



Stoneybrook Consultants, Inc.

P.O. Box 459
Turner, Maine 04282
(207) 224-0252 voice

April 9, 2018

Zach Mosher, City Planner
Planning, Permitting and Code Division
City of Auburn
60 Court Street
Auburn, ME 04210

RE: Center Street Rezoning Request
Evergreen Subaru

Dear Mr. Mosher:

On behalf of Evergreen Subaru and its real estate holding companies (Evergreen), I have attached a Rezoning Petition requesting changes to the official Zoning Map in the area of Center Street, Niskayuna Street, Malibu Drive and Turner Street. Evergreen has purchased the remaining property in this area and is planning for future expansion of their facilities to these properties. We are requesting that these properties which are currently located in the Suburban Residential District (SR) be rezoned to the General Business District (GB) to allow for this future business expansion.

Evergreen purchased the properties located at 786 Center Street, 40 Niskayuna Street and 16 Malibu Drive under Quiz Kids, LLC in 2014. Evergreen also purchased the properties located at 32 and 40 Malibu Drive under Malibu Rentals, LLC in May of 2016. In 2016, Malibu Rentals, LLC also secured option rights to purchase the property located at 1079 Turner Street which is expected to close this Fall. The property located at 20 Niskayuna Street was purchased by Quiz Kids, LLC in December of 2017. With this recent purchase, Evergreen now controls the entire block between Malibu Drive and Niskayuna Street extending from Center Street to Turner Street.

Prior to 2016, only the parcel located at 786 Center Street was located in the GB zoning district. In September of 2016, the City Council approved our rezoning request to include four of the parcels listed above in the GB zoning district. This request left only two parcels, 1079 Turner Street and 40 Niskayuna Street, in the SR zoning district. We are now requesting that these two parcels be included in the GB zoning district to make the entire block one zoning district, GB. I have attached copies of all of the deeds to show right, title and interest in the two lots proposed to be rezoned at this time.

The Proposed Zoning Map Amendment is shown on the graphic attached to the signed petition requests included with this letter. My client, Doug Weisz, owner of Evergreen Subaru and its real estate holding companies, has personally met with or spoken by phone with most of the direct abutters along Malibu Drive and with Mrs. Suzanne Roy, who owns property located at 8 Joline Drive, about the need for this proposed zoning change to support future expansion of the Evergreen facilities. He also discussed plans to request a discontinuance of Niskayuna Street to make room for that expansion. While he has discussed possible expansion plans at Evergreen, at this time, we still do not have any specific plans. With the new ownership interest, this requested rezoning and discontinuance of Niskayuna Street, development opportunities for the site will be greatly enhanced.

Doug also attempted to make contact with all of the landowners in this neighborhood. A brief summary, as provided in an email from Doug to me, of all of his contact efforts and notes from those conversations has been attached for your information. As he notes, many of those abutters have signed the rezoning petition request for this project. I think Doug has made great efforts to keep those in the neighborhood informed of his plans and I hope the Planning Board members and City Councilors will agree.

Under the City of Auburn Comprehensive Plan: 2010 Update, these properties are located in a Growth Area (page 75). In the Future Land Use Plan, these properties are a Type A: Development Area (page 76) identified in Figure 2.5 - Center Street Area (page 82) as Business Expansion Transition (BXT). The objective of the BXT area is to allow for orderly conversion of "pocket" or "island" residential neighborhoods that are adjacent to commercial zones to nonresidential use over time (page 101). We believe this request expands the commercial zone in

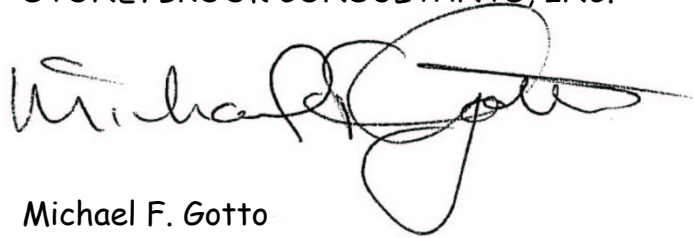
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Zach Mosher
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a reasonable manner, given current ownership, and that we can develop these properties in a way that will maintain the livability of the remaining homes.

We trust that you will find the attached petition meets your ordinance requirements and we would like to meet with the Planning Board as soon as possible to begin the rezoning process. In the meantime, should you require additional information or have questions, please do not hesitate to call.

