

**City Council Workshop & Meeting
Agenda
December 5, 2022
Auburn Hall, Council Chambers**

5:30 P.M. City Council Workshop

- A. Executive Session – Legal Consultation, pursuant to 1 M.R.S.A. Section 405(6)(E)
- B. Executive Session - Contract Negotiations, pursuant to 1 M.R.S.A. Section 405(6)(D)
- C. Art Policy – Jennifer Boenig and Rebecca Conrad
- D. Stage Purchase – Brian Wood
- E. Heating Assistance Program – Glen Holmes

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

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 so requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
 - 1. **Order 156-12052022***
Confirming the Mayor’s appointment of Scott Berry to the Mayor’s Ad Hoc Committee to develop permit ready housing.
- II. **Minutes** – November 21, 2022, Regular Council Meeting
- III. **Communications, Presentations and Recognitions**
 - Communication – Staff response to the Sustainability and Natural Resource Management Board (SNRB) communication
 - St. Lawrence and Atlantic Railroad – Berlin Subdivision (Rail Use Advisory Council) Update
 - 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 - None**
- VI. New Business**
 - 1. Order 157-12052022**

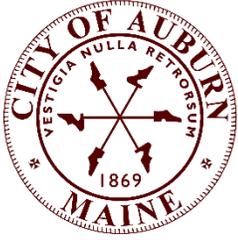
Authorizing the use of \$35,000 in ARPA funds for the Auburn Heating Assistance Program.
 - 2. Order 158-12052022**

Disposition of building located at 110 Hampshire Street under dangerous building statute. Public hearing. Hearing for parties with interest in property.
Council may enter into Executive Session pursuant to 1 M.R.S.A. Sec. 405 (6)(C).
 - 3. Order 159-12052022**

Approving the liquor license for Ryan & Connor Concessions Group, LLC, DBA: Ringers, located at 985 Turner Street. Public hearing.
 - 4. Order 160-12052022**

Allocating up to \$180,000 from the American Rescue Plan Act (ARPA) funds for the purchase of a portable Stage.
 - 5. Ordinance 24-12052022**

Zoning Map Amendment - Amending a portion of 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), and Low-Density Country Residential (LDCR), zoning districts to the Suburban Residential (SR) as recommended by the Planning Board. First Reading.
- VII. Open Session - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda***
- VIII. Reports (from sub-committees to Council)**
 - a. Mayor's Report
 - b. City Councilors' Reports
 - c. City Manager Report
- IX. Executive Sessions - None**
- X. Adjournment**



City of Auburn City Council Information Sheet

Council Workshop or Meeting Date: December 5, 2022

Subject: Executive Session

Information: Legal consultation, pursuant to 1 M.R.S.A. Section 405(6) (E).

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: December 5, 2022

Subject: Executive Session

Information: Contract negotiations, pursuant to 1 M.R.S.A. Section 405(6) (D).

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:

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- (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;

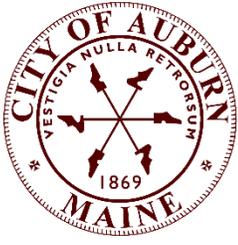
D. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators. The parties must be named before the body or agency may go into executive session. Negotiations between the representatives of a public employer and public employees may be open to the public if both 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: December 5, 2022

Author: Jennifer Boenig, Downtown Coordinator

Subject: Public Art Policy

Information: As the City's public art collection continues to grow, it is necessary to have a clear definition of public art through a policy which outlines the principles, oversight, maintenance, acquisition and deaccession of the city's public art collection.

City Budgetary Impacts: None

Staff Recommended Action: Review the draft policy for consideration

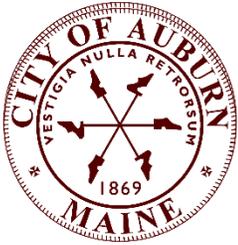
Previous Meetings and History: The draft policy is based on a situation summary delivered to the City on October 24, 2021 from RSC Consulting. That summary included interviews with City staff and factored in the experiences of the Public Art Working Group that was convened to manage the Maine Arts Commission Creative Communities = Economic Development grant (2019-2021).

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: Copies of the draft policy will be available at the meeting.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: December 5, 2022

Order: 160-12052022

Author: Brian Wood, Assistant City Manager

Subject: Purchase of a portable stage

Information:

The City of Auburn has historically rented a stage 2 to 4 times a year for various performances and events. With an increase in major events planned over the next several years an investment in a mobile stage, equipment and training would remediate the need to rent a stage and allow for greater flexibility with events.

City Budgetary Impacts:

\$180,000.00

Staff Recommended Action:

Staff recommends supporting this purchase

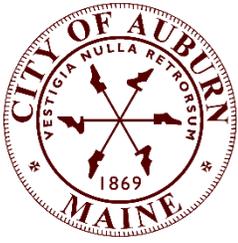
Previous Meetings and History:

N/A

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: December 5, 2022

Order: 157-12052022

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

Subject: Auburn Heating Assistance Program

Information:

The City of Auburn is seeking funds from the American Rescue Plan Act (ARPA) to support the establishment of a heating assistance program for Auburn residents. These vouchers can be requested through the General Assistance office and can be used by homeowners and renters for purchasing approved utilities or heating fuels.

City Budgetary Impacts:

The Office of Business & Community Development is seeking \$35,000 in ARPA funds to administer this program.

Staff Recommended Action:

Vote to Authorize the use of \$35,000 in ARPA funds for the Auburn Heating Assistance Program.

Previous Meetings and History:

11/21/2022 The council made a request for staff to develop such a program.

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:

Auburn Heating Assistance Program Summary



Auburn Heating Assistance Program (AHAP) summary

Purpose

The purpose of the Auburn Heating Assistance program is to support Auburn residents struggling with increased heating costs for the winter of 2022-23 and who have exhausted all other resources available. This program will provide grants up to \$600 to residents whose income is below 100% AMI, and who have exhausted other regional resources. Qualified expenses include: #2 heating fuel, K-1 heating fuel, natural gas, propane, firewood, wood pellets, and electricity.

Funding

The City of Auburn may allocate \$35,000 from the City ARPA funds for this program to supplement current funds. The city will operate this program through the General Assistance (GA) office and all expenses and program administration will be covered with existing city budgets. Budget priority will be given to existing funding sources such as state-funded GA, Li-heap etc. before utilizing ARPA funds to fill this need.

Eligibility

Income & asset eligibility will be based on the annual gross income threshold table below and require verification to include paystubs, social security information, bank statements, etc. Income minimums represent GA maximum thresholds, and exceptions to these guidelines can be made insofar as they are in the spirit of the program.

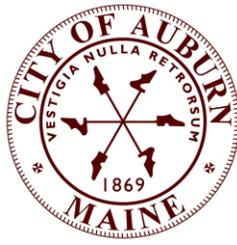
Household Size	1	2	3	4	5	6	7	8
Minimum income	\$9540	\$10,308	\$13,188	\$17,124	\$20,736	\$21,636	\$22,536	\$23,436
Max income	\$55,720	\$63,680	\$71,640	\$79,600	\$85,968	\$92,336	\$98,704	\$105,072
Max liquid assets	\$500	\$1,000	\$1,500	\$2,000	\$2,500	\$3,000	\$3,500	\$4,000

Additional qualifications:

- Must reside in Auburn as a renter or homeowner
- Must have accessed other eligible programs first (LI-HEAP, General Assistance)
- Renters must provide lease and/or landlord verification form identifying tenant responsibilities.
- Non-owner-occupied multi-units which provide heat do not qualify for this program.
- Must provide documentation of current household composition and provide identification for all who are residents as evidenced by: Driver’s license, birth certificates, social security numbers, immigration paperwork, etc.

Application

Applicants will apply through the General Assistance office and will provide all necessary documentation. The program administrator will track applications within the Welpac system and make final determinations of eligibility. Failure to provide all needed information will result in applications being denied. Complete applications will be approved on a first-come first-served basis until program funds are exhausted. The city of Auburn reserves the right to reject any application.



ORDER 157-12052022

City Council Order

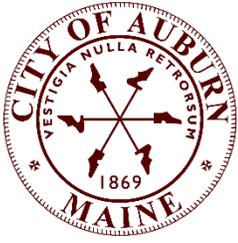
IN CITY COUNCIL

ORDERED, that that City Council hereby authorizes the use of \$35,000 in ARPA funds for the Auburn Heating Assistance Program, which will comply with established program guidelines and meet all ARPA rules, regulations, and guidance.

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: December 5, 2022

Order: 156-12052022

Author: Sue Clements-Dallaire, City Clerk

Subject: Confirming the Mayoral Appointment to the Ad Hoc Committee to develop permit ready housing

The Mayor would like to appoint the following applicant to serve on his Ad Hoc Committee to develop permit ready housing in Auburn:

Scott Berry

City Budgetary Impacts: None

Staff Recommended Action: Motion to confirm the Mayor's recommendation to serve on the Committee.

Previous Meetings and History: September 6, 2022, October 17, 2022

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments: Application, Order

Susan Clements-Dallaire

From: donotreply@auburnmaine.gov
Sent: Sunday, November 6, 2022 10:08 AM
To: Susan Clements-Dallaire
Subject: A New Form Has Been Submitted - Board/Committee Application

The following form has been submitted by an end-user of the website: Board/Committee Application

First Name: Scott

Middle Initial:

Last Name: Berry

Residence Address: 179 Davis Ave

Ward: Ward 2

City: Auburn

Home Phone: 207-520-4033

Cell Phone: 207-520-4033

E-mail Address: maineproperty1@gmail.com

Current Occupation: Real Estate Associate Broker

Previous Occupation (if retired or no longer working): Retired Union Carpenter

Education and/or experience: High school completed, 49 years as a carpenter 20 years residential carpenter, with 29 years in commercial carpentry. Going on my 9th year selling real estate, along with flipping houses and building a spec house. PT Building Inspector & Planning Mem

Please check which board or committee you are interested in serving on. Individual applications for each board or committee (if you wish to serve on more than one): Citizens Advisory Committee

OTHER (Ad-Hoc Committees not on the list above):: Mayor's Ad-Hoc Committee to Develop Permit-Ready Housing Plans

This application is for a... (choose one): New appointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I believe Auburn will excel, along with its citizens, as the leading community here in Maine. Where all citizens will feel welcome, prosper to their fullest potential and neighborhoods that are appealing, where no one wants to sell their home.

What I do not want to see are quiet neighborhoods, resembling fair midway with flashing neon lights and signs.

What do you hope to accomplish?: I believe Auburn will excel, along with its citizens, as the leading community here in Maine. Where all citizens will feel welcome, prosper to their fullest potential and neighborhoods that are appealing, where no one wants to sell their home.

What I do not want to see are quiet neighborhoods, resembling fair midways with flashing neon lights and signs.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: No

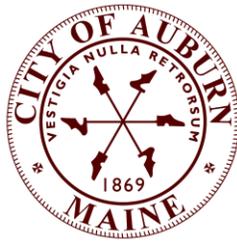
Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Strategic Planning for Auburn

Dates served (if known):

How did you learn of this vacancy?: Meeting

I certify that this information is true to the best of my knowledge and agree to the terms and conditions set forth above. By typing your full name below, you are "signing" this electronic application.: Scott Berry

Date of Electronic Signature: 11/6/2022



ORDER 156-12052022

City Council Order

IN CITY COUNCIL

ORDERED, that the City Council hereby confirms the Mayoral appointment of Scott Berry to the Ad Hoc Committee to Develop Permit Ready Housing:

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

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

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

IN COUNCIL REGULAR MEETING NOVEMBER 21, 2022, VOL. 36 PAGE 313

City Manager Crowell called the meeting to order at 7:03 pm. All Councilors were present. The Mayor had an excused absence.

Motion was made by Councilor Walker and seconded by Councilor Morin to nominate Councilor Milks to serve as Mayor Pro Tempore in the temporary absence of the Mayor. There were no other nominations.

Passage 7-0.

Mayer Pro Tempore Milks led the assembly in the salute to the flag.

I. Consent Items - None

II. Minutes – November 7, 2022 Regular Council Meeting

Motion was made by Councilor Staples and seconded by Councilor Walker to approve the minutes of the November 7, 2022 Regular Council Meeting.

Passage 7-0.

III. Communications, Presentations and Recognitions

- Communication - Sustainability and Natural Resource Management Board
- Council Communications (about and to the community)

Councilor Morin congratulated the Leavitt High School and Oxford Hills football teams for winning the state championships.

Councilor Gerry reminded everyone about the Thanksgiving Dinner that will be held at the Senior Center on 11-24-2022. The public is encouraged to call in advance if possible.

City Manager Crowell announced that on December 1st at 4:30 pm at Anniversary Park, we will be unveiling the newest piece of public art installation. More information will be forthcoming. He also reminded the public that the city building will be closed on Thursday and Friday in observance of the Thanksgiving holiday, and there will be no trash pick-up on Thanksgiving Day.

IV. Open Session –

Jane Costlow, 104 Fourth Street provided an explanation of the SNRB communication that was included in the packet.

Pam Rousseau, 745 West Auburn Road, encouraged Council to not move forward on their efforts on the strip zone and she commented on the Andrew Drive zone change request and the FB Environmental study.

David Griswold, 199 Gamage Avenue, spoke regarding the Community Cords Program.

V. Unfinished Business - None

VI. New Business

1. Order 152-11212022

Approving the reallocation of bonds to build roof protection for the Norway Savings Bank Arena (NSBA) sign.

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

Public comment – No one from the public spoke.

Passage 7-0.

2. Order 153-11212022

Approving the Mass Gathering for the New Year’s Eve event to be held 12/31/2022. Public hearing.

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

Public hearing – No one from the public spoke.

Passage 7-0.

3. Order 154-11212022

Approving the temporary liquor license for an Incorporated Civic Organization for the New Year’s Eve event to be held 12/31/2022. Public hearing.

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

Public hearing – No one from the public spoke.

Passage 7-0.

4. Order 155-11212022

Allocating \$150,000 American Rescue Plan Act (ARPA) funding for the Neighborhood Corner Store Program.

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

Public comment – No one from the public spoke.

Passage 7-0.

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

VIII. Reports (from sub-committees to Council)

Councilor Staples noted that the Library Board will meet tomorrow at 4:30 p.m. at the Auburn Public Library, and this month's LATC meeting has been cancelled.

Councilor Whiting spoke on the Community Cords Program.

Jill Eastman, Finance Director – October Finance Report

Motion was made by Councilor Walker and seconded by Councilor Staples to accept and place on file the final October Finance Report.

Passage 7-0.

IX. Executive Sessions – None

X. Adjournment - Motion was made by Councilor Walker and seconded by Councilor Staples for passage. Unanimously approved and the meeting adjourned at 7:36 pm.

A TRUE COPY

ATTEST 

Susan Clements-Dallaire, City Clerk



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 J. Cousens, Director of Planning and Permitting
Re: Staff Response to Sustainability & Natural Resource Management Board Working Group Communication for Council Review
Date: November 30, 2022

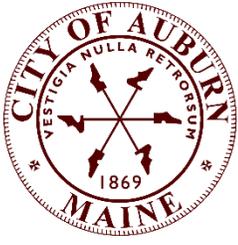
At the November 21, 2022 Council meeting the Council received a request for clarification from the Sustainability & Natural Resource Management Board Working Group. That communication is on page 12 of the [November 21, 2022 Council Packet](#). The Council asked that staff draft a response to provide the requested clarification. Below is staff's understanding of the requested resolve and order from the Council for confirmation or editing if the Council expectation differs from our understanding.

Question 1: There are two references to strip zones in the resolution (“arbitrary residential strip” and “current strip zone limitations”): please clarify what you mean by “arbitrary” and “current strip zoning limitations.”

Response 1: The depth of the residential strips varies between 450' -750' in some areas. The depth of the strip limits residential construction to within the residential strip while many of the parcels have residentially zoned frontage and AG/RP zoned back land and no farming, forestry or agricultural use of the parcels. "Arbitrary" refers to the strip depth being set in the past without regard, in most cases, to physical or environmental constraints. One exception to this may be where the strip depth follows a floodplain boundary (Riverside Drive as an example). "Current strip zoning limitations" refers to the residential development allowances being limited to the depth of the strip and not being allowed outside the strip at the rear of a parcel that is primarily used for residential purposes.

Question 2: You refer to the 2021 Comprehensive Plan regarding non-profitability of certain areas of the city for agriculture and forestry. What particular areas of the city are you referring to? Please provide a map showing those areas.

Response 2: The AG/RP zoning district allows limited uses. The zone does not allow residential uses unless the residence is in support of a farm and uses the 30% income standard to validate that connection of the residence to the farm. The standard effectively removed the "residential" value of the land from the parcel and the market sales of AG/RP land are generally a lower value per acre than land that allows residences as a primary use. This question refers to all lands in the AG/RP zoning district that do not have an existing legally nonconforming home and also refers to excess land (large lots) contiguous with lots containing an existing single family home. "Non-profitability" refers to this reduction in market value that exists in AG/RP zoned lands as perceived by the competitive real estate market and demonstrated by actual arms length sales data. The City zoning map shows the areas in the AG/RP zoning District.



**City of Auburn
City Council Information Sheet**

Council Workshop or Meeting Date: December 5th, 2022

Author: Jonathan P. LaBonte, Transportation Systems Director

Subject: St. Lawrence and Atlantic Railroad – Berlin Subdivision (Rail Use Advisory Council) Update

Information: The attached memo provides details to be covered during the presentation. The rail corridor under evaluation was first acquired in 2007 at the urging of regional planners from the Auburn and Lewiston region and has been studied for various uses over the last 25 years. A process now underway will make a recommendation to the Commissioner of MaineDOT on future transportation uses of that corridor that could eliminate rail.

City Budgetary Impacts: None

Staff Recommended Action: Discussion and potential action on a City Council Resolve at December 19th, 2022 meeting

Previous Meetings and History: N/A

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

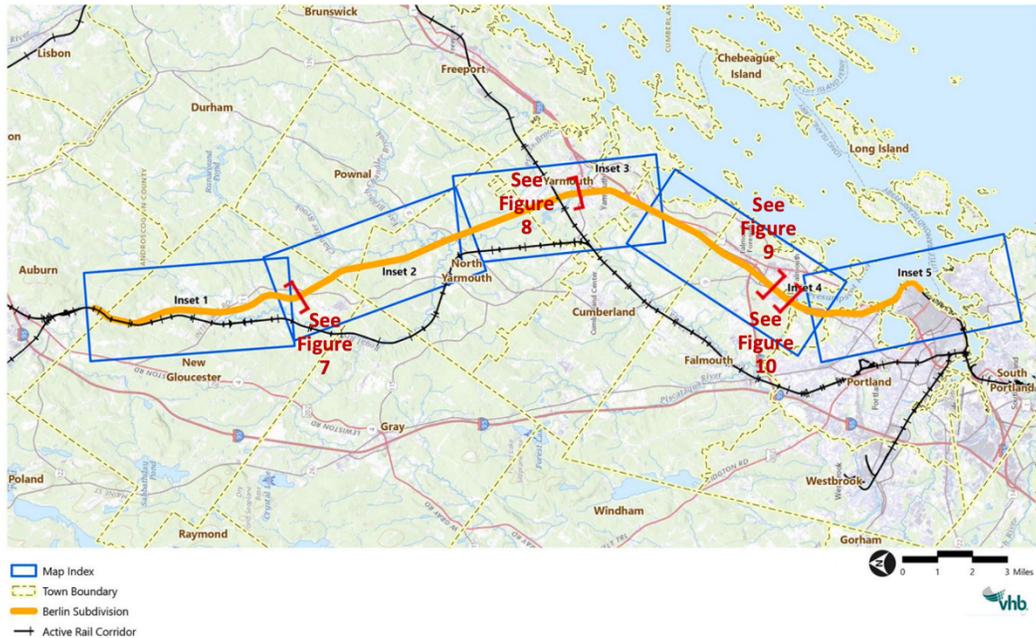
Attachments:

Memo to City Council Dated November 30th on SLR Berlin Subdivision RUAC

TO: Mayor Jason Levesque and the Auburn City Council
 FROM: Jonathan P. LaBonte
 DATE: November 30, 2022
 SUBJECT: St. Lawrence and Atlantic/State-owned Corridor (Rail Use Advisory Council)

This memo serves to provide context and a recommended City of Auburn position related to the Rail Use Advisory Council (RUAC) process underway for the future use of the State of Maine-owned St. Lawrence and Atlantic Railroad (SLR) corridor from Auburn to Portland (see Figure 1). During the previous legislative session, a bill was passed into law allowing for a petition process to assess the conversion of existing railroad corridors to alternative transportation uses. This assessment would occur under the auspices of an RUAC, giving municipalities, trail users, and rail use advocates the opportunity to spend nine months reviewing technical analysis on the costs and potential economic value of various transportation uses of a rail corridor.

