Be It Further Ordered by the Auburn City Council:

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to prepare, issue, and sell the City's bonds and notes in the aggregate amount of \$45,000,000, which issuance and sale may be at one time or from time to time as one or more separate bond issues, or consolidated with any other issue of bonds and notes authorized to be issued by the City Council, as term bonds or serial bonds, through a public offering or a private placement, on a competitive or negotiated basis, or some combination of any of the foregoing, all as the Finance Director shall determine to be appropriate in her sole discretion.

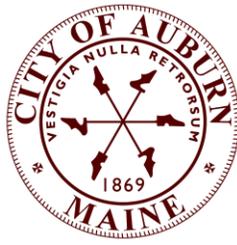
THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to establish, determine and approve the form, dates, maturities (not to exceed the maximum term permitted by law), denominations, interest rates, place of payment, provisions for redemption prior to the stated maturity date(s), with or without a premium, as provided in Title 30-A, §5772(6) of the Maine Revised Statutes, as amended, and all other details of the bonds and notes.

THAT the bonds and notes shall be executed in the name of and on behalf of the City by the City's Finance Director and its Treasurer, either or both of whose signatures may be by facsimile to the extent permitted by law, and shall bear the City seal thereon, attested by its Clerk.

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Phillip L. Crowell, Jr., City Manager



City Council Order

THAT in each year the bonds remain outstanding, there shall be levied a tax in an amount that, with other revenues, if any, available for that purpose, shall be sufficient to pay the principal and interest then coming due on the bonds.

THAT the Finance Director is hereby authorized, in the name of and on behalf of the City, to do or cause to be done all such acts and things, including to approve, execute and deliver such contracts, agreements, loan agreements (including but not limited to one or more loan agreements with the Maine Municipal Bond Bank), investment agreements, bond purchase agreements, continuing disclosure agreements, official statements, certificates, tax certificates, instruments, a Letter of Representation or other agreement required to allow the bonds or notes to be issued through the Depository Trust Company Book-Entry Only System, and such other documents (all collectively, the "Bond Documents"), as may be necessary or advisable in order to accomplish the issuance of the bonds and notes and the investment of the proceeds thereof, to maintain the tax-exempt status of such bonds and notes, and, to the extent available under the Internal Revenue Code of 1986, as amended (the "Code"), to designate the bonds and notes as qualified tax-exempt obligations for purposes of Section 265(b) of the Code, which Bond Documents may be in such form and contain such terms 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, and such other details as she shall approve, such approval to be conclusively evidenced by the execution thereof.

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

THAT if any of the officers or officials of the City who have signed or sealed the bonds or notes shall cease to be such officers or officials before the bonds or notes so signed and sealed shall have been actually authenticated or delivered by the City, such bonds or notes nevertheless may be 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.

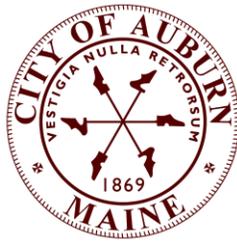
THAT the City may pay certain costs of the projects prior to the issuance of the bonds and notes (referred to as "original expenditures"); to that end, the City hereby declares its official intent to reimburse itself for such original expenditures from the proceeds of such bonds and notes, and this Order shall constitute the City's declaration of official intent pursuant to Treasury Regulation §1.150-2.

THAT during the term any of the bonds are outstanding, the Finance Director and Treasurer of the City are hereby authorized, in the name of and on behalf of the City, to issue and deliver refunding bonds on either a current or advance refunding basis, to refund some or all of the bonds then outstanding, and to

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Phillip L. Crowell, Jr., City Manager



City Council Order

determine the date, form, interest rate, maturities (not to exceed 30 years from the date of issuance of the original bonds) and all other details of such refunding bonds, which may be made callable, with or without premium, prior to their stated date(s) of maturity, and to determine the form and manner of their sale and award, which refunding bonds shall be signed in like manner as the bonds.

THAT during the term any of the bonds are outstanding, all authority granted pursuant to this Order shall be, remain, and continue in full force and effect without the necessity of any further action of the City Council.

THAT the referendum question submitted to the voters pursuant to the Referendum Order shall be substantially as set forth therein but, shall be accompanied by the financial statement required pursuant to Title 30-A, §5772(2-A) of the Maine Revised Statutes.

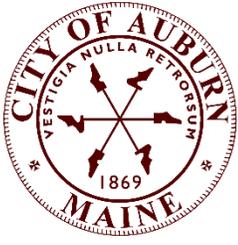
A public notice describing the general purpose of the borrowing and the terms thereof and the times and places where copies of the bond proposal were available for inspection by the public was published on or before September 28, 2023, in the Lewiston Sun-Journal, a daily newspaper published in the City of Auburn and in Androscoggin County.

A public hearing was held on October 16, 2023.

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Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: October 16, 2023

Order: 132-10162023

Author: Phil Crowell, City Manager

Subject: Recycling Program

Information:

At the September 18th meeting, the city council authorized the city manager to modify the solid waste agreement with Casella to reintroduce a pilot recycling program, by using the allocated funding authorized in the FY24 budget.