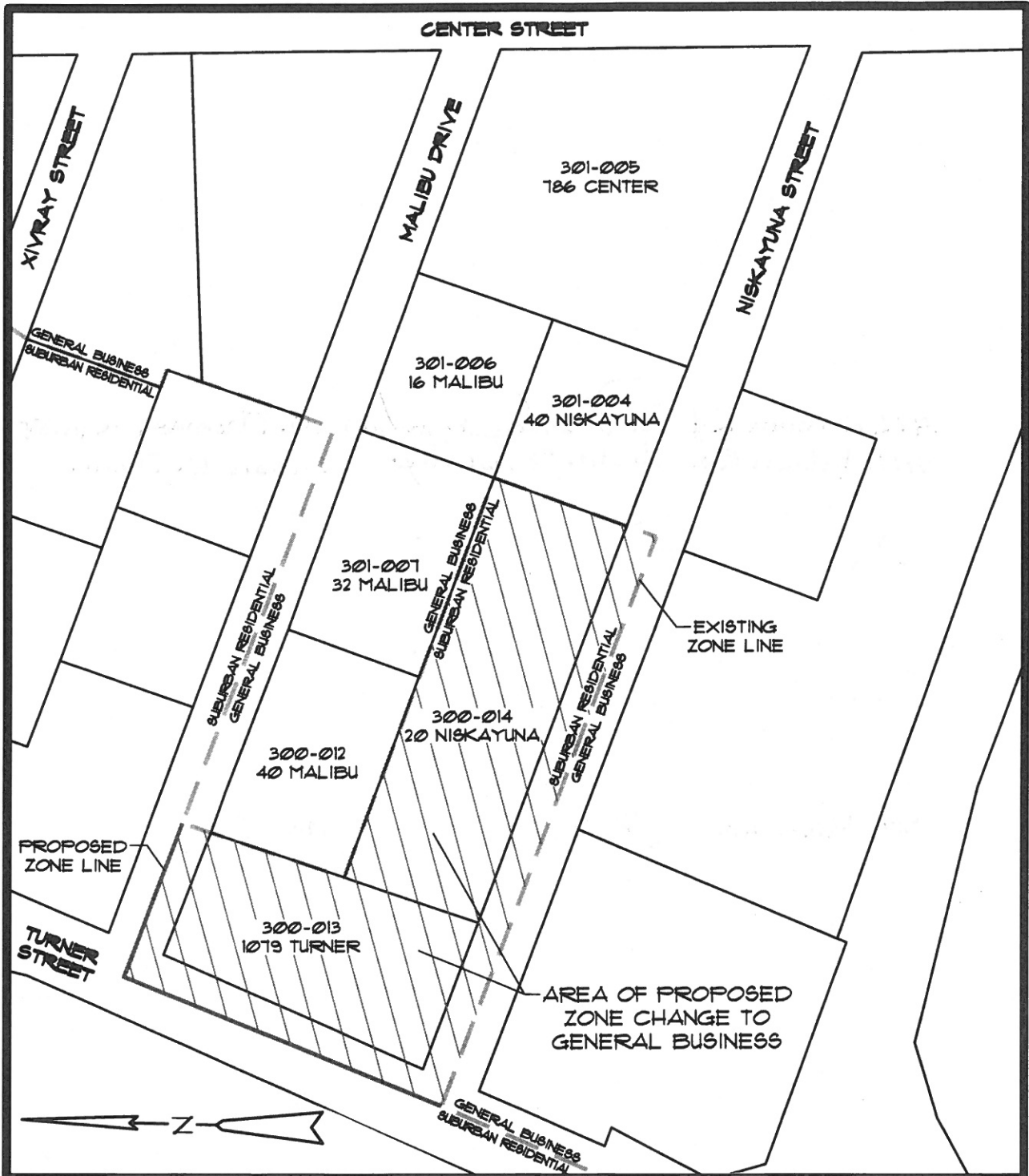
Respectfully yours,

STONEBROOK CONSULTANTS, INC.

A handwritten signature in black ink, appearing to read "Michael F. Gotto". The signature is fluid and cursive, with a large loop at the end.