Figure 1



Source: MaineDOT Berlin Subdivision Corridor Study DRAFT,
<https://www.maine.gov/mdot/ofps/ruac/parac/index.shtml>



City of Auburn, Maine

Transportation Systems Director
www.auburnmaine.gov | 60 Court Street
Auburn, Maine 04210
207.333.6601

Communities along the SLR corridor petitioned the state in the summer and fall of 2021 to establish such an RUAC, with most entering the process fully committed to seeing this rail corridor converted to a trail. Unlike the City of Auburn, which has land use plans that explicitly call out the economic opportunity of freight and passenger rail connections on multiple railroads, the suburban and rural towns between Auburn and Portland have all but eliminated those types of land uses.

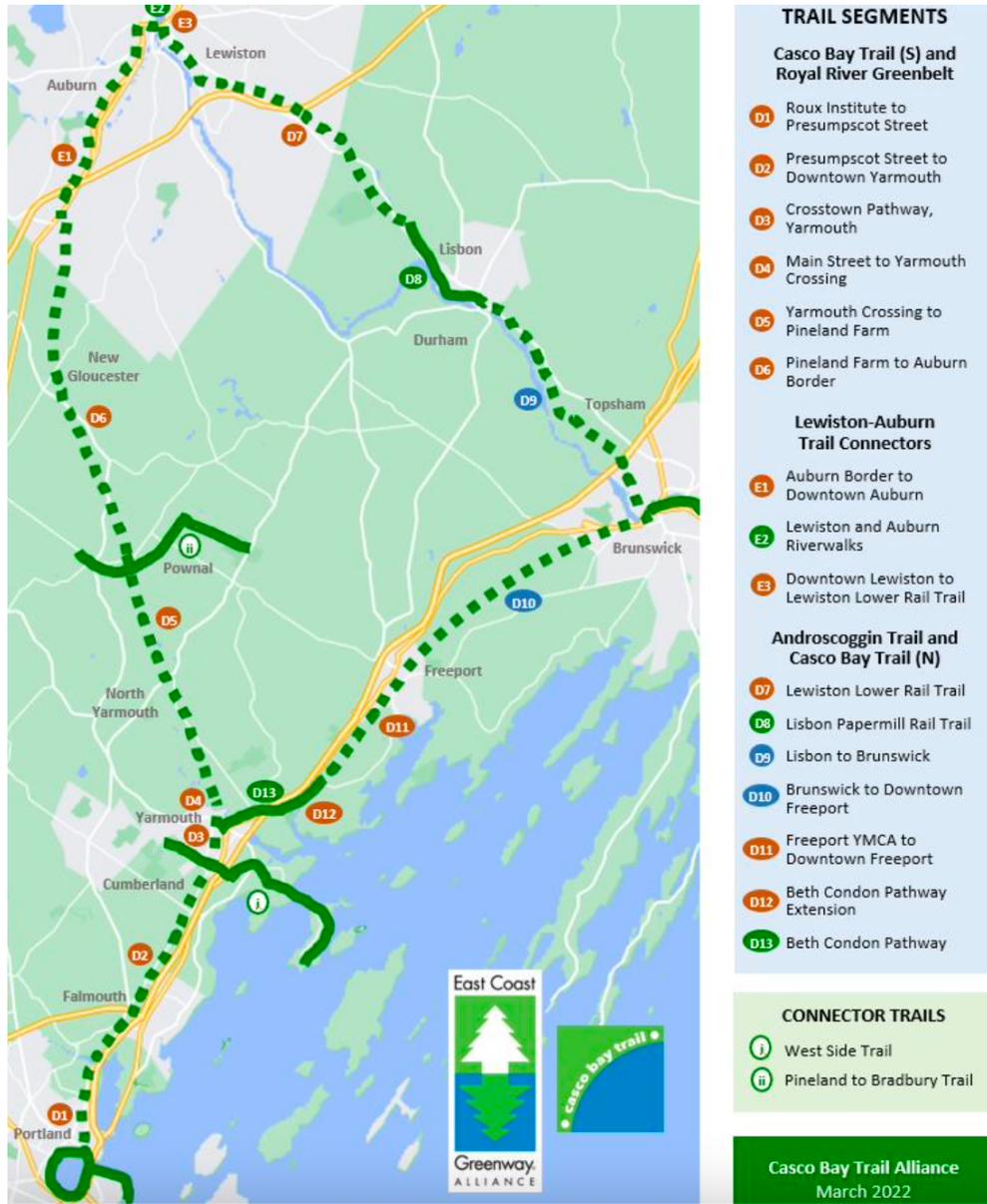
Given the long-term nature of land use and transportation planning, some context about this corridor is of value. Unfortunately, this RUAC process is being advanced outside of other statewide planning efforts for Maine's transportation system. Namely, the state is creating a new long-range plan (through 2050) along with a new statewide rail plan and a new statewide strategic transit plan. This process will finish before those planning efforts are completed.

In the early to mid 2000's, MaineDOT, along with Auburn, Lewiston and AVCOG, laid out a robust plan for reestablishing passenger rail service to the region as well as making the Port of Auburn a major freight hub with improved links to the Port of Portland. A series of steps were taken in that time period to advance that, including an updated Auburn-Lewiston Airport Master Plan with siting of a passenger terminal off Kittyhawk Avenue, the permitting by MaineDOT of said passenger terminal, and the acquisition of the SLR corridor from Portland to Auburn.

During that same period, the newly acquired SLR segment was identified for its potential as a dedicated commuter transit service corridor along Interstate 295. Its proximity to key suburban exits at Yarmouth and Falmouth, with a terminus in downtown Portland, presented a unique opportunity for either future commuter rail or a dedicated bus rapid transit route that would not be impacted by growing congestion on that highway.

In the last handful of years, a movement in Maine to create long distance trails by securing rights over dedicated rights of way, like rail corridors, has gained momentum. The Casco Bay Trail Alliance, the Maine Trails Coalition, and the East Coast Greenway, have released a vision entitled the Active Transportation Arterials Plan, that includes the SLR corridor and connections into downtown Auburn (see Figure 2).

Figure 2

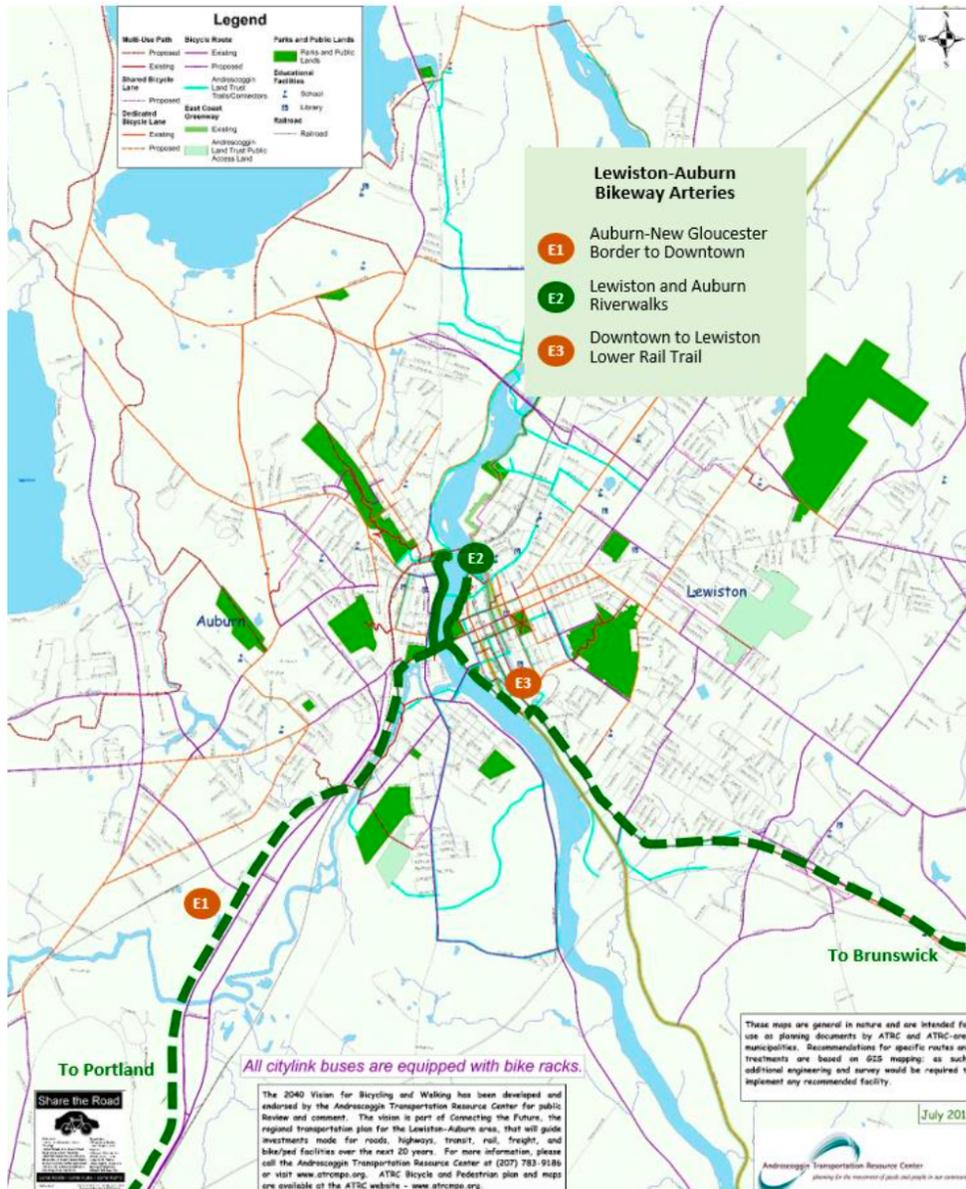


Source: Maine Trails Coalition, Active Transportation Arterials Plan
<https://mainetrailscoalition.org/active-transport-arterials>

The vision put forward by the Casco Bay Trail Alliance connects from Danville Junction north into downtown Auburn and the Riverwalk system. The planned study of the Washington Street

corridor from Exit 75 to downtown would contemplate bicycle and pedestrian connections (see Figure 3).

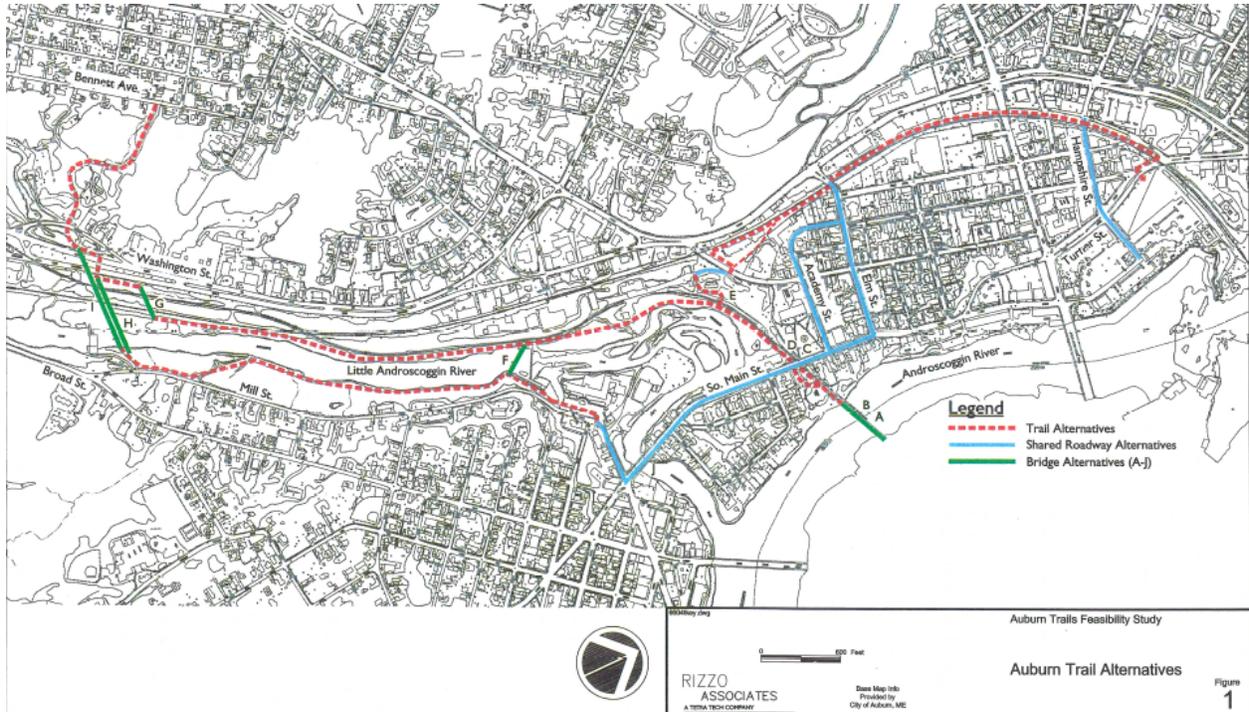
Figure 3



Source: Maine Trails Coalition, Active Transportation Arterials Plan
<https://mainetrailscoalition.org/active-transport-arterials>

In 2000, Auburn completed an engineering study for extending the Riverwalk from the Trestle Bridge west and south to connect New Auburn and the neighborhoods west of Washington Street (see Figure 4).

Figure 4



Source: Rizzo Associates, Inc., "Auburn Trails Feasibility Study" (2000). *Department of Transportation (MaineDOT).*

<https://digitalcommons.usm.maine.edu/mdot-docs/1>

Unfortunately, the more than two decades of past MaineDOT efforts around the SLR corridor for passenger and freight services have not been presented or discussed in detail. It is unclear whether MaineDOT has abandoned those plans or is deferring to those on the RUAC to set the course for the greater Portland and Auburn regions. With the phrase “future proof” being used in discussing Auburn’s community growth efforts, here are some near term and long-term prospects for transportation uses of this corridor to consider.

Freight Rail

- Near Term – South of Danville Junction, it is unlikely that the municipalities between Auburn and Portland will change their zoning to support industrial or logistics-based private investment.
- Long Term – With growth at the Port of Portland, it is conceivable that international shippers would have interest in accessing Canadian markets via rail, or that large scale processing or distribution may wish to locate in Auburn (given favorable zoning) and access the Port of Auburn. There are mechanisms at the Surface Transportation Board (STB) for one railroad to securing operating rights over another railroad’s corridor. This could lead to SLR servicing the Port of Portland and using the CSX line to reach the state-owned SLR corridor in Yarmouth before returning to Auburn.

Passenger/Commuter Rail or Transit Services

- Near Term – An ongoing study of the economic impacts of establishing commuter rail between Auburn and Lewiston and Portland includes use of the SLR corridor from Yarmouth to Danville. With no documented discussions between NNEPRA or MaineDOT with CSX for use of their corridor for passenger rail, reserving the state-owned SLR corridor is a necessity if the Auburn and Lewiston region wishes to see passenger rail return.
- Long Term – Outside of the intercity model of passenger service that the Downeaster provides, the state’s ownership of a dedicated right of way between Auburn and Portland presents a number of opportunities. From a seasonal or excursion standpoint, a return of a “ski train” type service or the concept Montreal Hotel Train could make connections in Portland or Yarmouth and make dedicated runs north. From a commuter service perspective, the interest in higher density housing growth, in particular near Washington Street and Exit 75, could present opportunities for a direct Auburn to Portland commuter service using the SLR corridor. Such a dedicated transit corridor could never been acquired in greater Portland with today’s real estate realities.



City of Auburn, Maine

Transportation Systems Director

www.auburnmaine.gov | 60 Court Street

Auburn, Maine 04210

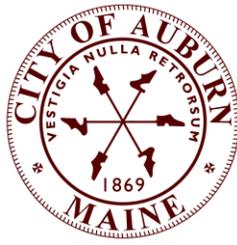
207.333.6601

Active Transportation/Recreation Trail

- Near Term – Without an imminent proposal for freight and/or passenger services, trail advocates have seized a window to justify a conversion to a trail “until rail” as the only viable alternative. There are very few examples nationally of a rail corridor being converted to a trail and then reverting to rail use (given both the cost and political sensitivity)
- Long Term – There are no likely alternative corridors to make such a robust regional trail system happen between Auburn’s downtown riverfront and the waterfront in downtown Portland. This use would also be a significant complement to the targeted residential and commercial growth envisions from downtown Auburn south along Washington Street.

Recommended City of Auburn Position:

Given the near term and long term economic benefits that would accrue to the City of Auburn through future freight rail activity, potential passenger services, and an active transportation (trail) corridor, a rail with trail proposal should be advanced through the RUAC process.



ORDER 157-12052022

City Council Order

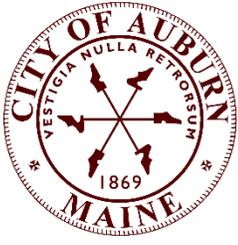
IN CITY COUNCIL

ORDERED, that that City Council hereby authorizes the use of \$35,000 in ARPA funds for the Auburn Heating Assistance Program, which will comply with established program guidelines and meet all ARPA rules, regulations, and guidance.

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: December 5, 2022

Order: 158-12052022

Author: Eric J. Cousens, Planning and Permitting Director

Subject: 110 Hampshire Street – Dangerous Building Public Hearing and Order

Information: The City of Auburn staff has responded to complaints of dangerous conditions at the property over an extended period. Dangerous conditions have been confirmed to exist at the property and the owners of the property have not responded to resolve the issues.

To address the issues at the property and eliminate the dangerous conditions the Auburn City Council will hold a dangerous building hearing regarding the above-captioned property on December 5, 2022, at 7:00 PM. The hearing will be held at Auburn, Hall, 60 Court Street, Auburn, Maine. During the hearing, the City Council will consider whether the buildings located on the property constitute dangerous buildings under 17 M.R.S. § 2851, with possible actions and orders to follow.

To adjudge a building to be a nuisance or dangerous, the municipal officers or county commissioners must find that the building is structurally unsafe, unstable or unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property.

Proper notice to parties of interest have been made and supporting information is included in the attached information packet. At the meeting staff will provide a review of conditions at the property and attempts to convince the owners to remedy the dangerous conditions in order to protect the public from harm. After a public hearing the Council will be asked to review draft findings of fact and determine if an order to abate the hazardous conditions is warranted under 17 M.R.S. § 2851. The draft findings and order are provided by in the attached packet. If the property constitutes a dangerous building under 17 M.R.S. § 2851, the Council should order the abatement of the hazardous conditions within 90-days.

City Budgetary Impacts: NA

Staff Recommended Action: If the property constitutes a dangerous building under 17 M.R.S. § 2851, the Council should order the abatement of the hazardous conditions within 90-days.

Previous Meetings and History: None

City Manager Comments:

I concur with the recommendation.

Signature:

Phillip Crowell Jr.

Attachments: Information packet for 110 Hampshire, including draft findings and Order.

110 HAMPSHIRE STREET DANGEROUS BUILDING HEARING
December 5, 2022

Good evening, Mr. Mayor and Councilors. My name is Kris Beaudoin, and I serve as the City's Code Compliance Team Leader. As part of my duties as Code Compliance Officer I am tasked with the enforcement of adopted code and ordinance compliance throughout the City of Auburn. I have served as code compliance officer for the city for approximately the last 36 months with certifications in commercial and residential building inspection, internal plumbing, and subsurface wastewater. I have a 20-year history in the implementation of safe housing enforcement with certifications in Housing Quality Standards, Uniform Physical Conditions Standards, advanced Inspections, I am a certified HUD renovation consultant, and am also a certified Veterans Administration compliance inspector for the special adaptive housing grant.

Tonight, I am tasked with explaining to the Council why City Staff has concluded that the structures located at 110 Hampshire Street in Auburn constitute "Dangerous Buildings" within the meaning of Title 17, Section 2851, of the Maine Revised Statutes. I have personally spoken with the owner of the property; I have scheduled multiple inspections of the property, and have made numerous attempts at giving the owners, Lions Real Estate LLC. the opportunity to repair the property and to put in place a plan to mitigate the safety hazards present. Over the course of approximately two years, city staff has observed continued deterioration of the structural elements of the property. As I will explain, the owner of 110 Hampshire Street has been afforded significant opportunity to prevent the buildings from becoming the imminent public safety threat that it is today, and from an enforcement standpoint, I have exhausted all other options at my disposal for the removal or mitigation of this threat. That is why we are here tonight, I am asking you to render an order that all structures located at 110 Hampshire Street be declared dangerous buildings within the meaning of the statute, and that you order the structures to be demolished within 90 days.

1. Background on the property:

A. Property Details:

110 Hampshire Street is a rectangle shaped parcel consisting of .16 acres sitting on the corner of Hampshire and Willows Street. The property consists of one principal structure which serves as a nine-unit multifamily building.

B. Ownership of the Property and Identification of Parties-in-Interest:

Before preparing the notices of tonight's hearing, the City attorney conducted a search of the Registry of Deeds to verify ownership of this property. That search discovered that Lions Real Estate LLC. acquired the Property by Warranty Deed on February 7, 2019. The deed of conveyance is recorded at Book 10028, Page 126, in the Androscoggin County Registry. The

mortgage identifies Lions Real Estate LLC of P.O Box 3403, Auburn Maine 04210, as the mailing address of the interested parties to this hearing. Please reference Exhibit 1 for notification of service.

The owner of the property has been given notice of tonight's hearing, and at tonight's hearing, they are being given an opportunity to be heard.