An agreement has been reached for the eight-month program at a cost of \$19,189 per month and expires with our existing solid waste agreement on June 30, 2024. The details of the program include:

1. Starting November 1, 2023, every other week curbside collection of recycling to all solid waste participants in the city.
2. Accepted materials will include #1, #2, #5 plastics, cardboard, and mixed paper.
3. Launch of the Recycle Better App which will provide direct communication and education to Auburn residents regarding Auburn's program. A collection calendar to receive service day reminders on your mobile device. Lastly, receive real-time updates and alerts (email, text, or phone call).
4. Use of the Waste Wizard Tool to assist you with what items are recyclable.
5. Distribution of Auburn-specific direct mail educational pieces produced by Casella.
6. Periodic reporting of data collected by Casella, to include recycling program participation by household, and percentage of overall waste collected.
7. Retaining the centralized drop-off containers located at Public Works.

The Auburn Sustainability Workgroup supports the reintroduction of curbside recycling and will work with city staff in preparing an RFP (Request for Proposals) for a new contract to be initiated July 1, 2024.

City Budgetary Impacts: \$153,512 for recycling curbside pick-up - \$189,000 was budgeted

Staff Recommended Action: Approve the modified agreement

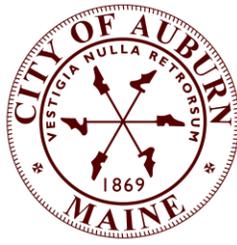
Previous Meetings and History: September 5, 2023 and September 18, 2023 council meetings

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:



ORDER 132-10162023

City Council Order

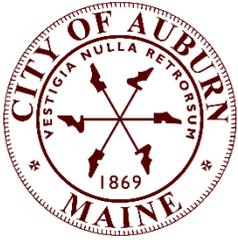
IN CITY COUNCIL

Ordered, that the City Council hereby authorizes the City Manager to execute the modified solid waste agreement to include curbside recycling with Casella using allocated funding that was authorized in the FY24 budget.

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: October 16, 2023

Order: 133-10162023

Author: Phil Crowell, City Manager

Subject: ARPA Allocation to Auburn Ski Association

Information: The Auburn Ski Association provides opportunities for students to participate in alpine ski activities. They are requesting an allocation of \$10,317.00 from the American Rescue Plan Act (ARPA) funds to purchase an alpine ski timing system. This easy to use system will allow several youth programs (Auburn Middle School, Edward Little High School, Lost Valley Race Department, and Lost Valley Race Club) to access race timing score and improve their abilities and confidence.

City Budgetary Impacts: None

Staff Recommended Action: City Council allocate \$10,317.00 from ARPA funds to the Auburn Ski Association to purchase an alpine ski timing system.

Previous Meetings and History: None

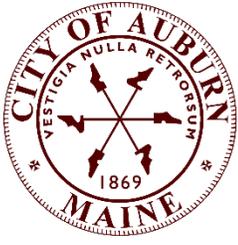
City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:

*Timing system description.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: October 16, 2023

Order: 133-10162023

Author: Phil Crowell, City Manager

Subject: ARPA Allocation to Auburn Ski Association

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City Budgetary Impacts: None

Staff Recommended Action: City Council allocate \$10,317.00 from ARPA funds to the Auburn Ski Association to purchase an alpine ski timing system.

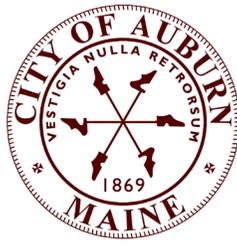
Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

*Timing system description.



ORDER 133-10162023

City Council Order

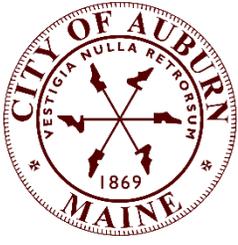
IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby allocates \$10,317.00 from the American Rescue Plan Act (ARPA) funds to the Auburn Ski Association to purchase an alpine ski timing system.

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Dana Staples, At Large
Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: October 16, 2023

Order: 134-10162023

Author: Phil Crowell, City Manager

Subject: ARPA Allocation to ELHS Outdoor Club

Information: The Edward Little High School “Outdoor Club” provides opportunities for students to participate in outdoor activities. Advisors to the club would like to build a foundation of successful activities that will increase interest, support, and grow the club for many years to come. They are requesting an allocation of \$10,000.00 from the American Rescue Plan Act (ARPA) funds to purchase gear, clothing, accessories, transportation costs, etc. to kickstart their program.

City Budgetary Impacts: None

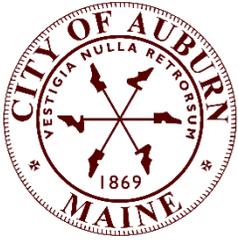
Staff Recommended Action: City Council allocate \$10,000.00 from ARPA funds to kickstart the Edward Little High School “Outdoor Club”.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: October 16, 2023

Order: 134-10162023

Author: Phil Crowell, City Manager

Subject: ARPA Allocation to ELHS Outdoor Club

Information: The Edward Little High School “Outdoor Club” provides opportunities for students to participate in outdoor activities. Advisors to the club would like to build a foundation of successful activities that will increase interest, support, and grow the club for many years to come. They are requesting an allocation of \$10,000.00 from the American Rescue Plan Act (ARPA) funds to purchase gear, clothing, accessories, transportation costs, etc. to kickstart their program.