Michael F. Gotto

cc: Doug Weisz



PROPOSED ZONING MAP AMENDMENT

MALIBU DRIVE & NISKAYUNA STREET - AUBURN
 APPLICANT: QUIZ KIDS, LLC
 SCALE: 1" = 100'
 DATE OF GRAPHIC: FEBRUARY 23, 2018
 SOURCE: CITY OF AUBURN GIS
 PUBLICATION DATE: 2011

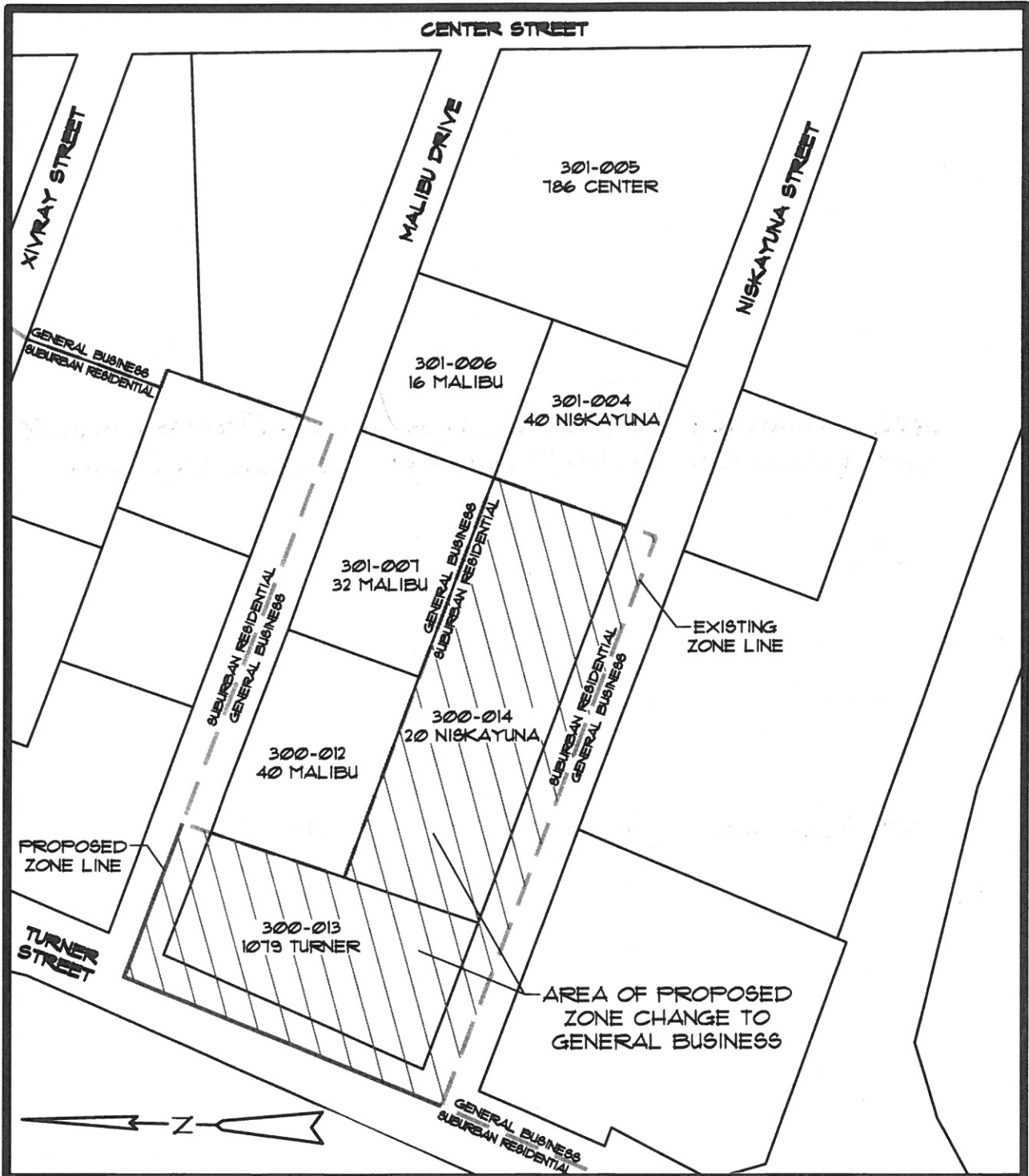
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REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Zoning Map in the area of 786 Center Street (PID # 301-005) to include 20 Niskayuna Street (PID # 300-014) and 1079 Turner Street (PID # 300-013) in the General Business (GB) Zoning District as shown on the attached "Proposed Zoning Map Amendment". This proposal would extend the GB zone to Turner Street as proposed in the City of Auburn Comprehensive Plan to allow more commercial activity along the busy Center Street corridor.