C. Summary of the dangerous building statute's legal standard and remedies permitted.

The legal standard you are asked to apply is contained in Title 17 of the Maine Revised Statutes, Section 2851, and the following sections. Section 2851 defines a "Dangerous Building" as one which the municipal officers deem to be "structurally unsafe; unstable; unsanitary; constitutes a fire hazard; is unsuitable or improper for the use or occupancy to which it is put; constitutes a hazard to health or safety because of inadequate maintenance, dilapidation, obsolescence or abandonment; or is otherwise dangerous to life or property." If the municipal officers make such a determination, they may, "after notice and hearing on this matter adjudge the same to be a nuisance or dangerous and may make and record an order prescribing what disposal must be made of that building or structure," up to and including the demolition of the structure.

I have found that the condition of the building located at 110 Hampshire Street satisfies those criteria. If you agree, we request that the Council order Lions Realty LLC to demolish the building within 90 days. If the Building is not demolished within 90 days, we ask that the City be authorized to conduct the demolition and to assess a special tax against the property in order to recoup the City's costs and expenses, as permitted by the statute. If you designate such a nuisance and/or order it removed by the owner, State law requires that the City "shall cause said nuisance to be abated or removed in compliance with" your order, and all expenses of the City incurred in connection with this removal, including costs of title searches, service of process, costs incurred in securing the structures pending removal, and all other costs incurred by the City which are reasonably related to the removal of the structure, shall be paid by the owner and may be assessed as a special tax against the property.

A. History of the City's Enforcement Actions and Interactions with this Property.

II. Review affidavit

In conclusion, the structure at 110 Hampshire Street qualifies as dangerous building pursuant to 17 M.R.S. § 2851. It is unsuitable and improper for use as a residential dwelling unit (or other uses) due to significant deterioration of structural elements as defined in Sec 12-146 of the city ordinance, ongoing lack of maintenance, as well as structural damage. This constitutes a hazard to health and safety of our neighborhoods and community members because of the inadequate maintenance, dilapidation, and obsolescence. Lions Real Estate LLC

clearly have an inability or an unwillingness to remediate the dangerous conditions at this property despite being afforded extensive opportunity to do so.

Therefore, City Staff is requesting that you adopt the proposed findings of fact and conclusions of law that we have provided tonight. We request that you designate all structures at 110 Hampshire Street as dangerous building, that you order Lions Real Estate LLC. to demolish them within 90 days of the date of your order (which would be March 5, 2023, assuming you act tonight). We also request an order of authorization to schedule a demolition in the event the owner does not remove the buildings within 90 days.

EXHIBIT

1

Bk 10028 Pg 126 #2302
02-12-2019 @ 11:04a

N O T
A N
O F F I C I A L
C O P Y

N O T
A N
O F F I C I A L
C O P Y

N O T S T A T U T O R Y W A R R A N T Y N E E D T
A N

That Miacomet Private Equity, LLC, a Maine Limited Liability Company with a principal place of business in Boston, County of Suffolk and Commonwealth of Massachusetts and a mailing address of 16 Gray Street, Unit 6, Boston, MA 02115

For Consideration Paid, GRANT with WARRANTY COVENANTS TO:

Lions Real Estate, LLC, a Maine Limited Liability Company with a principal place of business in Minot, County of Androscoggin and State of Maine, with a mailing address of P.O. Box 3403, Auburn, ME 04210

Certain lots or parcels of land, with the buildings and improvements thereon, situated in the Town/City of Auburn and Lewiston, County of Androscoggin and State of Maine, bounded and described in Exhibit A annexed hereto and made a part hereof.

This conveyance is made SUBJECT to the current real estate taxes to the Town/City of Auburn and Lewiston, subject to prorations at the closing, which the Grantee herein by its acceptance of this deed hereby assume and agree to pay.

IN WITNESS WHEREOF, Miacomet Private Equity, LLC has caused this instrument to be executed by David Hall, its Authorized Member thereunto duly authorized this 7th day of February, 2019.

Miacomet Private Equity, LLC

[Signature]

BY: [Signature]

David Hall, its Authorized Member

COMMONWEALTH OF MASSACHUSETTS
COUNTY OF SUFFOLK

Date: February 7th, 2019

Then personally appeared the above-named David Hall, Authorized Member of Miacomet Private Equity, LLC and acknowledged the foregoing instrument to be his free act and deed in his said capacity and the free act and deed of said limited liability company.



Before me,

[Signature]
Notary Public

Print Name: STEPHEN P. GRIFFIN

My Commission Expires: 8/29/25

NOT AN OFFICIAL COPY NOT AN OFFICIAL COPY

EXHIBIT A

NOT AN OFFICIAL COPY NOT AN OFFICIAL COPY
110 Hampshire Street, Auburn

A certain lot or parcel of land, with any buildings thereon, situated in Auburn, County of Androscoggin and State of Maine, bounded and described as follows:

Beginning at a point in the southerly line of Hampshire Street fifty (50) feet westerly from the center of a cedar post marking the division between land now or formerly of Sarah W. Mitchell and land now or formerly of one Whittier; thence westerly along said southerly line of said Hampshire Street, seventy (70) feet, more or less, to the easterly line of Willow Street; thence southerly along said easterly line of Willow Street one hundred and six (106) feet, more or less, to land now or formerly of one Record; thence easterly along the line of said Record's land seventy (70) feet, more or less, to a point where a line drawn from the point of beginning, parallel with the westerly line of said Whittier land would intersect the southerly line of said Mitchell Land; thence northerly ninety (90) feet, more or less, to the point of beginning.

Being a portion of the premises conveyed to the Grantor herein by deed of Rob A. Labarbera dated December 31, 2012 and recorded in said Registry of Deeds in Book 8576, Page 25.

227-229 Blake Street, Lewiston

A certain lot or parcel of land, with the buildings thereon, in Lewiston, County of Androscoggin and State of Maine, bounded and described as follows:

Beginning at a point on the westerly side of Blake Street three hundred fifty (350) feet northerly from the northerly line of Maple Street; thence running westerly at a right angle with said westerly line of Blake Street and by the northerly line of a lot now or formerly of William R. Frye one hundred (100) feet; thence northerly at a right angle fifty (50) feet; thence at a right angle easterly one hundred (100) feet to Blake Street; thence southerly by said Blake Street fifty (50) feet to the point begun at.

Being the same premises conveyed to the Grantor herein by deed of Deblane Corp. dated December 31, 2012 and recorded in said Registry of Deeds in Book 8574, Page 290.

DATE/TIME OF SURNAME
 RECEPTION GIVEN NAME
 REVERSE PARTY BOOK-PAGE DOC LOCATION DOCUMENT DATE DOC # VFY

*** GRANTEES ***
LIONS REAL ESTATE LLC

02-12-2019 11:04:55a	SAME	MIACOMET PRIVATE EQUIT	10028	126	DEED	AUBURN	02-07-2019	2302	Y
		AUBURN				110 HAMPSHIRE STREET			
01-03-2022 8:30:32a	SAME	AUBURN CITY OF	10990	305	DIS	AUBURN	12-30-2021	42	Y
		AUBURN				10413/285			
						110 HAMPSHIRE STREET			
04-11-2022 1:03:14p	SAME	AUBURN WATER DISTRICT	11076	253	DIS	AUBURN	04-07-2022	6461	Y
						10358/45			
04-11-2022 1:03:14p	SAME	AUBURN SEWERAGE DISTRI	11076	255	DIS	AUBURN	04-07-2022	6463	Y
						10358/51			
07-01-2022 8:31:34a	SAME	AUBURN CITY OF	11147	301	DIS	AUBURN	06-30-2022	12823	I
		AUBURN				10789/69			
						110 HAMPSHIRE STREET			

RUN TOTALS -----
 0 GRANTORS LISTED
 5 GRANTEES LISTED

REQUESTED BY (RG).....
 SURNAME/GIVEN NAME..... LIONS REAL ESTATE
 TYPES OF NAMES..... GRANTORS
 DOC TYPES..... *ALL

INQUIRY PRINT REQUEST
 PRINTED: 11/16/22 9:58:16

PAGE 1
 RG340RP
 WEBSERVER

INDEX DATES...Jan 1,1965 thru Nov 16, 2022 #21734 @ 09:27

TOWN: AUB
 ALL YEARS BY NAME

DATE/TIME OF RECEPTION	SURNAME GIVEN NAME	REVERSE PARTY	BOOK-PAGE	DOC TYPE	LOCATION	DOCUMENT DATE	DOC #	VFY
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*** GRANTORS ***
 LIONS REAL ESTATE LLC

02-12-2019 11:04:55a	SAME	LOSU LLC	10028 128	MORT	AUBURN 110 HAMPSHIRE STREET	02-11-2019	2303	Y
02-12-2019 11:04:55a	SAME	LOSU LLC	10028 166	ASMT	AUBURN 100 HAMPSHIRE STREET	02-11-2019	2304	Y
04-30-2020 11:34:22a	SAME	AUBURN WATER DISTRICT	10358 45	LIEN	AUBURN 110 HAMPSHIRE STREET	04-27-2020	7068	Y
04-30-2020 11:34:22a	SAME	AUBURN SEWERAGE DISTRI	10358 51	LIEN	AUBURN 110 HAMPSHIRE STREET	04-21-2020	7074	Y
07-02-2020 9:33:29a	SAME	AUBURN CITY OF	10413 285	LIEN	AUBURN 110 HAMPSHIRE STREET	07-02-2020	12033	Y
06-29-2021 8:34:06a	SAME	AUBURN CITY OF	10789 69	LIEN	AUBURN 110 HAMPSHIRE STREET	06-28-2021	14120	Y
07-01-2022 8:30:00a	SAME	AUBURN CITY OF	11147 153	LIEN	AUBURN 110 HAMPSHIRE STREET	06-30-2022	12675	I

----- RUN TOTALS -----
 7 GRANTORS LISTED
 0 GRANTEES LISTED



MAINE

Department of the Secretary of State

Bureau of Corporations, Elections and Commissions

Corporate Name Search

Information Summary

[Subscriber activity report](#)

This record contains information from the CEC database and is accurate as of: Thu Feb 10 2022 16:02:49. Please print or save for your records.

Legal Name	Charter Number	Filing Type	Status
LIONS REAL ESTATE, LLC	20187264DC	LIMITED LIABILITY COMPANY (DOMESTIC)	ADMINISTRATIVELY DISSOLVED

Filing Date	Expiration Date	Jurisdiction
06/20/2018	N/A	MAINE

Other Names (A=Assumed ; F=Former)

NONE

Clerk/Registered Agent

ALEXANDREA E. SAVARD
PO BOX 3403
AUBURN, ME 04210

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2/10/22, 4:02 PM

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EXHIBIT

2

CITY OF AUBURN
CITY COUNCIL

RETURN OF SERVICE

NOTICE OF HEARING
17 M.R.S. §§2851-59
110 Hampshire Street, Auburn, Maine
Dangerous Buildings

On 11-17, 2022, I served the above-referenced NOTICE OF HEARING, a copy of which is attached hereto, on Alexandra Savard, by service in hand at 46 Valley St Auburn ME

Jason Chalaros

Print Name:

Andros Crossin County Sheriff's Department

Date: 11-17-22

47.00

EXHIBIT

3

Bk 11254 Pg130 #21792
11-16-2022 @ 02:42p

NOTICE OF HEARING ON DANGEROUS BUILDING

17 M.R.S. § 2851, et seq.

Property Address: 110 Hampshire Street, Auburn, Maine
Book 10028, Page 126

November 16, 2022

LIONS REAL ESTATE LLC
c/o ALEXANDREA SAVARD
46 VALLEY STREET
AUBURN, ME 04210

RE: 110 HAMPSHIRE STREET– NOTICE OF HEARING ON DANGEROUS BUILDING

Dear Sir or Madam:

You are hereby notified that the Auburn City Council will hold a dangerous building hearing regarding the above-captioned property on December 5, 2022, at 7:00 PM. The hearing will be held at Auburn, Hall, 60 Court Street, Auburn, Maine. During the hearing, the City Council will consider whether the buildings located on the property constitute dangerous buildings under 17 M.R.S. § 2851, with possible actions and orders to follow. You have the right to attend that hearing and to be heard. If you fail to do so, you may be deemed to have waived your right to further review or to be heard at a later date.

Sincerely,



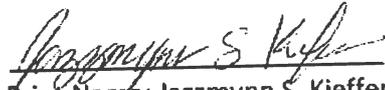
Alison Pepin, Deputy City Clerk
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601

STATE OF MAINE
ANDROSCOGGIN,ss

November 16, 2022

ACKNOWLEDGMENT

Personally appeared before me, Alison Pepin, Deputy City Clerk for the City of Auburn, and acknowledged that the foregoing Notice of Hearing is her free act and deed and the free act and deed of the City of Auburn, in her said capacity.



Print Name: Jazzmyrn S. Kieffer

Notary Public

My Commission Expires: September 6, 2029

EXHIBIT

4

AFFIDAVIT OF KRIS BEAUDOIN

I, Kris Beaudoin, being duly sworn, state the following based upon my personal knowledge:

1. I am a Code Enforcement Officer for the City of Auburn, Maine (the “City”).
2. In connection with that position, I enforce housing code and ordinances.
3. In the course of my duties for the City, I have become familiar with the property owned by Lions Real Estate LLC and located at 110 Hampshire Street (the “Hampshire Street property”) within the City limits.
4. The City has received numerous complaints regarding the condition of the Hampshire Street property.
5. As I will describe in more detail below, the structural elements of the Hampshire Street Property have not been maintained in a manner that is hazard free and suitable for the intended use and pose an immediate and serious threat to public health, safety, and welfare.
6. As I will describe in more detail below, the plumbing facilities of the Hampshire Street Property have not been maintained in good sanitary working condition and constitute a serious threat to public health and safety.
7. As I will describe in more detail below, the heating and ventilation system of the Hampshire Street Property has not been maintained in safe operating condition and constitute a serious threat to public health and safety and welfare.
8. The electrical and lighting of the Hampshire St Property has not been maintained in good, safe, and suitable electrical order and constitutes an immediate threat to public health, safety and welfare as described below.
9. In recent months, I have personally observed the structural elements of the property deteriorate, to the point that the Hampshire Street Property poses a serious and immediate safety hazard for the occupants of the building, the neighborhood, and the general public. The following is a brief summary of complaints I have personally received and discussed with the owner of the Hampshire Street Property.

SPECIFIC COMPLAINTS AND FAILURE TO ADDRESS PROPERTY CONDITIONS

10. On June 29, 2020, I received a complaint via email regarding maintenance issues within one of the apartments. I spoke with Alexandra Savard, who confirmed to me that she is the owner of Lions real estate LLC, that same day we made a verbal agreement that

she would repair the property. Attached as **Exhibit 7** is the email I received notifying me of the complaint.

11. On July 23, 2020, I received a voicemail regarding the complaint filed on June 29, 2020, making me aware that the repairs were never made.
12. On August 4, 2020, I received a phone call regarding the June 29, 2020, complaint, and I sent an email to Alexandra Savard owner of Lions Real estate LLC. A true copy of which is attached as **Exhibit 8**.
13. On September 14, 2020, I received an anonymous voicemail regarding trash & debris being allowed to accumulate around the building and other concerns regarding the condition of the structure. I followed up with a phone call with Peter Ntarugera, a representative of Lions Real Estate LLC and requested an inspection of the building. The Inspection was scheduled for September 25, 2020.
14. On September 25, 2020, I received an email canceling the inspection at the request of Lions Real Estate LLC and rescheduling it for September 30, 2020. Attached as **Exhibit 9** is the email I received rescheduling the inspection.
15. On September 30, 2020, I visited the Hampshire Street Property with Eric Cousens, the Director of Planning & Permitting, for the scheduled inspection. After waiting for a few minutes, I called Peter Ntarugera, a representative of Lions Real Estate LLC who informed me he would not be showing up but did give permission to walk on the property. At that time, I viewed the Hampshire Street Property from the road and driveway, and I observed significant deterioration of the structural elements and debris scattered about. For example, the porches which are a second means of egress for some of the units were in disrepair; there were holes in the side of the building exposing the framing; I noticed the roofing materials were deteriorated and an excess amount of trash was allowed to build up under the porches. Attached as **Exhibit 10** are photographs that I took of the Hampshire Street Property during this inspection.
16. On October 2, 2020, I issued Lions Real Estate LLC a Notice of Violation for the conditions I observed at my September 30, 2020, inspection, a true and accurate copy of which is attached as **Exhibit 11**.
17. On October 20, 2020, I again visited the Hampshire Street Property to observe whether the substandard conditions cited in my October 2, 2020 Notice of Violation had been cured. Based upon my personal observations that day, I concluded the cited violations and dangerous conditions persisted. In fact, no apparent effort had been made to mitigate these conditions therefore, I issued Lions Real Estate LLC the First Citation for the conditions I observed, a true and accurate copy of which is attached as **Exhibit 12**.

18. On November 9, 2020, I visited the Hampshire Street Property to verify whether the conditions referenced in my prior citation had been cured. I observed no change from the previous notice. On that day I issued Lions Real Estate LLC the Second Citation for the conditions I observed, a true and accurate copy of which is attached as **Exhibit 13**.
19. On November 25, I visited the Hampshire Street Property following up on the previous citation and observed no change in the condition of the property. On that day I issued Lions Real Estate LLC the Third Citation for the conditions I observed, a true and accurate copy of which is attached as **Exhibit 14**.
20. On February 17, 2021, I visited the Hampshire Street Property and observed no change in the condition of the property. I issued Lions real Estate LLC the Fourth Citation for the conditions I observed, a true and accurate copy of which is attached as **Exhibit 15**.
21. On February 18, 2021, Alexandra Savard applied for a building permit application for the purpose of making repairs to the Hampshire Street Property. Attached as **Exhibit 16** is the copy of her application I received by email.
22. On February 18, 2021, I responded to Ms. Savard's request and informed her that the application for that the application for a building permit did not demonstrate an intention to repair all of the substandard conditions that I repeatedly cited in my notices and citations to her. Attached as **Exhibit 17** is the email I sent.
23. On March 4, 2021, I received notification via email that an in-office representatives of the City had scheduled a meeting to be held with an in Lions Real Estate LLC. Through my conversations and correspondence with my colleagues, I was made aware that that the purpose of this meeting was to discuss the ongoing code violations at the Hampshire Street Property, and that the meeting had been requested by the property owner, Lions Real Estate LLC. The meeting was scheduled for March 8, 2020, at 11:00 am. On March 8, 2021. Attached as **Exhibit 18** is the email I received
24. I attended the meeting scheduled for March 8, 2021. Representatives for Lions Real Estate LLC did not appear. To the best of my knowledge and belief, the property owner did not attempt to reschedule. this meeting.
25. On April 5, 2021, I received another building permit application from Ms. Savard, purporting to seek permission to repair the Hampshire Street Property. However, the application was incomplete as it did not include payment of the permit fee, nor did it include required construction documents. describing the scope of the work to be performed. Attached as **Exhibit 19** is a true and accurate copy of the email and attachment I received
26. On April 24, 2021, I sent an email request to Ms. Savard, requesting that she provide more details regarding her recent permit application. Attached as **Exhibit 20** is a copy of the email I sent. To the best of my recollection and knowledge, she never responded or provided the requested information.

27. On July 20, 2021, I received an email from Ms. Savard, in which she described receiving a threat from one of her tenants to call the City's code enforcement office in the context of a landlord-tenant dispute. I informed her that if a complaint came in, we would need to conduct an inspection, I also made her aware that I still needed construction documents for the permit that was sought in April of 2020. Attached as **Exhibit 21** is the email correspondence for that communication.
28. On August 18, 2021, I received an email from Lions Real Estate with some construction documents apparently indicating an intention repair or replace the porch at the Hampshire Street Property. Attached as **Exhibit 22** is the email I received with the attachments.
29. On January 21, 2022, a meeting was scheduled with Ms. Savard for January 27, 2022. Attached as **Exhibit 23** is the email scheduling the meeting.
30. On January 27, 2022, a meeting took place in the community room at city hall to discuss the ongoing violations at The Hampshire Street Property. Those in attendance included Ms. Savard, Michael Fox, Eric Cousens, Cy Wilkinson, and Kris Beaudoin. At that meeting, Ms. Savard was informed that The City needed a documented plan of action that provided a timetable to repair the health and safety hazards of the Hampshire Street Property.
31. On February 1, 2022, I received an email from Alex Savard regarding the installation of an engineered beam otherwise referred to as an LVL at 110 Hampshire Street. The installation of this support beam is to restore the structural integrity of the property. Properly sized beams and LVL's are necessary components to carry and distribute load, failure of a beam often results catastrophic failure of the components it supports and can be conducive to injury and in some cases death. Attached as **Exhibit 24** is the email I received.
32. On March 1, 2022, I sent an email to Alex Savard requesting information that was not previously sent. Attached as **Exhibit 25** is the email I sent and the subsequent reply.
33. On April 12, 2022, I visited 110 Hampshire Street at the request of Michael Fox the contractor to verify that work for the support beam had been completed appropriately. During the inspection it was observed that the work had been covered and what was exposed was not sufficient.
34. On April 15, 2022, I revisited 110 Hampshire Street at the request of Michael Fox. During that visit I was able to view the work that had been completed. Because the area in question was uncovered it was observed that the new components were attached to completely deteriorated framing. Mr. Fox was contacted immediately to be made aware of the findings.