City Budgetary Impacts: None

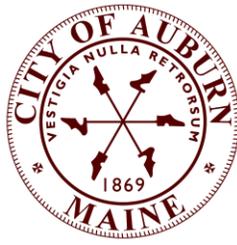
Staff Recommended Action: City Council allocate \$10,000.00 from ARPA funds to kickstart the Edward Little High School “Outdoor Club”.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



ORDER 134-10162023

City Council Order

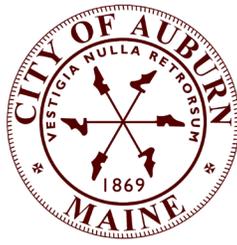
IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby allocates \$10,000.00 from the American Rescue Plan Act (ARPA) funds to the Edward Little High School “Outdoor Club” to build a foundation of successful outdoor activities/opportunities that will increase student interest, support, and grow the club.

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Phillip L. Crowell, Jr., City Manager



ORDER 134-10162023

City Council Order

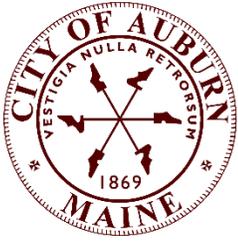
IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby allocates \$10,000.00 from the American Rescue Plan Act (ARPA) funds to the Edward Little High School "Outdoor Club" to build a foundation of successful outdoor activities/opportunities that will increase student interest, support, and grow the club.

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Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: October 16, 2023

Order: 135-10162023

Author: Brian Wood, Assistant City Manager

Subject: ARPA Allocation to Special Olympics as "Presenting Sponsor"

Information: The annual Special Olympics 2024 Winter Games will be hosted at Lost Valley in February 2024. Special Olympics Maine is seeking a "Presenting Sponsor" for the event. The City of Auburn would like to allocate \$10,000.00 from the American Rescue Plan Act (ARPA) funds for the "Presenting Sponsor" designation.

City Budgetary Impacts: None

Staff Recommended Action: City Council allocate \$10,000.00 from ARPA funds to Special Olympics Maine for the "Presenting Sponsor" designation.

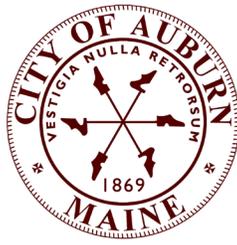
Previous Meetings and History: None

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:



ORDER 135-10162023

City Council Order

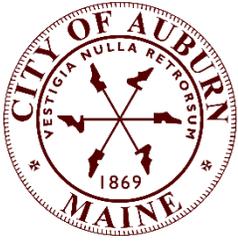
IN CITY COUNCIL

ORDERED, that the City of Auburn City Council hereby allocates \$10,000.00 from the American Rescue Plan Act (ARPA) funds to Special Olympics Maine to be the “Presenting Sponsor” for the “Special Olympics Maine Winter Games 2024” to be held at Lost Valley in February 2024.

Richard Whiting, Ward One
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Phillip L. Crowell, Jr., City Manager



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: October 16, 2023

Order: 136-10162023

Author: Brian Wood, Assistant City Manager

Subject: ARPA Allocation for Public Safety at the Special Olympics Winter Games

Information: The annual Special Olympics 2024 Winter Games will be hosted at Lost Valley in February 2024. The City of Auburn would like to allocate up to \$5,000.00 from the American Rescue Plan Act (ARPA) funds to provide public safety costs (Police and EMS services) associated with the event.

City Budgetary Impacts: None

Staff Recommended Action: City Council allocate up to \$5,000.00 from ARPA funds to provide public safety costs associated with the February 2024 Special Olympics to be held at Lost Valley.

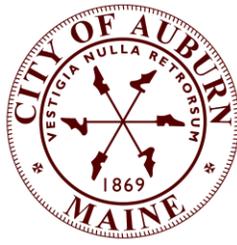
Previous Meetings and History: None

City Manager Comments:



I concur with the recommendation. Signature:

Attachments:



ORDER 136-10162023

City Council Order

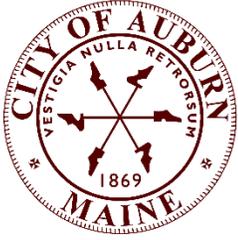
IN CITY COUNCIL

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

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: October 16, 2023

Subject: Executive Session

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

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

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

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

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

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

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

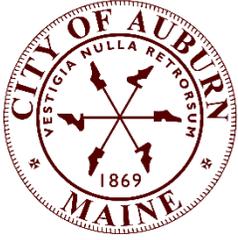
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both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

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

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

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

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



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: October 16, 2023

Subject: Executive Session

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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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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: October 16, 2023

Subject: Executive Session

Information: Personnel matter, pursuant to 1 M.R.S.A. Section 405(6) (A).

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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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