ADDRESS	SIGNATURE	PRINTED NAME
24 N. Auburn Rd.		W. Thomas Dunn Jr
24 N. Auburn Rd.		Susan E. Dunn
50 Granite St.		Sallie Benson
70 Beech Hill Rd		Joel Arel
173 winter st		Robbie Johnson
29 Parker St		Andrew Dillow
50 GRANITE ST.		GLENN H. Brooks
10 laurel ave		Erica Scott
24 N Auburn Rd		Christopher Dunn
1500 Minot Ave		Kris Orm

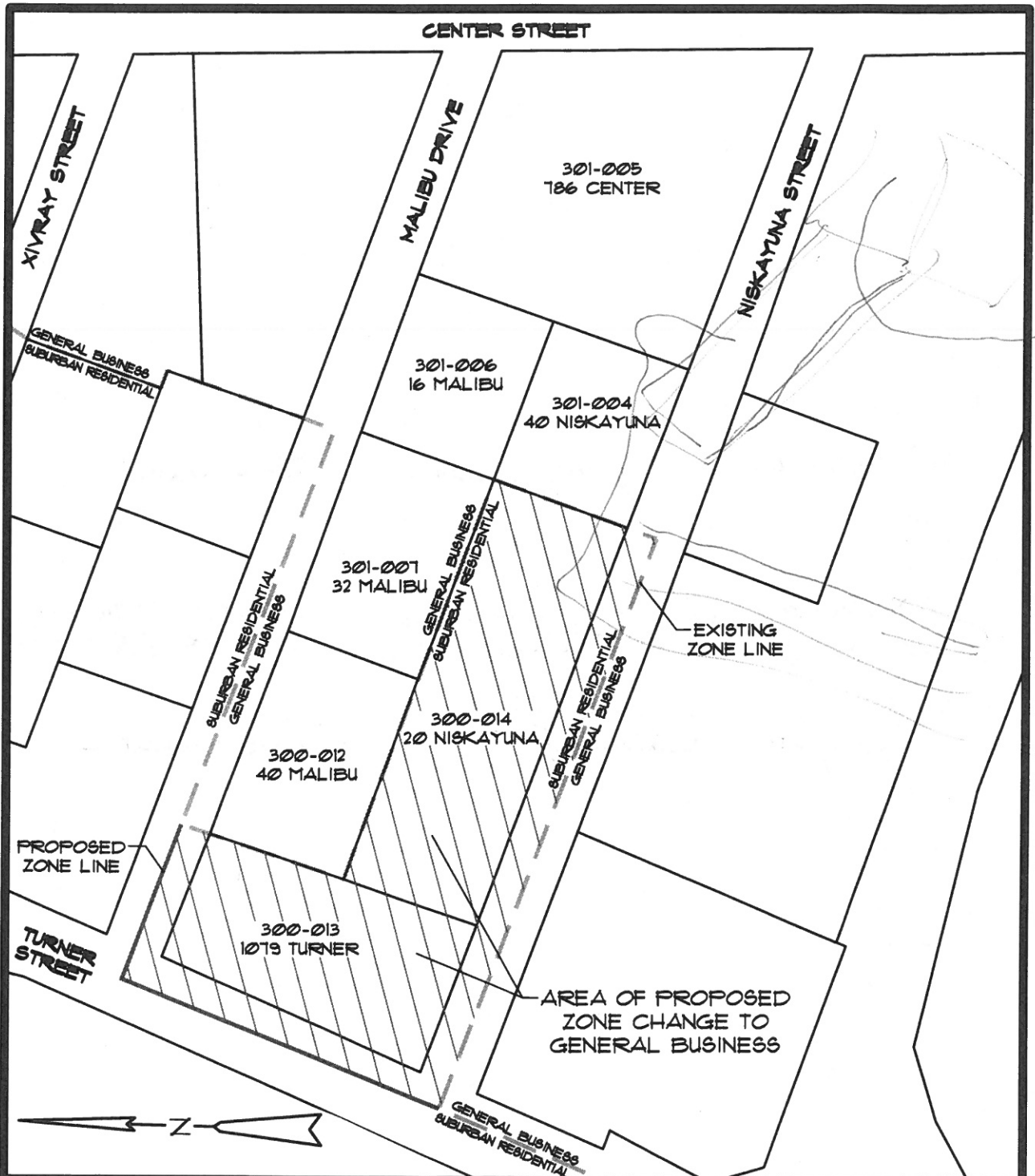
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