- 35. On August 30, 2022, I visited the property to conduct and inspection with Cy Wilkinson Code Compliance Officer for the City of Auburn, Jennifer Dick, Code compliance Officer for the City of Auburn, David O'Connell the Fire Prevention Officer for the City of Auburn and Charlie DeAngelis, the Electrician for the City of Auburn. During this inspection, I was provided access to two occupied units and two vacant units, and the common areas associated with those units. During the inspection I observed exposed wiring, missing smoke detectors, deteriorated flooring, missing/damaged handrails, loose decking, and railings on the rear egress. It was also observed at that time that the deteriorated roof had been repaired.
- 36. On September 1, 2022, I visited the property to conduct and inspection with Cy Wilkinson Code Compliance Officer for the City of Auburn, Jennifer Dick, Code compliance Officer for the City of Auburn, David O'Connell the Fire Prevention Officer for the City of Auburn and Charlie DeAngelis, the Electrician for the City of Auburn. During the inspection, significant deficiencies were observed including but not limited to; numerous stained ceiling tiles which indicates water leaking or moisture intrusion, holes in walls, rotting bathroom floors, broken windows, exposed electrical components and missing smoke detectors which are an immediate threat to health and safety, exposed wall cavities with active leaks causing deterioration of structural components, infestation, an abandoned oil tank in the basement, signs of unpermitted plumbing, and other deficiencies listed in the original Notice of Violation and subsequent Citations for instance, deteriorated porches which are a second means of egress, rotting substrate/framing etc. Attached as **Exhibit 26** are notes that I took of the Hampshire Street Property at that time.
- 37. As a result of the conditions described above, I believe that Lions Real Estate LLC. has no intention or means of making necessary repairs to the Hampshire Street Property, and that as a result of these conditions which have persisted for over 2 years despite repeated citations, notices and inspections, the Hampshire Street Property poses an immediate and serious threat to the health, safety, and welfare of any occupant of the property as well as the public, including without limitation, any first responders who may be required to enter the premises.

Dated: November 30, 2022

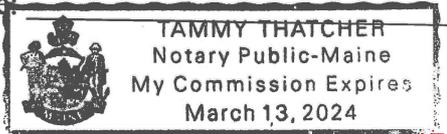


 Kris Beaudoin

STATE OF MAINE
 COUNTY OF ANDROSCOGGIN

November 30 2022

Personally, appeared the above-named Kris Beaudoin and made oath that the foregoing statements are true to the best of his knowledge and belief.

Tammy Thatcher
 Notary Public/Attorney at Law
 Print Name: _____
 5 

EXHIBIT

5

AFFIDAVIT OF CY WILKINSON

I, Cy Wilkinson, being duly sworn, state the following based upon my personal knowledge:

1. I am a Code Enforcement Officer for the City of Auburn, Maine (the "City").
2. In connection with that position, I enforce housing code and ordinances.
3. In the course of my duties for the City, I have become familiar with the property owned by Lions Real Estate LLC and located at 110 Hampshire St (the "Hampshire Street property") within the City limits.
4. The City has received numerous complaints regarding the condition of the Hampshire Street property.
5. As I will describe in more detail below, the structural elements of the Hampshire Street Property have not been maintained in a manner that is hazard free and suitable for the intended use, and pose an immediate and serious threat to public health, safety, and welfare.
6. As I will describe in more detail below, the plumbing facilities of the Hampshire Street Property have not been maintained in good sanitary working condition, and constitute a serious threat to public health and safety.
7. As I will describe in more detail below, the heating and ventilation system of the Hampshire Street Property has not been maintained in safe operating condition, and constitute a serious threat to public health and safety and welfare.
8. The electrical and lighting of the Hampshire St Property has not been maintained in good, safe, and suitable electrical order and constitutes an immediate threat to public health, safety and welfare as described below.
9. In recent months, I have personally observed the structural elements of the property deteriorate, to the point that the Hampshire Street Property poses a serious and immediate safety hazard for the occupants of the building, the neighborhood, and the general public. The following is a brief summary of complaints I have personally received and discussed with the owner of the Hampshire Street Property.

SPECIFIC COMPLAINTS AND FAILURE TO ADDRESS PROPERTY CONDITIONS

10. On December 19, 2021 I received a call from Stardust Chase, a concerned tenant at the Hampshire Street property in apartment #3 regarding exposed electrical wires, missing fire alarms, and no floor covering in her apartment. We schedule an inspection for the following day December 20, 2021 at 9:00am.
11. On December 20, 2021, Eric Cousens, Director of Planning and Permitting and I conducted an exterior inspection of the Hampshire Street property to follow up on an existing citation for case 1847-2020. We also conducted the inspection of Apartment #3 as scheduled the day before with Stardust Chase. During the inspection we observed broken railings and guards on secondary egress, broken windows, peeling and chipping paint, exposed deteriorating structural elements, missing siding, water intrusion, exposed wires, missing faceplates to outlets and switches, missing smoke detectors, and no floor covering. Attached as **Exhibit 2** is the scheduled inspection and findings/pictures taken that day.

12. On December 20, 2021, I issued Lions Real Estate LLC the fifth citation for case 1847-2020 for the conditions I observed, a true and accurate copy of which is attached as **Exhibit 28**.
13. On December 21, 2021 I issued Lions Real Estate LLC a new Notice of violation regarding the interior housing conditions I observed on December 20, 2021. A true accurate copy of which is attached as **Exhibit 29**.
14. On January 20, 2021 I received an email from Alexandria Savard stating they have a plan for the repairs and want to meet to go over the plan they had made. Attached as **Exhibit 30** is the email from Alexandria Savard.
15. On January 21, 2022, a meeting was scheduled with Alexandria Savard for January 27, 2022 to go over her plan for the repairs. Attached as **Exhibit 31** is the email scheduling the meeting.
16. On January 27, 2022, a meeting took place in the community room at city hall to discuss the ongoing violations at 110 Hampshire St. Those in attendance included Alexandria Savard, Michael Fox, Eric Cousens, Kris Beaudoin, and Cy Wilkinson.
17. On August 30, 2022, I visited the property to conduct an inspection with Kris Beaudoin Code Compliance Officer Team Lead for the City of Auburn, Jennifer Dick, Code compliance Officer for the City of Auburn, David O'Connell the Fire Prevention Officer for the City of Auburn and Charlie DeAngelis, the Electrician for the City of Auburn. During this inspection, I was provided access to two occupied units and two vacant units, and the common areas associated with those units. During the inspection I observed exposed wiring, missing smoke detectors, deteriorated flooring, missing/damaged handrails, loose decking, and railings on the rear egress. It was also observed at that time that the deteriorated roof had been repaired.
18. On September 1, 2022, I visited the property to conduct and inspection with Kris Beaudoin Code Compliance Officer Team Lead for the City of Auburn, Jennifer Dick, Code compliance Officer for the City of Auburn, David O'Connell the Fire Prevention Officer for the City of Auburn and Charlie DeAngelis, the Electrician for the City of Auburn. During the inspection, significant deficiencies were observed, Attached as **Exhibit 32** are photographs that I took of the Hampshire Street Property at that time.
19. As a result of the conditions described above, I believe that Lions Real Estate LLC. has no intent of making necessary repairs to the Hampshire Street Property, and that the lack of actions constitutes a nuisance in violation of the City ordinances and state law.
20. Based upon these circumstances, Lions Real Estate LLC's inaction to properly maintain the Hampshire Street property is in such a manner as to be unsightly, detracting from the natural scenery, injurious to the happiness of individuals and the public, and injurious to the property rights of the occupants of the structure, the abutters and of the citizens of Auburn.

Dated: November 29, 2022

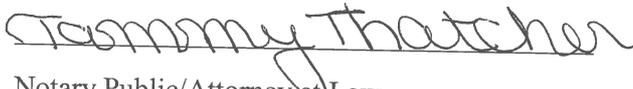

Cy Wilkinson

STATE OF MAINE

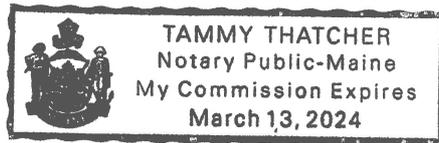
November 29 2022

COUNTY OF ANDROSCOGGIN

Personally, appeared the above-named Cy Wilkinson and made oath that the foregoing statements are true to the best of his knowledge and belief.


Notary Public/Attorney at Law

Print Name:



EXHIBIT

6

AFFIDAVIT OF JENNIFER DICK

I, Jennifer Dick, being duly sworn, state the following based upon my personal knowledge:

1. I am a Code Enforcement Officer for the City of Auburn, Maine (the “City”).
2. In connection with that position, I enforce Housing code and ordinances.
3. In the course of my duties for the City, I have become familiar with the property owned by Lions Real Estate LLC and located at 110 Hampshire St (the “Hampshire Street property”) within the City limits.
4. The City has received numerous complaints regarding the condition of the Hampshire Street property.
5. As I will describe in more detail below, the structural elements of the Hampshire Street Property have not been maintained in a manner that is hazard free and suitable for the intended use and pose an immediate and serious threat to public health and safety.
6. As I will describe in more detail below, the plumbing facilities of the Hampshire Street Property have not been maintained in good sanitary working condition,
7. As I will describe in more detail below, the heating and ventilation system of the Hampshire Street Property has not been maintained in safe operating condition and pose an immediate and serious threat to public health and safety and welfare.
8. The electrical and lighting of the Hampshire St Property has not been maintained in good, safe, and suitable electrical order and constitutes an immediate threat to the public health, safety, and welfare, as described below.
9. In recent months, I have observed the structural elements of the property deteriorate to the point that the Hampshire Street Property poses a serious and immediate safety hazard for the occupants of the building, the neighborhood, and the general public.
10. On August 30, 2022, I visited the property to conduct an inspection with Team Leader Code Compliance Officer Kris Beaudoin for the City of Auburn, Cy Wilkinson Code Compliance Officer for the City of Auburn, David O’Connell the Fire Prevention Officer for the City of Auburn and Charlie DeAngelis, the Electrician for the City of Auburn. I was provided access to two occupied units and two vacant units, and the common areas associated with those units. During the inspection I observed exposed wiring, missing smoke detectors, deteriorated flooring, missing/damaged handrails, loose decking, and railings on the rear egress. It was also observed at that time that the deteriorated roof had been repaired.

11. On September 1, 2022, I visited the property to conduct and inspection with Team Leader Code Compliance Officer Kris Beaudoin for the City of Auburn, Cy Wilkinson Code Compliance Officer for the City of Auburn, David O'Connell the Fire Prevention Officer for the City of Auburn and Charlie DeAngelis, the Electrician for the City of Auburn. During the inspection, significant deficiencies were observed including but not limited to; numerous stained, missing ceiling tiles which indicates water leaking or moisture intrusion, holes in walls, rotting bathroom floors, broken windows, exposed electrical components and missing smoke detectors which are an immediate threat to health and safety, exposed wall cavities with active leaks causing deterioration of structural components, an abandoned oil tank in the basement, signs of unpermitted plumbing, and other deficiencies listed in the original Notice of Violation and subsequent Citations for instance, deteriorated porches which are a second means of egress, rotting substrate/framing etc. Attached as **Exhibit 33** are photographs that I took of the Hampshire Street Property at that time.

Dated: November 29, 2022

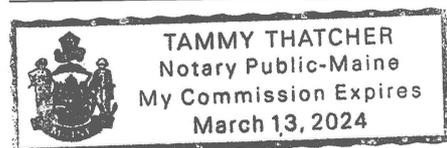

Jennifer Dick

STATE OF MAINE
COUNTY OF ANDROSCOGGIN

November 29, 2022

Personally, appeared the above-named Jennifer Dick and made oath that the foregoing statements are true to the best of his knowledge and belief.


Notary Public/Attorney at Law
Print Name: _____



EXHIBIT



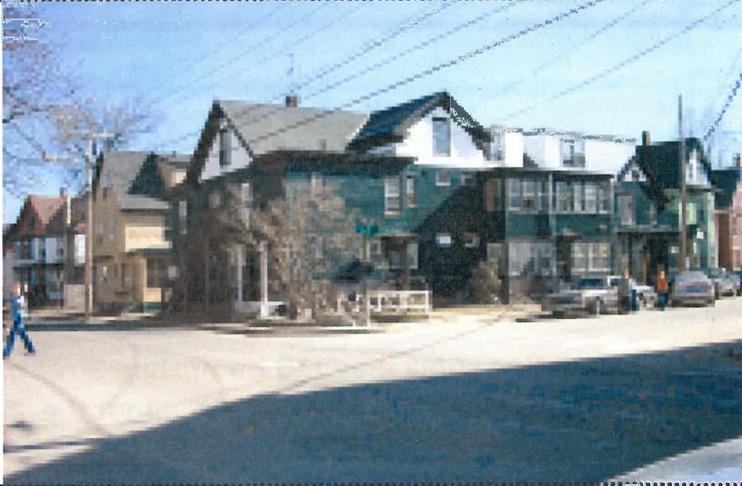
Kris Beaudoin

From: Rhonda Russell
Sent: Monday, June 29, 2020 2:15 PM
To: Kris Beaudoin
Cc: David O'Connell
Subject: 17 Willow St (110 Hampshire) Complaint

Kris,
I received a call from Dan Gallagher regarding 17 Willow Street (we know it as 110 Hampshire Street). He said his mother lives there and has complained to the landlord, Lions Real Estate, LLC about the ceiling leaking upstairs. The landlord said they would fix it but never have and now the ceiling is sagging from the pressure of all the rain water. Dan said there's also a bedbug infestation there so his mom who just had surgery cannot lie down in the bedroom because of that.

Dan can be reached at 899-8019

Thank you!



Street: HAMPSHIRE ST City: AUBURN Owner: LIONS REAL ESTATE LLC User A

#: 110 Show: All All Primary

Location Owner

Print This Year Only

CMP - Complete Bldg: 1 Of 1 Activity Permits Transfers

- Exemptions
- Transfers
- Permits
- Activity
- LookupGrid

<input type="checkbox"/> Closed <input type="checkbox"/> Locked Account Type: Imp/Vac/YI: Improved - Improved Neighborhood: GB8 - MISC BUS Market Area: Unit Type: District Code: AUBURN - Appraisal Area:	Sales Information Legal Ref: 1002 Date: 2/7/ Grantor: MIAK Validity: PEX Legal Ref: 8576 Date: 12/3 Grantor: LABA Validity: PKG
---	--

Owner (1 of 1) LIONS REAL ESTATE LLC PO BOX 3403 AUBURN, ME 04210	Valuation Information Appraised: Im Calc Area: 0. Total Land: \$3 Ag Credit: Land: \$3 Building: \$1 Yard: Total: \$2
--	--

Narrative Building Info This parcel contains 0.16 AC of land mainly classified as MULTI FAMILY with a MULTI-CONV Building built about 1931, having primarily ASBESTOS Exterior and 6,619 Square Feet, with 9 Residential Units, 9 Baths, 36 Rooms, and 15 Bdrms.	Assessed: Land: \$3 Building: \$1 Yard:
--	---

RA, ROE

Rhonda M Russell

Administrative Assistant | Economic and Community Development, City of Auburn
60 Court Street | Auburn, Maine 04210 | 207.333.6601 X1158

*The City of Auburn is subject to statutes relating to public records.
E-mail sent or received by City employees are subject to these laws.
Senders and receivers of City e-mail should presume that messages are subject to release.*

EXHIBIT

8

Kris Beaudoin

From: Kris Beaudoin
Sent: Tuesday, August 04, 2020 3:07 PM
To: savardalexandrea5@gmail.com
Subject: 110 Hampshire St

Alex,

I have been receiving complaints regarding 110 Hampshire St #3 and have been speaking with Peter regarding the plumbing leaks and lack of water and was assured that this would be taken care of over a week ago. Again today I received another call about the water issue and the leaking and was made aware that others in the building are having similar issues. Please contact me ASAP so we can discuss these calls.

Best Regards

Kris R. Beaudoin
Code Compliance Officer, LPI
Office of Economic & Community Development
City of Auburn
60 Court Street Ste 104
Auburn, Me. 04210
kbeaudoin@auburnmaine.gov
Phone: 207-333-6601 Ext. 1150
www.auburnmaine.gov

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E-mail sent or received by City employees are subject to these laws.
Senders and receivers of City e-mail should presume that messages are subject to release.

EXHIBIT

9

110 Hampshire St Building inspection Peter 513-0219 10:00



Kris Beaudoin

Required Eric Cousens

✓ Accept

? Tentative

✗ Decline



Fri 9/25/2020 9:28 AM

🕒 Wednesday, September 30, 2020 10:00 AM - 12:00 PM, (Friday, September 25, 2020 10:00 AM - 12:00 PM)

📍 110 hampshire St

EXHIBIT

10

Photographs of 110 Hampshire St September 30, 2020



Violation: Sec. 12-226. - Maintenance.



Violation: Sec. 12-226. - Maintenance



Violation: Sec. 12-231. - Garbage and rubbish



Violation: Sec. 12-226. - Maintenance



Violation: Sec. 12-226. - Maintenance.



Violation: Sec. 12-226. - Maintenance



Violation: Sec. 12-226. - Maintenance.



Violation: Sec. 12-226. - Maintenance

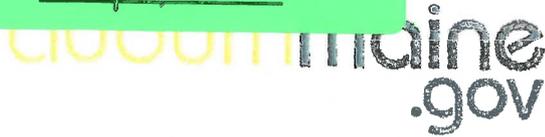


Violation: Sec. 12-226. - Maintenance.



Violation: Sec. 12-226. - Maintenance

EXHIBIT



City of Auburn, Maine
Economic & Community Development
Michael Chammings, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207 333 6601

NOTICE OF VIOLATION
CODE-1847-2020

October 2, 2020

91 7199 9991 7038 5362 5719

Lions Real Estate, LLC
175 Pine Street
Lewiston, ME 04240

RE: 110 HAMPSHIRE ST, PID # 250-357

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

110 HAMPSHIRE ST.
AUBURN, ME 04210
PID#: 250357000

*****PERMIT REQUIRED*****

- Deterioration to exterior surface areas.
- Missing siding leaving structural elements exposed to the weather
- Loose/Damaged handrails and railings
- Structural components of the porches are damaged or separating
- Deterioration/Rot in exposed areas of sheathing and framing
- Deteriorated roofing materials

Violation: Chapter 12, Section 12-226; MAINTENANCE

Revision: All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

Corrective Action: Apply for and obtain permits for the issues listed above, make necessary repairs or replacements of any compromised areas and contact this office to schedule a complete building inspection.

Compliance Date: October 16, 2020

- Trash has been allowed to accumulate and is now scattered around the entire building.

Violation: Chapter 44, Section 44-32; Accumulation of Refuse.

Revision: No person shall allow any material to collect or lie on property which he owns, occupies or

controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, or is unsightly or is offensive.

Corrective Action: Properly dispose of all trash located outside of the property, this includes the driveway areas and street side.

Compliance Date: 10/16/2020

Therefore, in accordance with the above referenced ordinance requirements, you are hereby ordered to complete the above corrective action by the compliance date given. Your prompt attention to this matter is advised to avoid legal action. It is our sincere desire to work with you in devising an implementation schedule for the correction of these conditions. Please contact this office immediately if circumstances do not permit the timely compliance with this order and abatement of the violations or if you have any questions regarding this matter.

In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 2, Article VIII of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred and five dollars (\$105.00) for the first citation and you will be reordereed to abate the outstanding violations in the previous Notices and Orders. In the event that you do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred and ten dollars (\$210.00), the third is four hundred and twenty dollars (\$420.00), the fourth and subsequent citations are eight hundred and forty dollars (\$840.00), and penalties are cumulative. In the future, if any of the above violations are repeated, you are not entitled to receive any further notification, and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars (\$100.00) and two-thousand five-hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

If you disagree with this Notice of Violations and order, you may appeal to the Auburn Board of Appeals pursuant to 30-A M.R.S. § 2691(4). You must do so within 30 days of the date of this order, pursuant to Section 60-1151 of the City Code, or you will be deemed to have waived your right to appeal. The decisions of timely appeals to the Auburn Board of Appeals may be reviewed by the Superior Court subject to the terms and conditions stated in M.R. Civ. P. 80B. A failure to appeal this Notice of Violation does not preclude you from opposing any further enforcement action the City may pursue against you.

If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1150

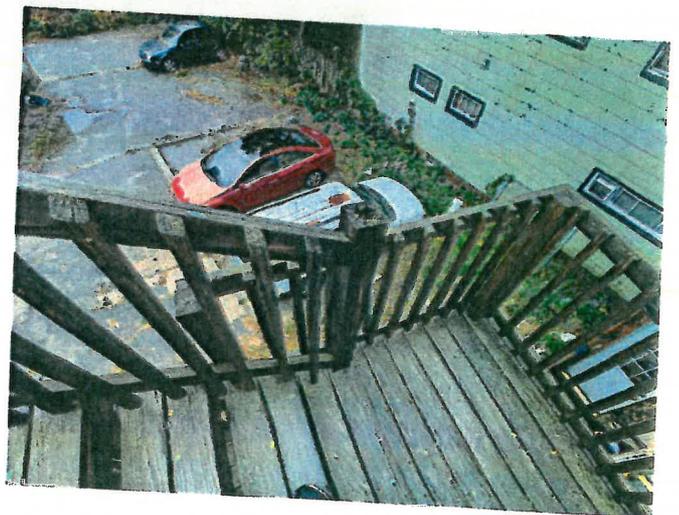
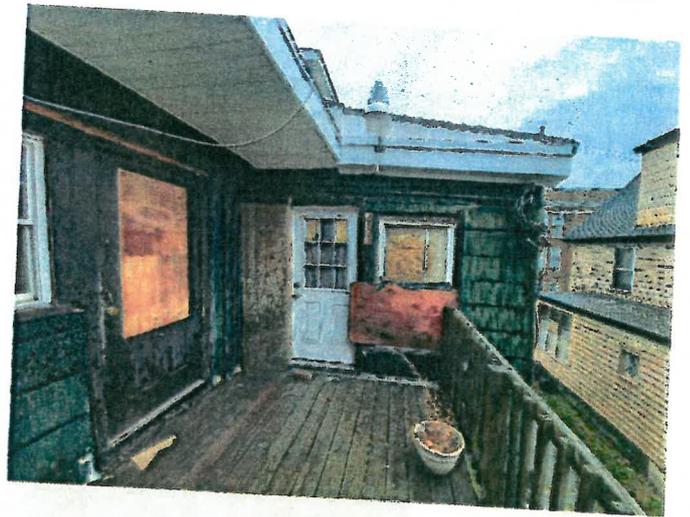
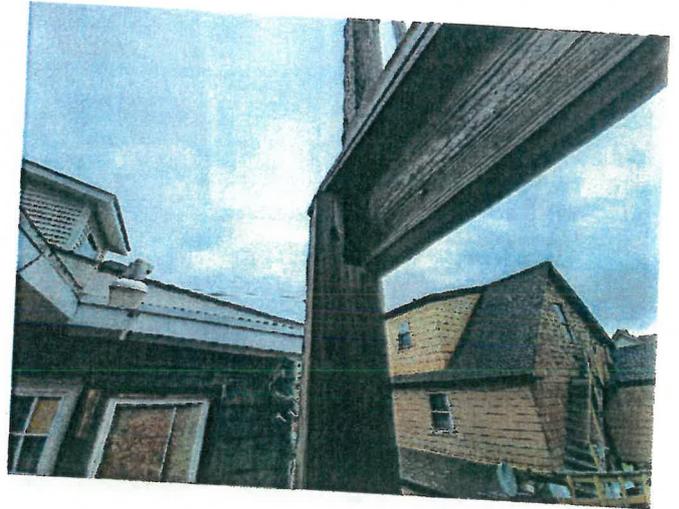
Sincerely,



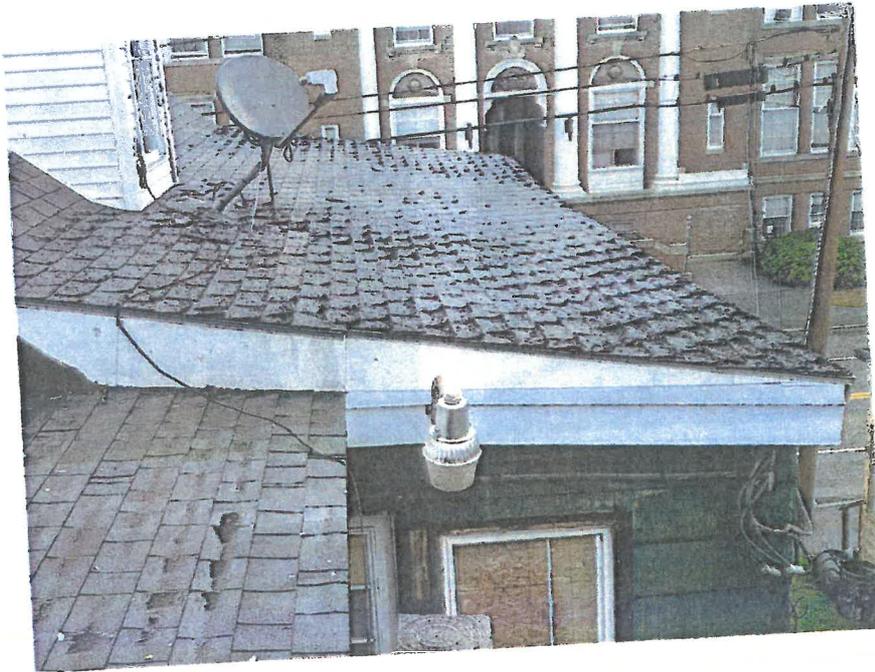
Kris R. Beaudoin
Code Compliance Officer
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601 Ext. 1150
kbeaudoin@auburnmaine.gov

Cc: Eric Cousens, Deputy Director of Economic and Community Development

60 Court Street • Auburn, ME 04210
(207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6625 Fax
www.auburnmaine.gov



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60 Court Street • Auburn, ME 04210
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www.auburnmaine.gov

EXHIBIT

12



City of Auburn, Maine
Economic & Community Development
Eric Cousens, Interim Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

**FIRST CITATION - \$105
NOTICE OF CIVIL PENALTY
CODE-1847-2020**

October 20, 2020

Lions Real Estate, LLC
175 Pine Street
Lewiston, ME 04240

9489 0090 0027 6269 5893 68

RE: 110 HAMPSHIRE ST, PID # 250-357

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

110 HAMPSHIRE ST.
AUBURN, ME 04210
PID#: 250357000

*****PERMIT REQUIRED*****

- Deterioration to exterior surface areas.
- Missing siding leaving structural elements exposed to the weather
- Loose/Damaged handrails and railings
- Structural components of the porches are damaged or separating
- Deterioration/Rot in exposed areas of sheathing and framing
- Deteriorated roofing materials

Violation: Chapter 12, Section 12-226; MAINTENANCE

Revision: All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

Corrective Action: Apply for and obtain permits for the issues listed above, make necessary repairs or replacements of any compromised areas and contact this office to schedule a complete building inspection.

Compliance Date: November 3, 2020

- Trash has been allowed to accumulate and is now scattered around the entire building.

Violation: Chapter 44, Section 44-32; Accumulation of Refuse.

Revision: No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or

repose of the public, emits odors, or is unsightly or is offensive.

Corrective Action: Properly dispose of all trash located outside of the property, this includes the driveway areas and street side.

Compliance Date: November 3, 2020

Therefore, in accordance with Chapter 2, Article VIII of the Ordinances of the City of Auburn, you are hereby ordered to pay a civil penalty in the amount of **one hundred and five dollars (\$105)** to the City of Auburn. This penalty amount must be received by this office within seven days of receiving this citation. Payment of this fine may be made in person or by mail to Auburn Hall, C/O Planning and Permitting Department, suite 104, 60 Court Street, Auburn, ME 04210. Unpaid civil penalties accrue at 18% per annum beginning 5 days after the date the civil penalty became due.

You are further ordered to correct the violation by the Compliance Date listed above. Failure to correct the violation by the compliance date will result in the issuance of a second citation with a civil penalty in the amount of two hundred and ten dollars (\$210.00), the third is four hundred and twenty dollars (\$420.00), the fourth and subsequent citations are eight hundred and forty dollars (\$840.00), and penalties are cumulative. In the future, if the specific violation(s) is/are repeated you are not entitled to receive any further notification and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars (\$100.00) and two-thousand five-hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

If you wish to dispute anything contained in the Notice of Violation / Order to Correct, you may appeal to the Auburn Board of Appeals by submitting a written petition to the Director of Planning and Permitting, in accordance with Chapter 60, Article 15, Division 3 of the Ordinance, within thirty (30) days of receipt of this letter requesting an appeals hearing be scheduled before the Board of Appeals. The hearing shall be held within sixty-five (65) days of the receipt of the petition for appeal and shall be heard as an administrative appeal. A one hundred and fifty dollar (\$150.00) filing fee plus required advertising fee is required at the receipt of the written request for Appeal on the form provided by the Planning and Permitting Department. Failure to appeal within (30) days may deprive you of your ability to contest the contents of this Notice of Violation / Order to Correct in any subsequent legal proceedings. However, filing an appeal to the Board of Appeals does not relieve you of your obligation to correct the violations or of your liability for civil penalties.

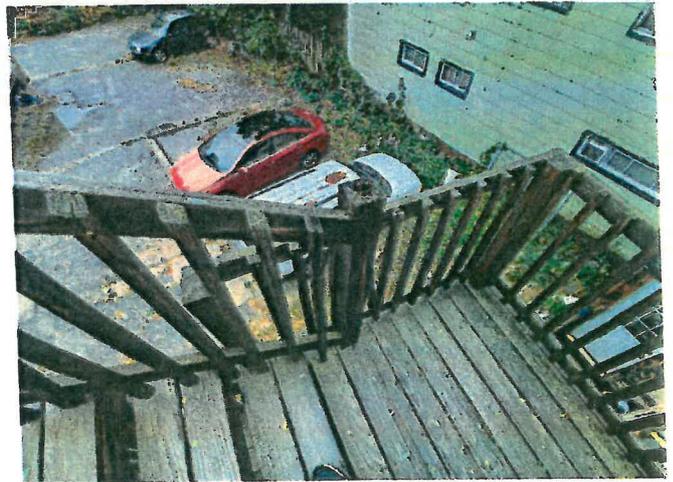
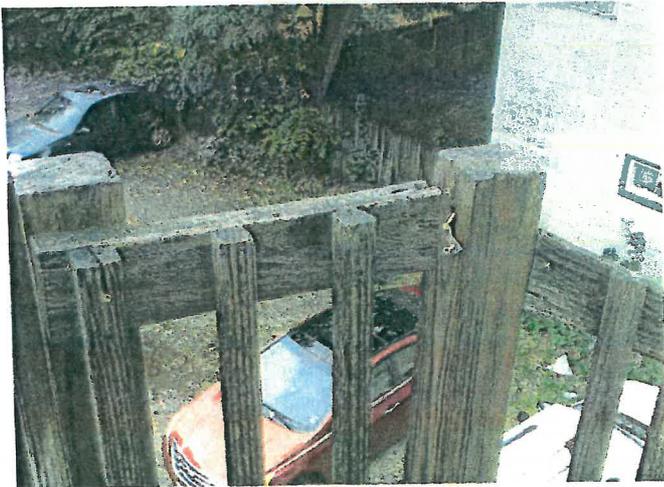
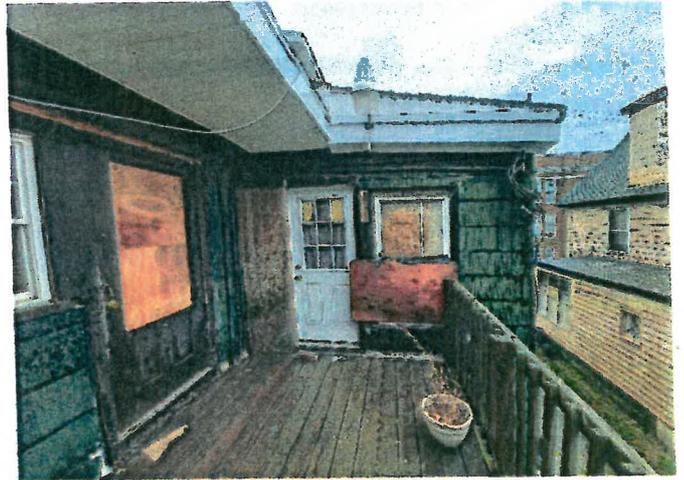
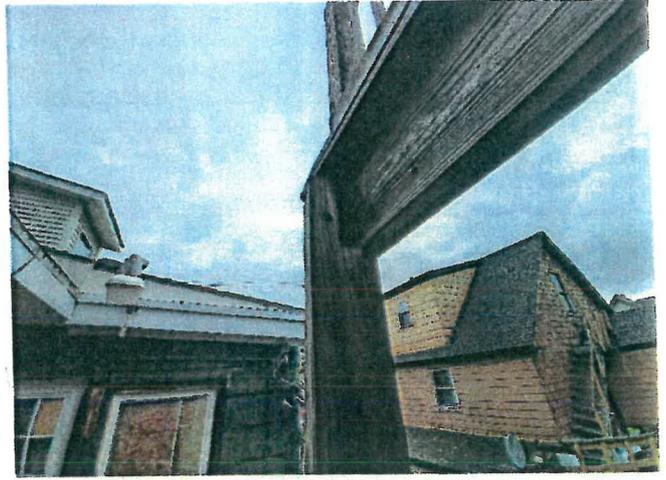
If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1150

Sincerely,



Kris R. Beaudoin
Code Compliance Officer
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601 Ext. 1150
kbeaudoin@auburnmaine.gov

Cc: Eric Cousens, Interim Director of Economic and Community Development
60 Court Street • Auburn, ME 04210
(207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6625 Fax
www.auburnmaine.gov



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www.auburnmaine.gov

EXHIBIT

13

auburnmaine
.gov

City of Auburn, Maine
Economic & Community Development
Eric Cousens, Interim Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

SECOND CITATION - \$210
NOTICE OF CIVIL PENALTY
CODE-1847-2020

November 9, 2020

9489 0090 0027 6269 5892 52

Lions Real Estate, LLC
175 Pine Street
Lewiston, ME 04240

RE: 110 HAMPSHIRE ST, PID # 250-357

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

110 HAMPSHIRE ST.
AUBURN, ME 04210
PID#: 250357000

*****PERMIT REQUIRED*****

- Deterioration to exterior surface areas.
- Missing siding leaving structural elements exposed to the weather
- Loose/Damaged handrails and railings
- Structural components of the porches are damaged or separating
- Deterioration/Rot in exposed areas of sheathing and framing
- Deteriorated roofing materials

Violation: Chapter 12, Section 12-226; MAINTENANCE

Revision: All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

Corrective Action: Apply for and obtain permits for the issues listed above, make necessary repairs or replacements of any compromised areas and contact this office to schedule a complete building inspection.

Compliance Date: November 23, 2020

- Trash has been allowed to accumulate and is now scattered around the entire building.

Violation: Chapter 44, Section 44-32; Accumulation of Refuse.

Revision: No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or

60 Court Street • Auburn, ME 04210
(207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6625 Fax
www.auburnmaine.gov

repose of the public, emits odors, or is unsightly or is offensive.

Corrective Action: Properly dispose of all trash located outside of the property, this includes the driveway areas and street side.

Compliance Date: November 23, 2020

Therefore, in accordance with Chapter 2, Article VIII of the Ordinances of the City of Auburn, you are hereby ordered to pay a civil penalty in the amount of **two hundred and ten dollars (\$210)** to the City of Auburn. This penalty amount must be received by this office within seven days of receiving this citation. Payment of this fine may be made in person or by mail to Auburn Hall, C/O Planning and Permitting Department, suite 104, 60 Court Street, Auburn, ME 04210. Unpaid civil penalties accrue at 18% per annum beginning 5 days after the date the civil penalty became due.

You are further ordered to correct the violation by the Compliance Date listed above. Failure to correct the violation by the compliance date will result in the issuance of a third citation with a civil penalty in the amount of four hundred and twenty dollars (\$420.00), the fourth and subsequent citations are eight hundred and forty dollars (\$840.00), and penalties are cumulative. In the future, if the specific violation(s) is/are repeated you are not entitled to receive any further notification and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars (\$100.00) and two-thousand five-hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

If you wish to dispute anything contained in the Notice of Violation / Order to Correct, you may appeal to the Auburn Board of Appeals by submitting a written petition to the Director of Planning and Permitting, in accordance with Chapter 60, Article 15, Division 3 of the Ordinance, within thirty (30) days of receipt of this letter requesting an appeals hearing be scheduled before the Board of Appeals. The hearing shall be held within sixty-five (65) days of the receipt of the petition for appeal and shall be heard as an administrative appeal. A one hundred and fifty dollar (\$150.00) filing fee plus required advertising fee is required at the receipt of the written request for Appeal on the form provided by the Planning and Permitting Department. Failure to appeal within (30) days may deprive you of your ability to contest the contents of this Notice of Violation / Order to Correct in any subsequent legal proceedings. However, filing an appeal to the Board of Appeals does not relieve you of your obligation to correct the violations or of your liability for civil penalties.

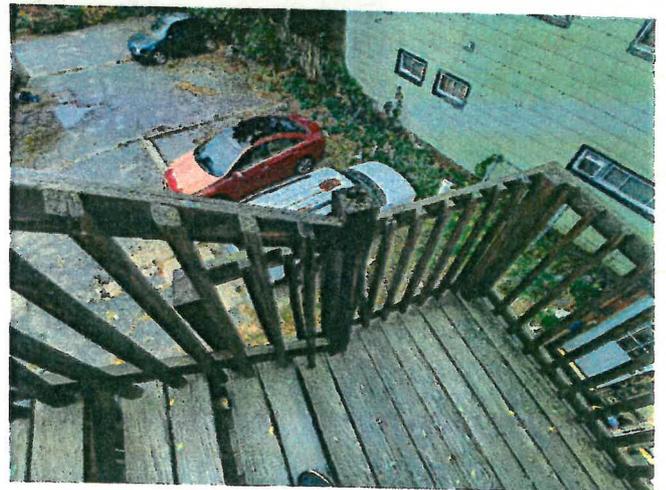
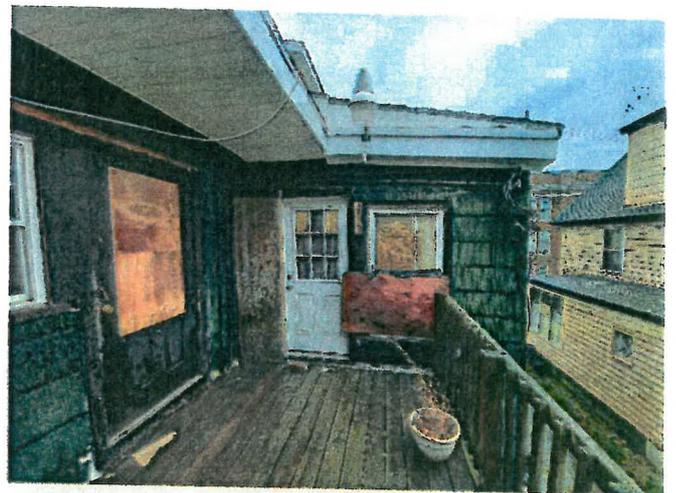
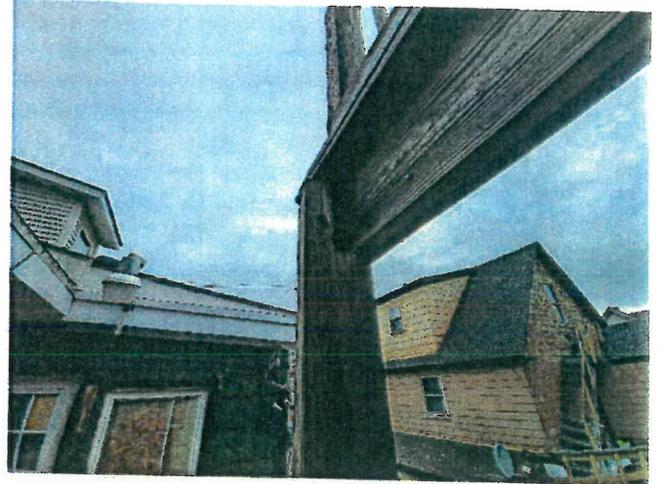
If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1150

Sincerely,

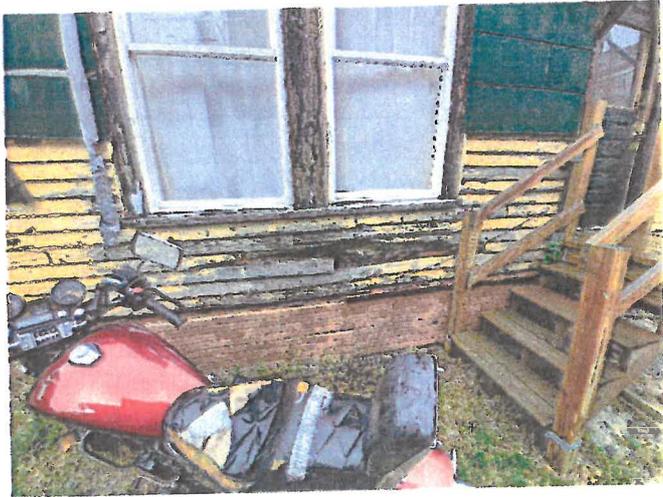


Kris R. Beaudoin
Code Compliance Officer
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601 Ext. 1150
kbeaudoin@auburnmaine.gov

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EXHIBIT

14



City of Auburn, Maine
Economic & Community Development
Eric Cousens, Interim Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

**THIRD CITATION - \$420
NOTICE OF CIVIL PENALTY
CODE-1847-2020**

November 25, 2020

9489 0090 0027 6269 5889 96

Lions Real Estate, LLC
175 Pine Street
Lewiston, ME 04240

RE: 110 HAMPSHIRE ST, PID # 250-357

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

110 HAMPSHIRE ST.
AUBURN, ME 04210
PID#: 250357000

*****PERMIT REQUIRED*****

- Deterioration to exterior surface areas.
- Missing siding leaving structural elements exposed to the weather
- Loose/Damaged handrails and railings
- Structural components of the porches are damaged or separating
- Deterioration/Rot in exposed areas of sheathing and framing
- Deteriorated roofing materials

Violation: Chapter 12, Section 12-226; MAINTENANCE

Revision: All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

Corrective Action: Apply for and obtain permits for the issues listed above, make necessary repairs or replacements of any compromised areas and contact this office to schedule a complete building inspection.