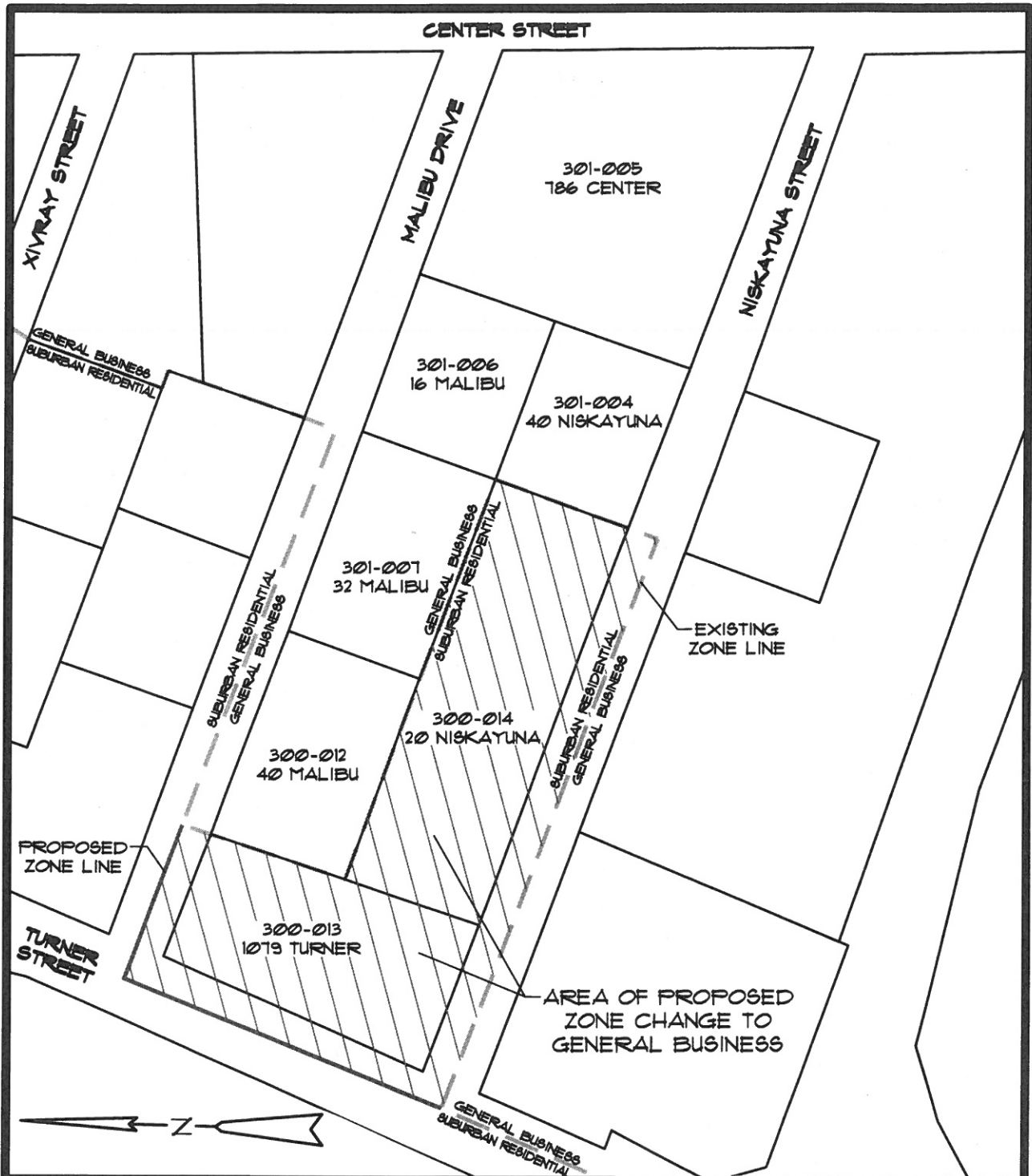
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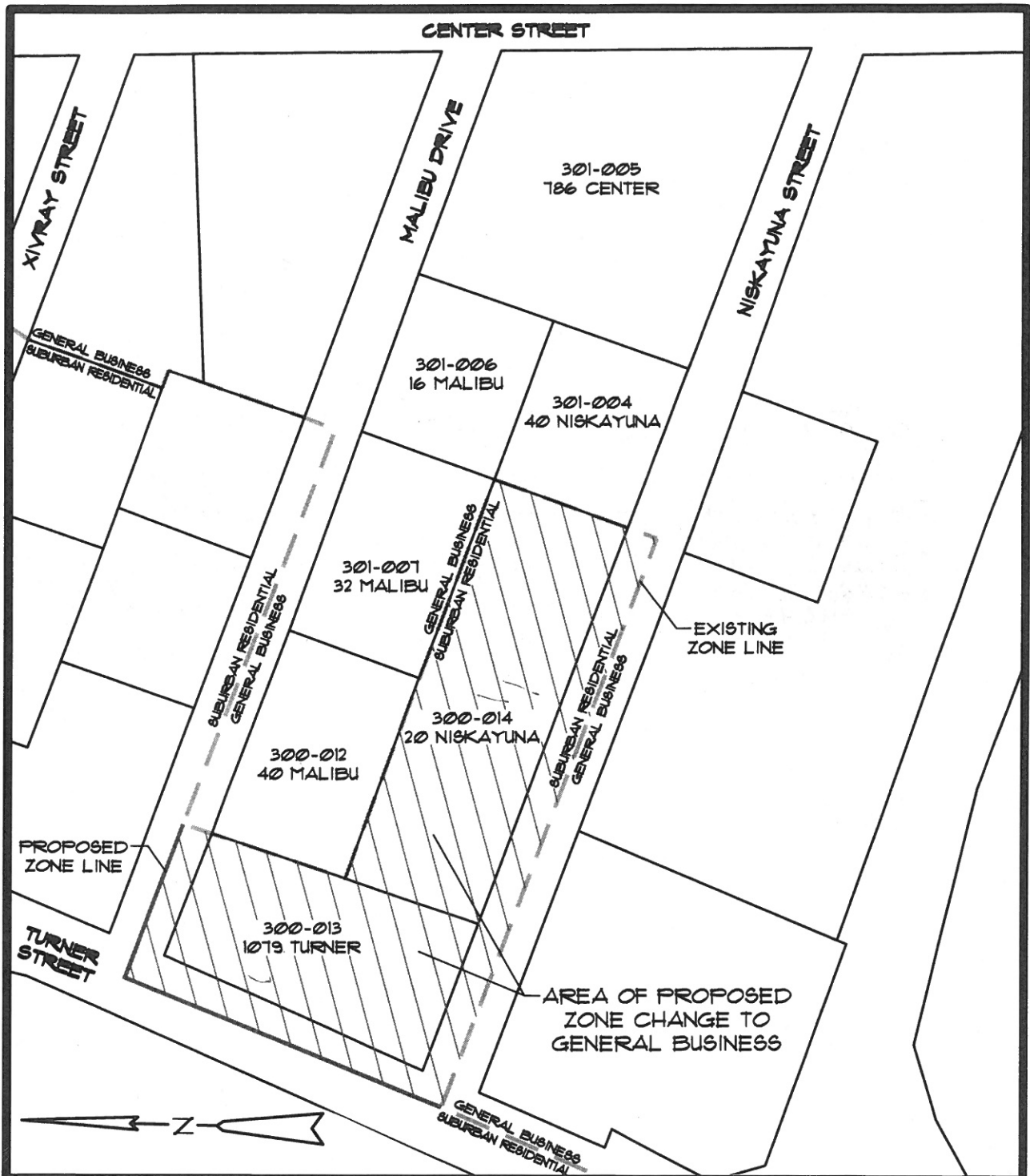
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 PUBLICATION DATE: 2011