Compliance Date: DECEMBER 9, 2020

- Trash has been allowed to accumulate and is now scattered around the entire building.

Violation: Chapter 44, Section 44-32; Accumulation of Refuse.

Revision: No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or

repose of the public, emits odors, or is unsightly or is offensive.

Corrective Action: Properly dispose of all trash located outside of the property, this includes the driveway areas and street side.

Compliance Date: DECEMBER 9, 2020

Therefore, in accordance with Chapter 2, Article VIII of the Ordinances of the City of Auburn, you are hereby ordered to pay a civil penalty in the amount of **four hundred and twenty dollars (\$420)** to the City of Auburn. This penalty amount must be received by this office within seven days of receiving this citation. Payment of this fine may be made in person or by mail to Auburn Hall, C/O Planning and Permitting Department, suite 104, 60 Court Street, Auburn, ME 04210. Unpaid civil penalties accrue at 18% per annum beginning 5 days after the date the civil penalty became due.

You are further ordered to correct the violation by the Compliance Date listed above. Failure to correct the violation by the compliance date will result in the issuance of a fourth citation with a civil penalty in the amount of four hundred and forty dollars (\$440.00), and subsequent citations are eight hundred and forty dollars (\$840.00), and penalties are cumulative. In the future, if the specific violation(s) is/are repeated you are not entitled to receive any further notification and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars (\$100.00) and two-thousand five-hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

If you wish to dispute anything contained in the Notice of Violation / Order to Correct, you may appeal to the Auburn Board of Appeals by submitting a written petition to the Director of Planning and Permitting, in accordance with Chapter 60, Article 15, Division 3 of the Ordinance, within thirty (30) days of receipt of this letter requesting an appeals hearing be scheduled before the Board of Appeals. The hearing shall be held within sixty-five (65) days of the receipt of the petition for appeal and shall be heard as an administrative appeal. A one hundred and fifty-dollar (\$150.00) filing fee plus required advertising fee is required at the receipt of the written request for Appeal on the form provided by the Planning and Permitting Department. Failure to appeal within (30) days may deprive you of your ability to contest the contents of this Notice of Violation / Order to Correct in any subsequent legal proceedings. However, filing an appeal to the Board of Appeals does not relieve you of your obligation to correct the violations or of your liability for civil penalties.

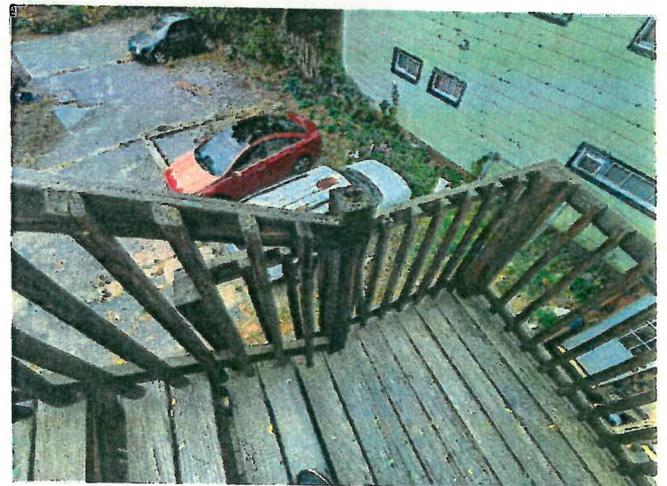
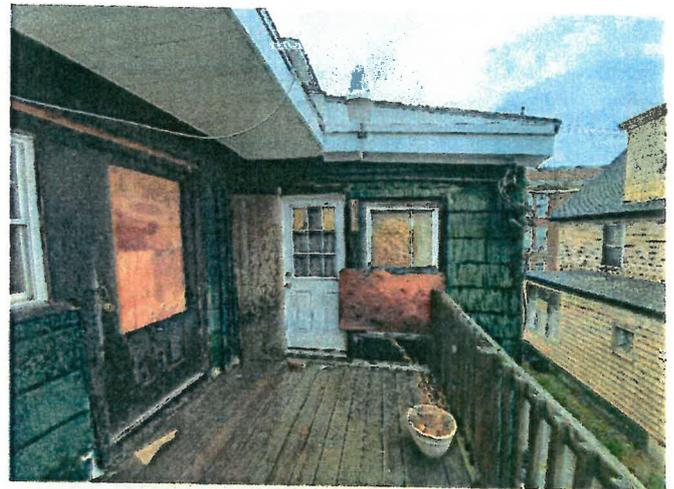
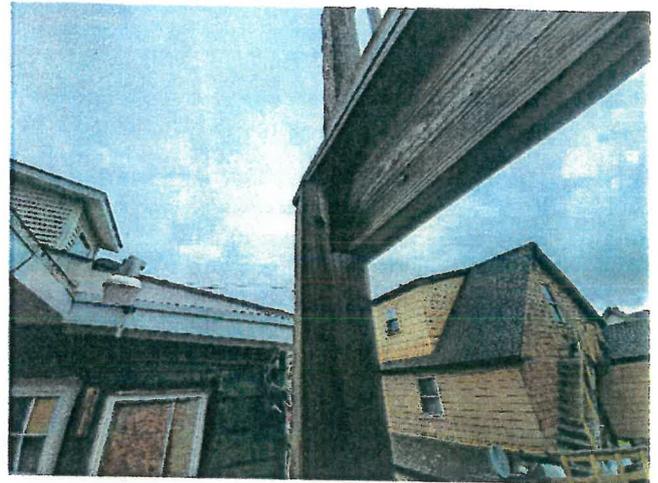
If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1150

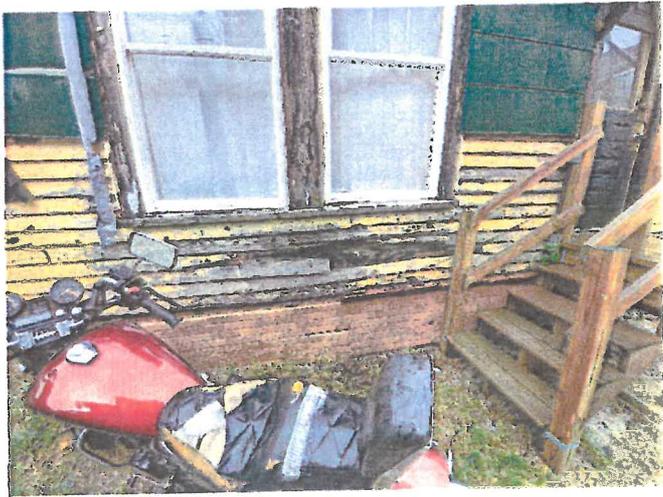
Sincerely,


Kris R. Beaudoin
Code Compliance Officer
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601 Ext. 1150
kbeaudoin@auburnmaine.gov

Cc: Eric Cousens, Interim Director of Economic and Community Development

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City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

**FOURTH CITATION - \$840
NOTICE OF CIVIL PENALTY
CODE-1847-2020**

February 17, 2021

Lions Real Estate, LLC
175 Pine Street
Lewiston, ME 04240

9489 0090 0027 6269 5889 72
9489 0090 0027 6269 5889 72

RE: 110 HAMPSHIRE ST, PID # 250-357

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

110 HAMPSHIRE ST.
AUBURN, ME 04210
PID#: 250357000

*****PERMIT REQUIRED*****

- Deterioration to exterior surface areas.
- Missing siding leaving structural elements exposed to the weather
- Loose/Damaged handrails and railings
- Structural components of the porches are damaged or separating
- Deterioration/Rot in exposed areas of sheathing and framing
- Deteriorated roofing materials

Violation: Chapter 12, Section 12-226; MAINTENANCE

Revision: All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

Corrective Action: Apply for and obtain permits for the issues listed above, make necessary repairs or replacements of any compromised areas and contact this office to schedule a complete building inspection.

Compliance Date: March 3, 2021

- Trash has been allowed to accumulate and is now scattered around the entire building.

Violation: Chapter 44, Section 44-32; Accumulation of Refuse.

Revision: No person shall allow any material to collect or lie on property which he owns, occupies or controls in such a manner that it attracts flies, annoys or interferes with the safety, health, comfort or repose of the public, emits odors, or is unsightly or is offensive.

Corrective Action: Properly dispose of all trash located outside of the property, this includes the driveway areas and street side.

Compliance Date: March 3, 2021

Therefore, in accordance with Chapter 2, Article VIII of the Ordinances of the City of Auburn, you are hereby ordered to pay a civil penalty in the amount of eight hundred and forty dollars (\$840) to the City of Auburn. This penalty amount must be received by this office within seven days of receiving this citation. Payment of this fine may be made in person or by mail to Auburn Hall, C/O Planning and Permitting Department, suite 104, 60 Court Street, Auburn, ME 04210. Unpaid civil penalties accrue at 18% per annum beginning 5 days after the date the civil penalty became due.

You are further ordered to correct the violation by the Compliance Date listed above. Failure to correct the violation by the compliance date will result in the issuance of a citation with a civil penalty in the amount of eight hundred and forty dollars (\$840.00), and subsequent citations are eight hundred and forty dollars (\$840.00), and penalties are cumulative. In the future, if the specific violation(s) is/are repeated you are not entitled to receive any further notification and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30 A.M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one hundred dollars (\$100.00) and two thousand five hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

If you wish to dispute anything contained in the Notice of Violation / Order to Correct, you may appeal to the Auburn Board of Appeals by submitting a written petition to the Director of Planning and Permitting, in accordance with Chapter 60, Article 15, Division 3 of the Ordinance, within thirty (30) days of receipt of this letter requesting an appeals hearing be scheduled before the Board of Appeals. The hearing shall be held within sixty five (65) days of the receipt of the petition for appeal and shall be heard as an administrative appeal. A one hundred and fifty dollar (\$150.00) filing fee plus required advertising fee is required at the receipt of the written request for Appeal on the form provided by the Planning and Permitting Department. Failure to appeal within (30) days may deprive you of your ability to contest the contents of this Notice of Violation / Order to Correct in any subsequent legal proceedings. However, filing an appeal to the Board of Appeals does not relieve you of your obligation to correct the violations or of your liability for civil penalties.

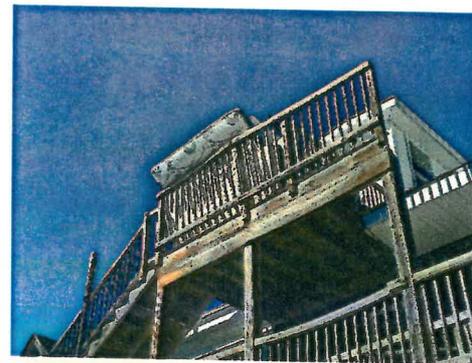
If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1150



Kris R. Beaudoin
Code Compliance Officer
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601 Ext. 1150
kbeaudoin@auburnmaine.gov

Cc: Eric Cousens, Director of The Office of Planning & Permitting

60 Court Street • Auburn, ME 04210
(207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6625 Fax
www.auburnmaine.gov



EXHIBIT

110

Kris Beaudoin

From: Alexandra Savard <savardalexandrea5@gmail.com>
Sent: Thursday, February 18, 2021 8:31 AM
To: Kris Beaudoin
Cc: peter.ntarugera@gmail.com
Subject: Permit Request - 110 Hampshire St
Attachments: City of Auburn.pdf

[Obj]



City of Auburn
Economic & Community Development

"WE WANT DEVELOPMENT!"

- *Appointments for permits are recommended
*Please fill out any part which applies to project
*Proper plans must accompany application as required.

For Official Use Only
Date:
Issued:
Zone:
Map No:
Bldg. Code:
Use Group:
Type of Const:
Est Cost:
Fee:

ADDRESS OF CONSTRUCTION: 110 Hampshire St
Owner: Lions Real Estate Cell # 2077452944
Address: 201 Lachess Lane Rd Minot ME 04858
CONTRACTOR: Abs + Lala, LLC Cell # 2075130219

Project Description: Porch Repair, Support repair (leakside)
Estimated Cost of Construction: \$16000.00/00
Building Dimensions: Square Footage
Plans Submitted:
Plan Number:
Reviewed By:

For Commercial Properties: Is there a license required for your business? YES NO
If YES, Please be aware that the license may require a background investigation.

Email Permit To: Peter.Ntarugera@gmail.com Fax Permit To:

Foundation:

- 1. Type of Soil:
2. Set Backs - Front: Rear: Side(s):
3. Footings Size:
4. Foundation Size:
5. Slab Size: Slab Thickness: Heated?
6. Other:

Floor:

- 1. Sills Size: **Sills must be anchored
2. Carrying Beam Size:
3. Column Spacing:
4. Joist Size: **Spacing 16" O. C.
5. Floor Sheathing Type: Thickness:
6. Other Material:
7. Floor Coverings:

Exterior Walls:

- 1. Studding Size: Spacing:
2. Corner Posts Size:
3. No. of Doors:
4. Header Sizes: Spans:
5. Bracing: YES: NO:
6. Egress Windows: Brand: Model #:
7. Insulation Type: Thickness:
8. Sheathing Type: Thickness:
9. Siding Type:
10. Masonry Materials:
11. Metal Materials:
12. Other Materials:

Interior Walls:

- 1. Studding Size: Spacing:
2. Header Sizes: Span(s):
3. Wall Covering Type:
4. Fire Separation Wall if Required:
5. Other Materials:

Ceilings:

- 1. Ceiling Joist Size:
2. Type Ceilings:
3. Insulation Type:
4. Thickness:

Roof:

- 1. Truss or Rafter Size:
2. Span:
3. Sheathing Type:
4. Thickness:
5. Roof Covering Type:
6. Other:

Permit Number:

Address:

Owner:

Chimneys: 1. Type: _____

Heating:

1. Type of Fuel - check all that apply Oil _____ Propane _____ Natural Gas _____ Electric _____ Other _____

****If Oil Fired Appliance is being installed - A Permit from the Fire Department must be obtained****

2. Type of Heating Source & Number of Systems - check all that apply

___ FHA	# _____	___ Unit Heaters	# _____
___ FHW	# _____	___ Warm & Cool	# _____
___ Radiant Electric	# _____	___ Solar	# _____
___ Radiant Hot Water	# _____	___ Complete HVAC	# _____
___ Geothermal	# _____	___ Package Units	# _____
___ Electric Basebds	# _____	___ Other _____	# _____

Electrical:

1. Service Entrance Size: _____ Wiring Required: _____

Plumbing:

1. Approved Soil Test if Required: YES _____ NO: _____ City Sewer: _____

2. Number of Tubs and Showers: _____ # of Flushes: _____ # of Lavatories: _____

Swimming Pools:

1. Type: _____ Pool Size: _____ Square Footage: _____

Comments/Drawing:

Will also
email
Drains
&
LVL
Specs

The permit holder, property owner, person or persons, firm or corporation accepting this permit agrees to comply with all the provisions of the statutes of Maine and the Ordinances of the City of Auburn regulating the construction, maintenance, use of buildings, structures and of the application on file in this department. Permit holder understands he/she is responsible for correct set backs from ALL PROPERTY LINES and from all buildings and structures.

Application Signature: _____

EXHIBIT



Kris Beaudoin

From: Kris Beaudoin
Sent: Thursday, February 18, 2021 9:08 AM
To: Alexandra Savard
Cc: peter.ntarugera@gmail.com; Tammy Thatcher
Subject: RE: Permit Request - 110 Hampshire St
Attachments: 4th citation 02172021.pdf

Alex,

The repairs to 110 Hampshire St that are required repairs are not limited to what is in the permit application. There are structural issues with rotten framing that is visible, severe deterioration of the roof and assemblies and other exterior surface areas. We spoke last week and I made you aware of trash issues that were still ongoing and I was told that you would take care of them but unfortunately that did not occur. I had to send out another citation yesterday because this has been ongoing for so long. I am attaching the 4th citation to this email for your reference.

Please update the permit application to include everything and email it to Tammy so she can collect payment. We also need to schedule a walkthrough of the building.

Best Regards

Kris R. Beaudoin
Code Compliance Officer, LPI
Office of Economic & Community Development
City of Auburn
60 Court Street Ste 104
Auburn, Me. 04210
kbeaudoin@auburnmaine.gov
Phone: 207-333-6601 Ext. 1150
www.auburnmaine.gov

The City of Auburn is subject to statutes relating to public records.
E-mail sent or received by City employees are subject to these laws.
Senders and receivers of City e-mail should presume that messages are subject to release.

From: Alexandra Savard <savardalexandrea5@gmail.com>
Sent: Thursday, February 18, 2021 8:31 AM
To: Kris Beaudoin <kbeaudoin@auburnmaine.gov>
Cc: peter.ntarugera@gmail.com
Subject: Permit Request - 110 Hampshire St

[OBJ]

EXHIBIT

18

Kris Beaudoin

From: Kris Beaudoin
Sent: Thursday, March 04, 2021 2:42 PM
To: Tammy Thatcher
Subject: Accepted: Meeting Re 110 Hampshire St Buliding Permit With Alexandra Savard 745-2777

EXHIBIT

19

Kris Beaudoin

From: Alexandra Savard <savardalexandrea5@gmail.com>
Sent: Monday, April 05, 2021 10:52 AM
To: Kris Beaudoin
Cc: peter.ntarugera@gmail.com
Subject: Permit application 110 Hampshire St
Attachments: Permit Application 110 Hampshire.pdf

Kris,
See attached.



City of Auburn
Economic & Community Development

"WE WANT DEVELOPMENT!"

- *Appointments for permits are recommended
*Please fill out any part which applies to project
*Proper plans must accompany application as required

For Official Use Only
Date Issued
Zone
Map No
Bid Code
Use Group
Type of Const
Est Cost
Fee

ADDRESS OF CONSTRUCTION: 110 Hampshire Street
Owner: Lions Real Estate Cell # 745 2777
Address: 220 Lisbon St Lewiston ME 04240 (PO Box 7066)
CONTRACTOR: Aubard Lela LLC Cell # 5130219

Project Description: Repair NOV items
Estimated Cost of Construction: \$4200.00
Building Dimensions: Multi-Family Square Footage
Plans Submitted
Plan Number
Reviewed By

For Commercial Properties: Is there a license required for your business? YES NO

If YES, Please be aware that the license may require a background investigation.

Email Permit To: savardalexandrea@gmail.com Fax Permit To: peter.ntanigera@gmail.com

Foundation:

- 1 Type of Soil
2 Set Backs - Front: Rear: Side(s):
3 Footings Size
4 Foundation Size
5 Slab Size Slab Thickness Heated?
6 Other

Floor:

- 1 Sills Size **Sills must be anchored
2 Carrying Beam Size
3 Column Spacing
4 Joist Size **Spacing 16" O. C.
5 Floor Sheathing Type Thickness
6 Other Material
7 Floor Coverings

Exterior Walls:

- 1 Studding Size Spacing 7 Insulation Type Thickness
2 Corner Posts Size 8 Sheathing Type Thickness
3 No. of Doors 9. Siding Type
4 Header Sizes Spans: 10. Masonry Materials
5. Bracing YES NO 11 Metal Materials
6 Egress Windows Brand Model # 12. Other Materials

Interior Walls:

- 1 Studding Size Spacing
2 Header Sizes Span(s):
3 Wall Covering Type
4 Fire Separation Wall if Required
5 Other Materials

Ceilings:

- 1 Ceiling Joist Size 2 Type Ceilings
3 Insulation Type 4 Thickness

Roof:

- 1 Truss or Rafter Size 2 Span
3 Sheathing Type 4 Thickness
5 Roof Covering Type 6 Other:

Chimneys: 1 Type _____

Heating

1 Type of Fuel - check all that apply: Oil _____ Propane _____ Natural Gas _____ Electric _____ Other _____

****If Oil Fired Appliance is being installed - A Permit from the Fire Department must be obtained****

2 Type of Heating Source & Number of Systems - check all that apply

___ FHA	# _____	___ Unit Heaters	# _____
___ FHW	# _____	___ Warm & Cool	# _____
___ Radiant Electric	# _____	___ Solar	# _____
___ Radiant Hot Water	# _____	___ Complete HVAC	# _____
___ Geothermal	# _____	___ Package Units	# _____
___ Electric Basebdt	# _____	___ Other	# _____

Electrical:

1 Service Entrance Size: _____ Wiring Required: _____

Plumbing:

1 Approved Soil Test if Required YES: _____ NO: _____ City Sewer: _____

2 Number of Toilets and Showers: _____ # of Flushes: _____ # of Lavatories: _____

Swimming Pools:

1 Type: _____ Pool Size: _____ Square Footage: _____

Comments/Drawing:

Repair siding/ exterior surfaces
Repair Handrails/railings
Repair Porches
Repair LVL on parking lot area
Replace older roofing.

see attached 1

The permit holder, property owner, person or persons, firm or corporation accepting this permit agrees to comply with all the provisions of the statutes of Maine and the Ordinances of the City of Auburn regulating the construction, maintenance, use of buildings, structures and of the application on file in this department. Permit holder understands he/she is responsible for correct set backs from ALL PROPERTY LINES and from all buildings and structures.