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Mike Gotto

From: Doug Weisz <doug.weisz@evergreensubaru.com>
Sent: Thursday, March 22, 2018 12:58 PM
To: Mike Gotto
Subject: Zoning petition
Attachments: zoning petition.pdf

Hi Mike,

Attached please find four pages of signatures on the zoning petition. At this point I've collected 31 signatures and hope we've met the threshold.

In undertaking this process, I made a focussed effort to contact people in the neighborhood, to make sure they were informed of what we're doing, and to address any questions they may have.

It was important to me that they all had a face, a name and contact information for the person behind the development project. You'll see that a touch over 25% of the signatures on the petition come from people who live in the neighborhood.

A few notes from my contacts and conversations:

8 Joline, Mrs. Suzanne Roy:

I talked through our plans, and assured Mrs. Roy that we'd make every effort to protect her screening and privacy as much as possible as we developed around her. I suggested that if we could move/replant the large shrubs surrounding Mrs. Demers, we would give it a try. They're large, mature shrubs, and if we can transplant them once Mrs. Demers moves, that would be a win-win.

I also re-expressed my desire to make an offer to buy her house if she was ever interested in selling. I was clear that we'd make an above-market offer, but she politely declined, saying that she'd lived there a long time and wasn't interested in moving at this time.

Her one concern that she talked to me about is that the back of the mall across the street from her has done a poor job of maintaining the shrubbery they were required to install when they opened. She pointed out that they pile snow and debris in that area, and have killed off the visual barrier they originally planted.

1097 Turner Street, Jim Pittman:

As you know, Jim has been very supportive of our growth and continued progress, and has committed to selling us his home once he has his new one built and ready to move into. He made a point to stop in and talk with me when he breezed through town from Florida a week or so ago.

40 Malibu Street, Jon James:

Jon is our tenant, and when he came in to pay rent this month I talked to him about our plans, and he willingly signed the petition.

32 Malibu Street, Marc Joyal-Myers:

Marc is our other tenant, and same story, when he paid his rent this month I talked to him about our plans, and he willingly signed the petition.

20 Niskayuna Street, Delores Demers and her son Steve:

As you know, we own Mrs. Demers's house as of this past fall. She's actively building a new home and hopes to move in early to mid summer.

1109 Turner Street, John Russell:

I knocked on Mr. Russell's door and was fortunate to find him at home. He was very cordial, and while he essentially said he wished the neighborhood would stay like it was when he moved in, he said he understood what we were doing and he signed the petition.

6 Xivrey Street, David Lane:

I left Mr. Lane a voicemail, and he called me back and then stopped in and visited with me in my office at the store. Mr. Lane voiced some concern about the speed of traffic on Turner street, and complained that he sees many students speeding by his house on Xivray on their way to and from the community college. He wishes there was a way to slow them down, and keep them off Xivray altogether. I told him about our plan to rezone and close Niskayuna, and he signed the petition.

13 Xivray Street, Regina Portvin:

I left Mrs. Potvin a voicemail and she called me back. We talked about my plan, and she said she understood and didn't have an objections. I asked if I could meet with her in person and address any additional concerns or questions, but she declined, saying she had an erratic work schedule.

I followed up by sending her a letter thanking her for her time, and included a petition (with explanation) via mail in 3/12, and included a self-addressed, stamped envelope in case she wanted to sign and return.

16 Xivray Street. Andrea and David Higson:

I couldn't locate a phone number for the Higson's so I sent them a hand-written letter on 3/12, introducing myself, included my contact information and gave them an explanation of what we are doing. I also included a copy of the petition (with explanation) and included a self-addressed, stamped envelope in case she wanted to sign and return. I haven't heard anything back as of today.

35 Malibu Street. David Gagne:

I couldn't locate a phone number for Mr. Gagne, either. I knocked on his door a few times. Left a note with my contact information in his door asking him to call. I then sent him a hand-written letter on 3/12 explaining what I was doing, included a copy of the petition (with explanation), and included a self-addressed, stamped envelope in case she wanted to sign and return. As of today, I've heard nothing back.

45 Xivray, 29 Malibu, 800 Center Street:

I called and talked with Peter Kawalski of John F. Murphy homes, and gave him a full briefing of our plans, as well as my contact information should he have any follow up questions.

MEMORANDUM OF OPTION AGREEMENT

On January ^{7th} ~~14th~~, 2016, JAMES A. PITTMAN and SUZANNE J. PITTMAN, as Sellers, and MALIBU RENTALS, LLC, as Purchaser, executed an Exclusive Option to Purchase real estate located at 1079 Turner Street in Auburn, Maine, as described more particularly in a deed from James A. Pittman to the Sellers dated February 10, 1994 and recorded in Book 3214, Page 26 of the Androscoggin County Registry of Deeds.