Application Signature: _____



EXHIBIT

20

Kris Beaudoin

From: Kris Beaudoin
Sent: Tuesday, April 27, 2021 3:54 PM
To: Alexandra Savard
Subject: 110 Hampshire St

Alex,

Before I can issue the permit for 110 Hampshire St I will need you to provide more specific details about the LVL and what the scope of the other repairs you will be doing. I understand you can not really provide much detail about the framing of the rotten areas of the exterior wall until those areas have been exposed more but there needs to be specifics provided.

Best Regards

Kris R. Beaudoin
Code Compliance Officer, LPI
Office of Economic & Community Development
City of Auburn
60 Court Street Ste 104
Auburn, Me. 04210
kbeaudoin@auburnmaine.gov
Phone: 207-333-6601 Ext. 1150
www.auburnmaine.gov

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E-mail sent or received by City employees are subject to these laws.
Senders and receivers of City e-mail should presume that messages are subject to release.

EXHIBIT

21

Kris Beaudoin

From: Kris Beaudoin
Sent: Tuesday, July 20, 2021 3:43 PM
To: Alexandra Savard
Subject: RE: 110 Hampshire Street

Alex, thank you for the heads up. I do want to make you aware, because of the condition of the building, if she does call I will need to schedule an inspection with her.

Regarding the same property: on April 5, you applied for a building permit to make repairs to the building to avoid any further citations but have not provided any of the documentation requested. If you cannot provide the information I need to approve the permit I will need to restart the citation process, for your reference I believe I have already issued 4 citations so each new citations has a civil penalty of \$840 just like the 4th.

I need to following information:

1. Description of the repairs to the porches, this is to include components needed to make said repairs.
2. Documentation (cut sheet) of the LVL you intend on using, the location, method of support etc.

Best Regards

Kris R. Beaudoin
Code Compliance Officer, LPI
Office of Economic & Community Development
City of Auburn
60 Court Street Ste 104
Auburn, Me. 04210
kbeaudoin@auburnmaine.gov
Phone: 207-333-6601 Ext. 1150
www.auburnmaine.gov

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From: Alexandra Savard <savardalexandra5@gmail.com>
Sent: Tuesday, July 20, 2021 3:03 PM
To: Kris Beaudoin <kbeaudoin@auburnmaine.gov>
Subject: 110 Hampshire Street

Kris,
We have a tenant says she cannot pay rent next month (110#2). I told her she must and we will require her to pay her portion of the rent. She left screaming that she was calling code enforcement. I just wanted to give you a heads up.

Thank you,
Alex
--
Thank you,

Alexandra Savard

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EXHIBIT

22

Kris Beaudoin

From: Alexandra Savard <savardalexandrea5@gmail.com>
Sent: Wednesday, August 18, 2021 12:32 PM
To: Alexandra Savard; Peter Ntarugera
Subject: Hampshire Street - Deck
Attachments: Replacement Deck - 2nd Floor - 110 Hampshire Street.pdf; Supplies List - 110 2 Deck.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

--
Thank you,
Peter,
Are these the correct plans? I need to send them to Kris again.

Alexandrea Savard

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Order List

Deck Name: Custom

Lumber

QUANTITY	MATERIAL
3	2 x 10 x 14'
1	2 x 10 x 8'
3	2 x 10 x 16'
2	2 x 10 x 12'
3	6 x 6 x 12'
1	6 x 6 x 8'
14	5/4 x 6 x 14'
3	5/4 x 6 x 8'
17	5/4 x 6 x 16'
1	4 x 4 x 8'
6	4 x 4 x 10'
6	2 x 4 x 8'
4	2 x 4 x 16'
1	2 x 4 x 12'
2	2 x 4 x 14'
110	2 x 2 x 36"
1	5/4 x 6 x 12'
5	2 x 12 x 16'
1	2 x 12 x 8'
2	2 x 12 x 12'
1	2 x 6 x 8'

Hardware

QUANTITY	DESCRIPTION
18	Standard Joist Hanger
6 lbs	10d nails x 3"
3	Post To Beam Connector
3	Post Base Connector

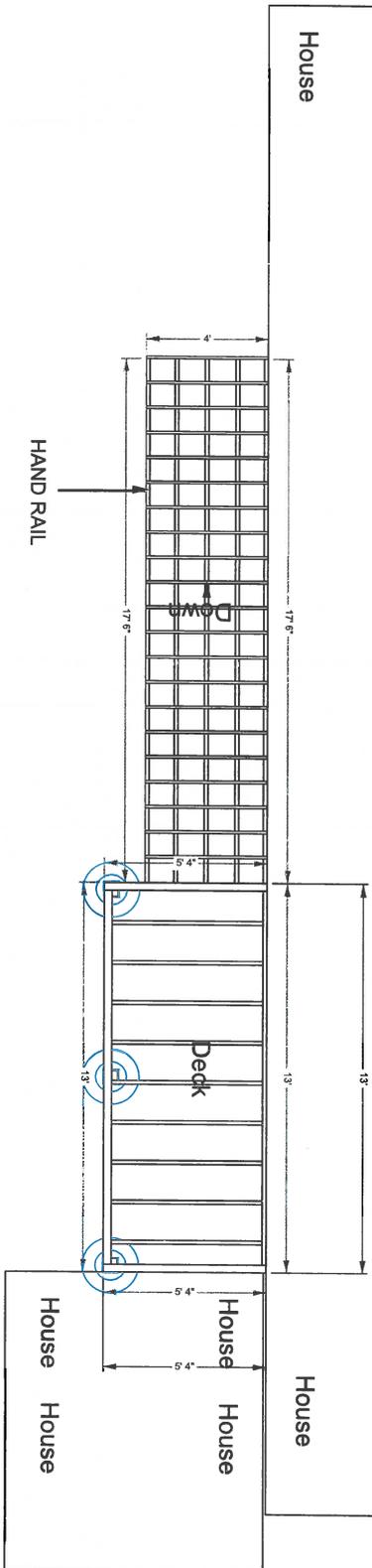
QUANTITY	DESCRIPTION
2 lbs	16d nails x 3.5"
3	5/8 x 4 inch wedge anchor bolt
1	14 inch x 30 foot vinyl roll flashing
2	8 foot section Z flashing
30	3.5 inch structural screw
2	Concealed Joist Hanger
4 lbs	2.5 inch screw
9 lbs	3 inch screw
13	6 inch structural screw
5	Stair Stringer Connector
1 lbs	10d nails x 1.5"
31	60 lb bags of concrete

SCALE: 1/4" = 1' WHEN PRINTED ON 11X17 PAPER

BASED ON THE INTERNATIONAL RESIDENTIAL CODE

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STAIRWAY ILLUMINATION: ALL EXTERIOR STAIRWAYS SHALL BE ILLUMINATED AT THE TOP LANDING TO THE STAIRWAY. ILLUMINATION SHALL BE CONTROLLED FROM INSIDE THE DWELLING OR AUTOMATICALLY ACTIVATED.



 Total Depth: 48"
 Base Diameter: 22"
 Pier Diameter: 12"

Footings to be installed to 48" depth as is required by your local building ordinance. Frost footing sizes based on 55 lbs per square foot tributary load. See footing detail in deck construction guide.

DISCLAIMER: ONLY USE #2 OR BETTER PRESSURE TREATED SOUTHERN PINE 2X10 FOR FRAMING MATERIALS. NEVER SUBSTITUTE SOFTWOODS OR COMPOSITE FOR FRAMING MATERIALS.

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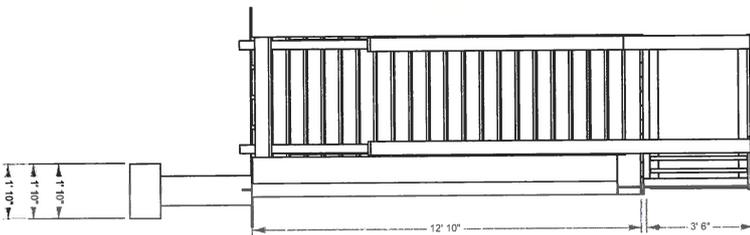
2x10 Ledger Board to be flashed and bolted (2) 1/2" bolts with washers or equivalent every 16" on center. (See ledger detail in deck construction guide)
 Joists to be 2x10 pressure treated southern yellow pine installed 16" on center.
 Beams to be 2-2x10 pressure treated southern yellow pine nailed.
 Guard Rails to be 42" high with less than 4" openings per IRC code. (See rail detail in deck construction guide)
 Stairs to be built max rise 7-3/4" min rise 4" in run 10" per IRC code. (See stair detail in deck construction guide)
 Decking to be 5/4x6 Pressure Treated Pine. (Follow manufacturers' installation instructions)
 All hardware to be corrosion resistant and installed per manufacturers' instructions.

SCALE: 1/4" = 1' WHEN PRINTED ON 11X17 PAPER

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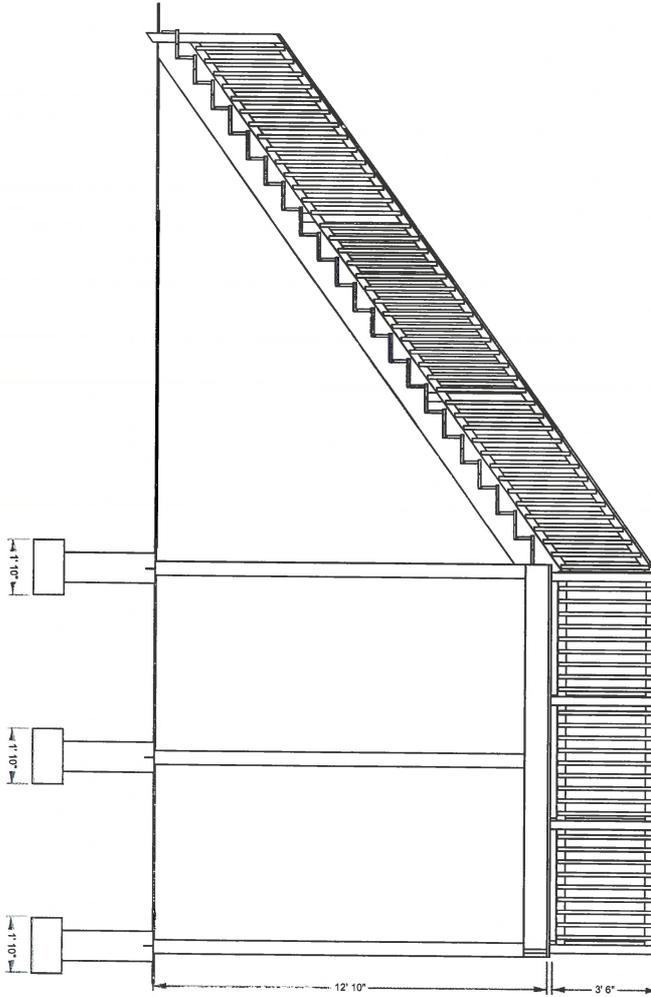
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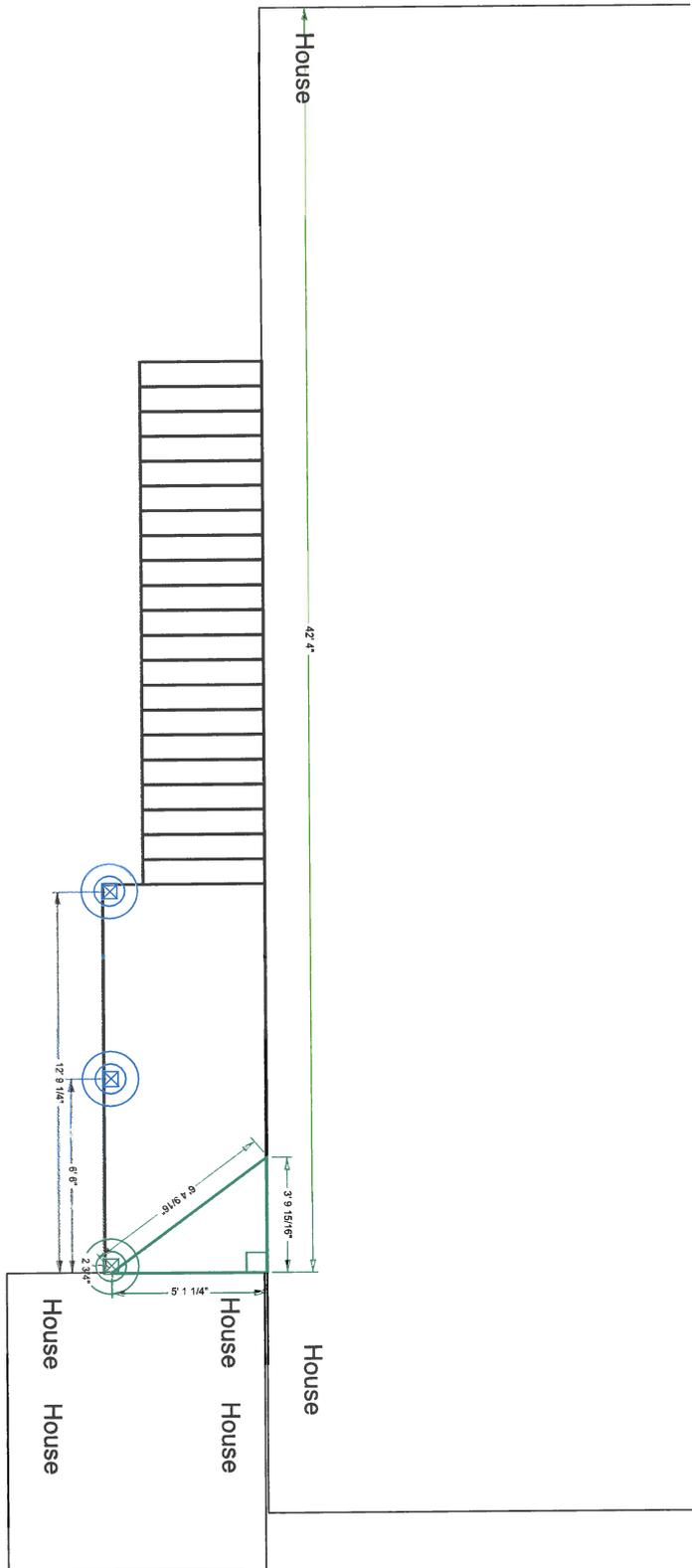


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BASED ON THE INTERNATIONAL RESIDENTIAL CODE

STAIR FOOTING REQUIREMENTS
WHERE THE STAIRWAY MEETS GRADE, ATTACH THE STAIR
STRINGERS TO THE STAIR GUARD RAIL POSTS. POSTS SHALL
BEAR ON FOOTINGS



Total Depth: 48"
Base Diameter: 22"
Pier Diameter: 12"

Footings to be installed to 48" depth as required by your local building ordinance. Frost footing sizes based on 55 lbs per square foot tributary loads applied to 1500 psi soil compression capacity (assumed clay soil). See footing detail in deck construction guide.

DISCLAIMER: USE ONLY 2,500 PSI CONCRETE FOR FROST FOOTING FOUNDATIONS.

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EXHIBIT

23

Kris Beaudoin

From: Kris Beaudoin
Sent: Friday, January 21, 2022 12:55 PM
To: Cy Wilkinson
Subject: Accepted: 110 Hampshire st. plan meeting

EXHIBIT

24

Kris Beaudoin

From: Alexandra Savard <savardalexandra5@gmail.com>
Sent: Tuesday, February 01, 2022 1:41 PM
To: Kris Beaudoin
Subject: LVL - 110 Hampshire Street
Attachments: E-spec-guide-BCI-and-VL.pdf

Kris,

I have met with my contractor today regarding 110 Hampshire St support issue. He has made a game plan to install two LVL's.

We have ordered:
10in X 12in X 18ft
10in x 12in X 14ft

I'm going to send him in for a permit this week. Attached is the for he'd given me for the city for size rate?

Please see attached.

EXHIBIT

25

Kris Beaudoin

From: Alexandra Savard <savardalexandra5@gmail.com>
Sent: Tuesday, March 01, 2022 9:51 AM
To: Kris Beaudoin
Cc: Cy Wilkinson; Eric Cousens
Subject: Re: 110 Hampshire St

Kris,
Thank you for reaching out. I will contact Mike Fox and get back to you today.

I also wanted to see if you'd had a chance to take a look at the plumbing permit for 46 Valley St, Auburn, ME 04210? I'd like to get the ball rolling on this project, too.

Thank you for your time,

Alexandrea Savard :)

On Tue, Mar 1, 2022 at 9:44 AM Kris Beaudoin <kbeaudoin@auburnmaine.gov> wrote:

Alex, I spoke with both Eric and Cy regarding your inquiries regarding the permit application. When you and Mr. Fox were here, Mr. Fox described how he wanted to make the repairs. During that conversation I made you aware that the method he wanted to use was not a permitted method. In the event that I was misunderstanding the conversation, I asked for pictures of the area and a diagram to show the repair, and both of you agreed that I would be sent the construction documents we need so I can reevaluate my concerns. As of today, I have not received any documentation from you or Mr. Fox which is why the permit has not been approved. Will either of you be able to provide construction documents for the repairs this week?

Best Regards

Kris R. Beaudoin

CEO/Building Inspector/LPI

Office of Planning & Permitting

City of Auburn

[60 Court Street Ste 104](#)

[Auburn, Me. 04210](#)

kbeaudoin@auburnmaine.gov

Phone: 207-333-6601 Ext. 1150

www.auburnmaine.gov

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Thank you,

Alexandrea Savard

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EXHIBIT

26

Kris Beaudoin

From: Kris Beaudoin
Sent: Thursday, September 01, 2022 3:59 PM
To: Kris Beaudoin; Jennifer Dick; Cy Wilkinson
Subject: 110 Hampshire St

Apt 2

Ceiling issue multiple areas
Large hole in bathroom wall
Large hole in laundry room

Apt 5

Rotten floor by rear door
Holes in the ceiling
Bathroom floor
Missing door hardware in bathroom
Broken bathroom window
Handrails need repair

Apt 8

Multiple stained ceiling tiles
Missing cabinet draws
Broken kitchen window
Electrical exposed

Apt 4

Deteriorated bathroom floor
Multiple stained ceiling tiles
Wall cavities exposed
Ceiling water damaged

Apt 1 hallway

Smoke detector Missing in hallway

Apt 9

Infestation

Sent from my Verizon, Samsung Galaxy smartphone
Get [Outlook for Android](#)

EXHIBIT

27

Cy Wilkinson

Subject: 713-2899 Stardust Chase Inspection of Hampshire and Willow St apartment/building
Location: 17 Willow st. Apt #3

Start: Mon 12/20/2021 9:00 AM
End: Mon 12/20/2021 10:00 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Cy Wilkinson
Required Attendees: Eric Cousens
Optional Attendees: Kris Beaudoin

Stardust Chase has given us permission to inspect her apartment.

Photos of 110 Hampshire St. Auburn, Maine on December 20, 2021



Violation: Exterior rear egress stairs with broken guards structural members separating Violation Sec. 12-226. - Maintenance.



Violation: Broken window Sec. 12-226. - Maintenance.



Violation: Chipping and peeling paint and water damage Sec. 12-226. - Maintenance.