The Agreement provides the Purchaser with the exclusive option to purchase said real estate at any time during a term of three (3) years from the date hereof in accordance with the provisions of the Agreement.

IN WITNESS WHEREOF, the undersigned have hereunto set their hands and seals effective this 11 day of January, 2016.

WITNESS:

Paula Cyranta

Jacqueline Harp

ACD

JAMES A. PITTMAN, Seller

SUZANNE J. PITTMAN, Seller

MALIBU RENTALS, LLC, Purchaser

BY: Douglas A. Weisz, its Member

STATE OF Florida
COUNTY OF Polk, SS.

January 11, 2016

Thence personally appeared the above-named **JAMES A. PITTMAN** and **SUZANNE J. PITTMAN** and acknowledged the foregoing instrument to be their free act and deed.

Before me,



Paula Carpenter
Notary Public/Attorney-At-Law
Print Name: Paula Carpenter

STATE OF MAINE
ANDROSCOGGIN, SS.

January 25, 2016

Thence personally appeared the above-named **DOUGLAS A. WEISZ**, in his said capacity, and acknowledged the foregoing instrument to be his free act and deed and the free act and deed of said **MALIBU RENTALS, LLC**.

Before me,

Paul R Gosselin
Notary Public/Attorney-At-Law
Print Name: Paul R Gosselin

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WARRANTY DEED
(Maine Statutory Short Form)

KNOW ALL PERSONS BY THESE PRESENTS, that I, **DOLORES C. DEMERS**, of Auburn, Maine, grant to **QUIZ KIDS, LLC**, a Maine corporation with a mailing address of 774 Center Street, Auburn, Maine, with warranty covenants, a certain lot or parcel of land, together with any buildings and improvements thereon, situated in the City of Auburn, County of Androscoggin and State of Maine, as more fully described in Exhibit A attached hereto (the "Property").

Certain lots or parcels of land, with the buildings thereon, situated on the northeasterly line of Niskayuna Street in the City of Auburn, County of Androscoggin, and State of Maine, shown as Lots forty- three (43) through fifty-two (52) inclusive on a certain Plan entitled "Lake Grove Bungalow Sites" dated August 2, 1919, recorded in the Androscoggin County Registry of Deeds in Book of Plans, Volume 2, Plan No. 85, Page 95, to which Plan and the record thereof reference may be had for a more particular description.

Included in this conveyance insofar as the grantor has the right to convey the same is all of the streets and ways shown on the aforesaid Plan in common with the owners of other Lots on that Plan to make any customary use of said streets and ways.


The above premises are conveyed subject to the restriction that any building erected thereon shall be set back at least ten feet from the street line except that steps, porticos, piazzas, bay windows and other usual projections are allowed in said reserved space.

Meaning and intending to convey the same premises described in a warranty deed from John Krapovicky, Jr. to Robert G. Demers and Dolores C. Demers dated July 26, 1974 and recorded in the Androscoggin County Registry of Deeds in Book 1115, Page 248, and in a warranty deed from Theresa Champagne to Robert G. Demers and Dolores C. Demers dated April 4, 1975 and recorded in said Registry in Book 1244, Page 162. Robert G. Demers is deceased and Dolores C. Demers holds title to the Property as the surviving joint tenant.

The premises hereinabove described are conveyed subject to any easements and restrictions of record and together with the benefit of all rights, easements, privileges and appurtenances belonging thereto.

Witness my hand and seal this 17 day of November, 2017.

MAINE REAL ESTATE
TRANSFER TAX PAID



Witness

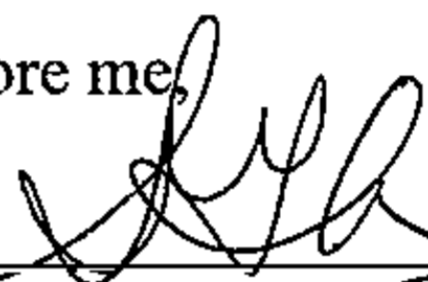


Dolores C. Demers

STATE OF MAINE
COUNTY OF ANDROSCOGGIN

November 7, 2017

Then personally appeared the above-named Dolores C. Demers and acknowledged the foregoing to be her free act and deed.

Before me,


~~Notary Public/Attorney at Law~~
Stephanie Albert
Bar No. 4711

ANDROSCOGGIN COUNTY
TINA M CHOUINARD
REGISTER OF DEEDS