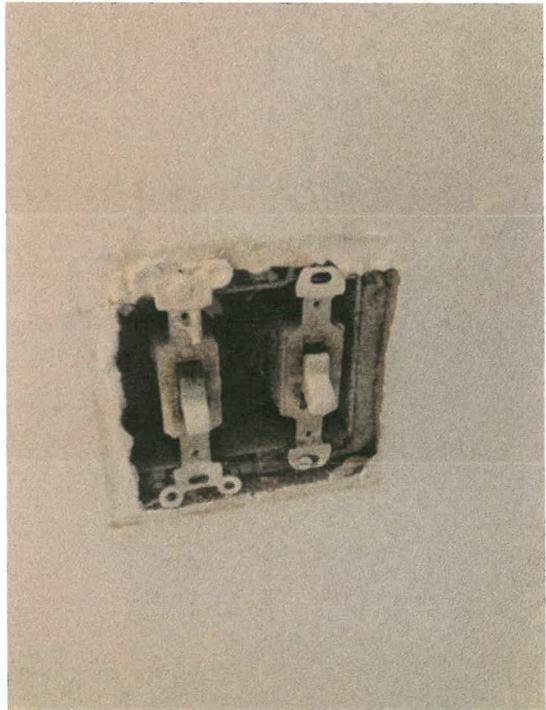




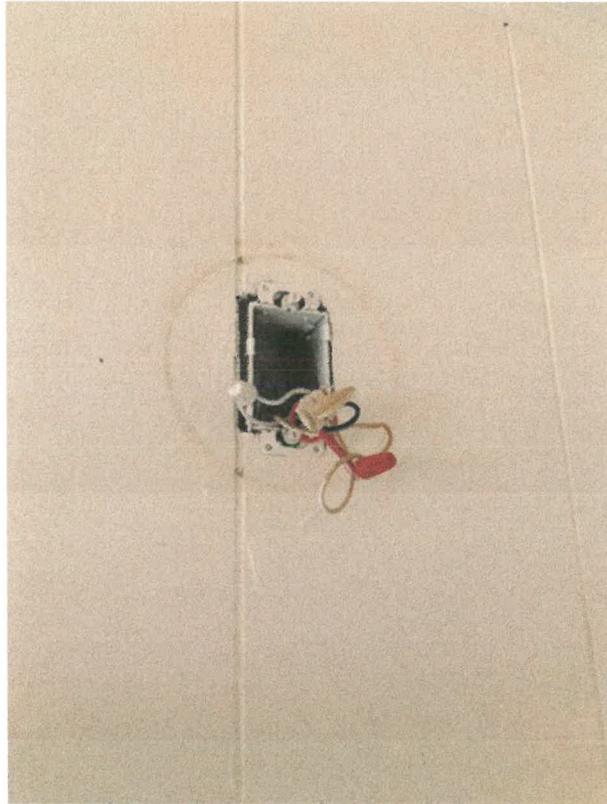
Violation: Chipping and peeling paint Sec. 12-226. - Maintenance.



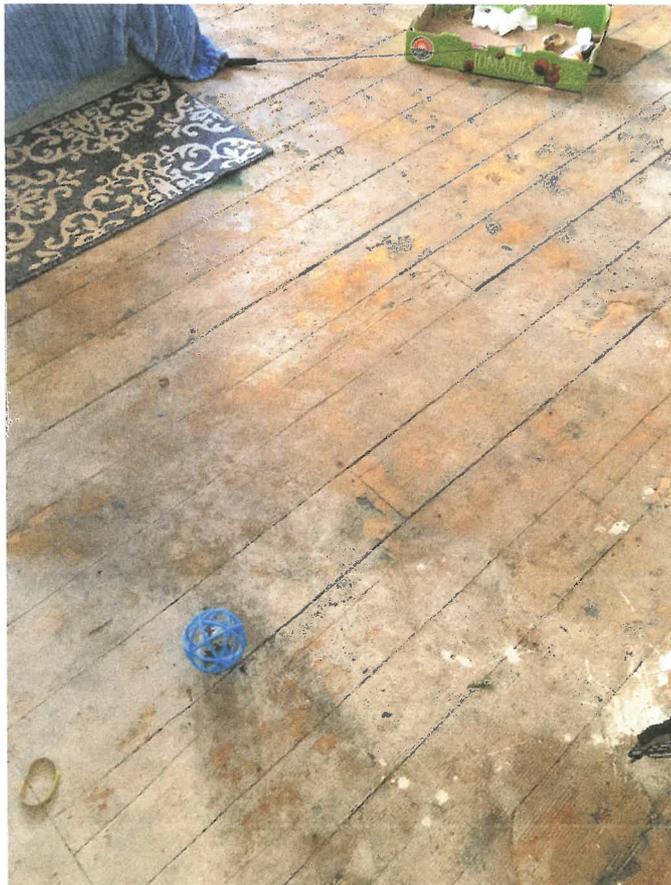
110 Hampshire Street/17 Willow St Apartment #3 deficiencies;



Violation: Exposed wiring and no covers on switches or outlets Sec. 12-229. - Electrical and lighting.



Violation: No fire alarm and exposed wiring Sec. 12-229. - Electrical and lighting.



Violation: No floor covering in living room and bedroom Sec. 12-226. - Maintenance.

EXHIBIT

28



City of Auburn, Maine
Office of Planning & Permitting
Eric Cousens, Director
60 Court Street | Auburn, Maine 04210
www.auburnmaine.gov | 207.333.6601

**FIFTH CITATION - \$840
NOTICE OF CIVIL PENALTY
CODE-1847-2020**

December 20, 2021

Lions Real Estate, LLC
175 Pine Street
Lewiston, ME 04240

9489 0090 0027 6269 5864 66

9489 0090 0027 6269 5864 66

RE: 110 HAMPSHIRE ST, PID # 250-357

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

110 HAMPSHIRE ST.
AUBURN, ME 04210
PID#: 250357000

*****PERMIT REQUIRED*****

- Deterioration to exterior surface areas.
- Missing siding leaving structural elements exposed to the weather
- Loose/Damaged handrails and railings
- Structural components of the porches are damaged or separating
- Deterioration/Rot in exposed areas of sheathing and framing
- Deteriorated roofing materials
- Broken windows

Violation: Chapter 12, Section 12-226; MAINTENANCE

Revision: All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

Corrective Action: Apply for and obtain permits for the issues listed above, make necessary repairs or replacements of any compromised areas and contact this office to schedule a complete building inspection.

Compliance Date: January 19, 2021

Therefore, in accordance with Chapter 2, Article VIII of the Ordinances of the City of Auburn, you are hereby ordered to pay a civil penalty in the amount of eight hundred and forty dollars (\$840) to the City of Auburn. This penalty amount must be received by this office within seven days of receiving this citation. Payment of this fine may be made in person or by mail to Auburn Hall, C/O Planning and Permitting Department, suite 104, 60 Court Street, Auburn, ME 04210. Unpaid civil penalties accrue at 18% per

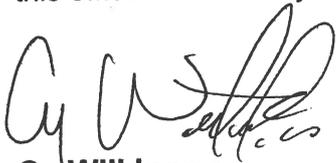
annum beginning 5 days after the date the civil penalty became due.

You are further ordered to correct the violation by the Compliance Date listed above. Failure to correct the violation by the compliance date will result in the issuance of a citation with a civil penalty in the amount of eight hundred and forty dollars (\$840.00), and subsequent citations are eight hundred and forty dollars (\$840.00), and penalties are cumulative. In the future, if the specific violation(s) is/are repeated you are not entitled to receive any further notification and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30 A.M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one hundred dollars (\$100.00) and two thousand five hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

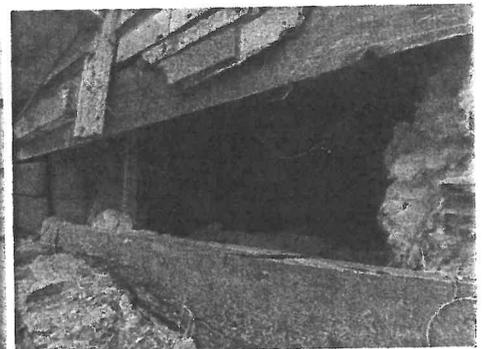
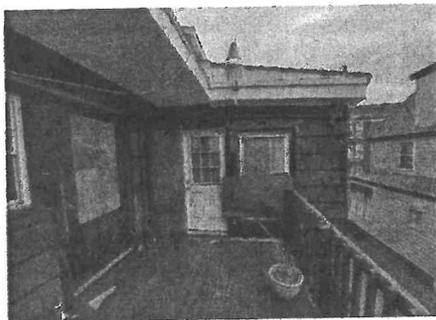
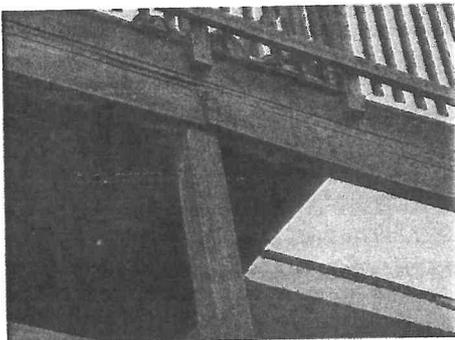
If you wish to dispute anything contained in the Notice of Violation / Order to Correct, you may appeal to the Auburn Board of Appeals by submitting a written petition to the Director of Planning and Permitting, in accordance with Chapter 60, Article 15, Division 3 of the Ordinance, within thirty (30) days of receipt of this letter requesting an appeals hearing be scheduled before the Board of Appeals. The hearing shall be held within sixty five (65) days of the receipt of the petition for appeal and shall be heard as an administrative appeal. A one hundred and fifty dollar (\$150.00) filing fee plus required advertising fee is required at the receipt of the written request for Appeal on the form provided by the Planning and Permitting Department. Failure to appeal within (30) days may deprive you of your ability to contest the contents of this Notice of Violation / Order to Correct in any subsequent legal proceedings. However, filing an appeal to the Board of Appeals does not relieve you of your obligation to correct the violations or of your liability for civil penalties.

If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1150

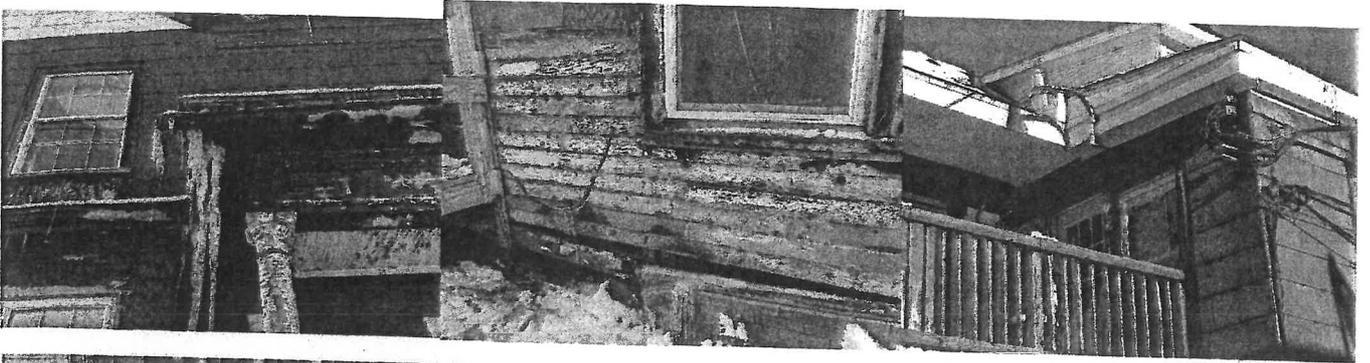


Cy Wilkinson
Code Compliance Officer
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601 Ext. 1139
kbeaudoin@auburnmaine.gov

Cc: Eric Cousens, Director of The Office of Planning & Permitting



60 Court Street • Auburn, ME 04210
(207) 333-6600 Voice • (207) 333-6601 Automated • (207) 333-6625 Fax
www.auburnmaine.gov



EXHIBIT

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City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

www.auburnmaine.gov | 207.333.6601

NOTICE OF VIOLATION
CODE-1907-2021

December 21, 2021

LIONS REAL ESTATE LLC
175 PINE ST
LEWISTON, ME 04240

RE: 110 HAMPSHIRE ST., PID # 250-357

Dear property owner:

It has come to the attention of this office that violation(s) of the Code of Ordinances of the City of Auburn, hereafter referred to as the (Code), exist at:

110 HAMPSHIRE ST. #17
AUBURN, ME 04210
PID#: 250357000

-
- No floor covering in bedroom
 - Flaking paint

Violation: Chapter 12, Section 12-226; MAINTENANCE

Revision: (a) All structures and structural elements shall be maintained structurally sound, in good repair, hazard free and suitable for the intended use.

(b) All painted exterior surface areas of pre 1978 properties must be maintained in a manner to not cause a public nuisance or affect the health and safety of the occupants of the property where the condition exists or of surrounding properties. Paint stabilization must occur if the potential for such a condition exists.

Corrective Action: Install new floor covering in bedroom. Paint ceilings where paint is flaking off.

Compliance Date: January 3, 2021

****PERMIT REQUIRED****

- Open and exposed wiring
- Open receptacles/no faceplates
- No fire alarm wired in

Violation: Chapter 12, Section 12-229; ELECTRICAL & LIGHTING

Revision: All lighting and other electrical facilities shall be in accordance with the requirements of the electrical code adopted by the city and shall be maintained in good, safe and suitable electrical order.

Corrective Action: Install new fire alarm. Install faceplates and new receptacles/switches where wires are exposed. Permit is required and work needs to be done by a licensed electrician.

Compliance Date: January 3, 2021

Therefore, in accordance with the above referenced ordinance requirements, you are hereby ordered to complete the above corrective action by the compliance date given. Your prompt attention to this matter is advised to avoid legal action. It is our sincere desire to work with you in devising an implementation schedule for the correction of these conditions. Please contact this office immediately if circumstances do not permit the timely compliance with this order and abatement of the violations or if you have any questions regarding this matter.

In the event that you do not comply with this order, this office may issue a citation pursuant to Chapter 2, Article VIII of the aforementioned Code. Said citation shall require you to pay a penalty of one hundred and five dollars (\$105.00) for the first citation and you will be reordereed to abate the outstanding violations in the previous Notices and Orders. In the event that you do not comply with the first citation, additional citations may be issued. The second citation imposes a civil penalty of two hundred and ten dollars (\$210.00), the third is four hundred and twenty dollars (\$420.00), the fourth and subsequent citations are eight hundred and forty dollars (\$840.00), and penalties are cumulative. In the future, if any of the above violations are repeated, you are not entitled to receive any further notification, and this office may serve you with a citation.

In lieu of or in addition to the issuance of citations, this office may initiate a land use complaint pursuant to 30-A M.R.S.A. § 4452 et seq. as amended, and M.R. Civ. P. 80K. A judgment from such a lawsuit in the City's favor will result in a court order that any violations be abated, the imposition of a mandatory fine of between one-hundred dollars (\$100.00) and two-thousand five-hundred dollars (\$2,500.00) per violation, per day, and the payment of court costs and the City's legal fees.

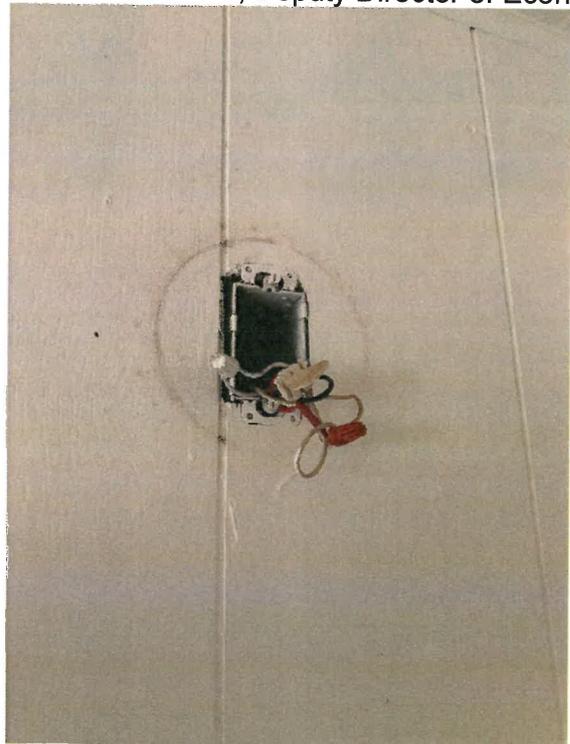
If you disagree with this Notice of Violations and order, you may appeal to the Auburn Board of Appeals pursuant to 30-A M.R.S. § 2691(4). You must do so within 30 days of the date of this order, pursuant to Section 60-1151 of the City Code, or you will be deemed to have waived your right to appeal. The decisions of timely appeals to the Auburn Board of Appeals may be reviewed by the Superior Court subject to the terms and conditions stated in M.R. Civ. P. 80B. A failure to appeal this Notice of Violation does not preclude you from opposing any further enforcement action the City may pursue against you.

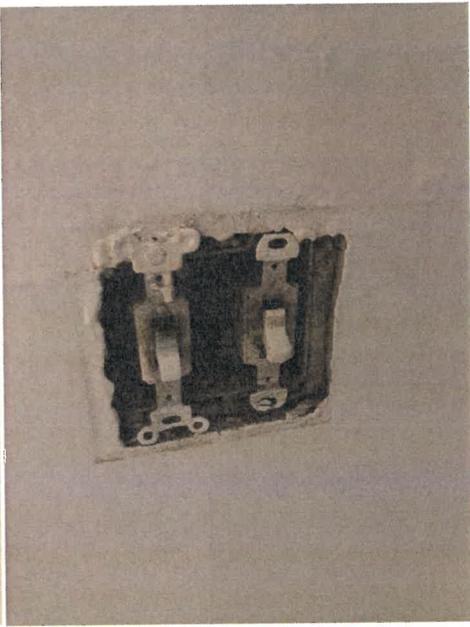
If you have any questions about what you need to do to comply with this Notice and Order please contact this office immediately. I can be reached directly at (207)333-6601 Ext.1150

Sincerely,

Cy Wilkinson
Code Compliance Officer
City of Auburn
60 Court Street
Auburn, ME 04210
(207) 333-6601 Ext. 1139
cwilkinson@auburnmaine.gov

Cc: Eric Cousens, Deputy Director of Economic and Community Development





EXHIBIT

30

Cy Wilkinson

From: Alexandra Savard <savardalexandrea5@gmail.com>
Sent: Thursday, January 20, 2022 2:51 PM
To: Cy Wilkinson
Cc: Peter Ntarugera
Subject: 110 Hampshire Street - Lions Real Estate

Good Afternoon,

I apologize that I didn't get back to you sooner. I ended up getting covid and I was stuck home for a few weeks. I wanted to get on the same page with Hampshire Street with a timeline on repairs needed. After going over with the contractor we are using we've made a plan. We are going to start with the roof repairs (they are the most urgent).

Please let me know if you have a moment we could meet and go over these plans.

--

Thank you,

Alexandrea Savard

The information in this email, and any attachments, may contain confidential information and is intended solely for the attention and use of the named addressee(s). It must not be disclosed to any person(s) without written authorization. If you are not the intended recipient, or a person responsible for delivering it to the intended recipient, you are not authorized to, and must not, disclose, copy, distribute, or retain this message or any part of it. If you have received this communication in error, please notify the sender immediately.

 Think Green - don't print this email unless you really need to

EXHIBIT

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Cy Wilkinson

Subject: 110 Hampshire st. plan meeting
Location: Community Room

Start: Thu 1/27/2022 9:30 AM
End: Thu 1/27/2022 11:00 AM

Recurrence: (none)

Meeting Status: Meeting organizer

Organizer: Cy Wilkinson
Required Attendees: Eric Cousens; Kris Beaudoin; sivardalexandrea5@gmail.com
Resources: Community Room

EXHIBIT

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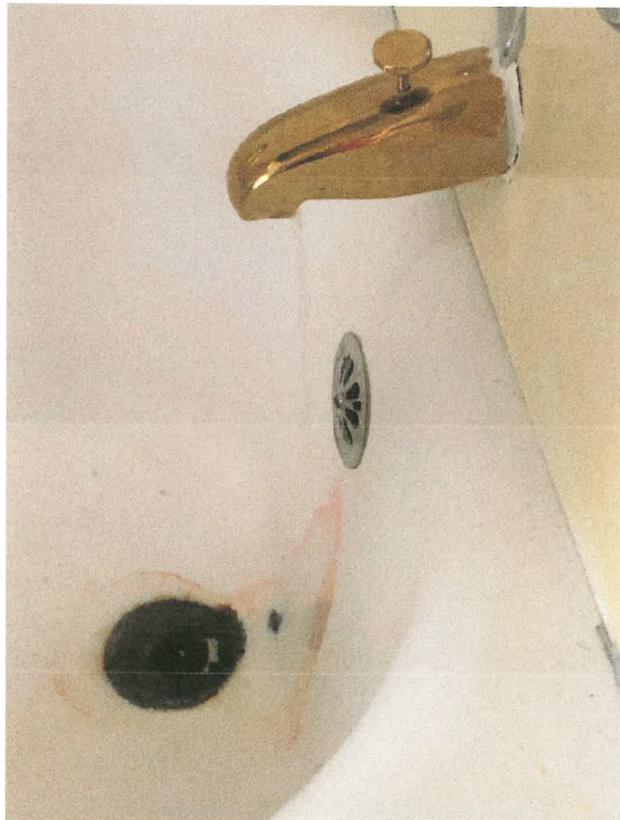
Photos of 110 Hampshire St Auburn, Maine on September 1, 2022



Broken dryer vent- Violation: Sec. 12-228. - Heating and ventilation.



Attic vent blocked with nest/rodents - Violation: Sec. 12-228. - Heating and ventilation.



Unit #3 Leaking plumbing/faucet- Violation: Sec. 12-227. - Plumbing.



Unit #3 Electrical covers missing, and exposed wiring- Violation: Sec. 12-229. - Electrical and lighting.



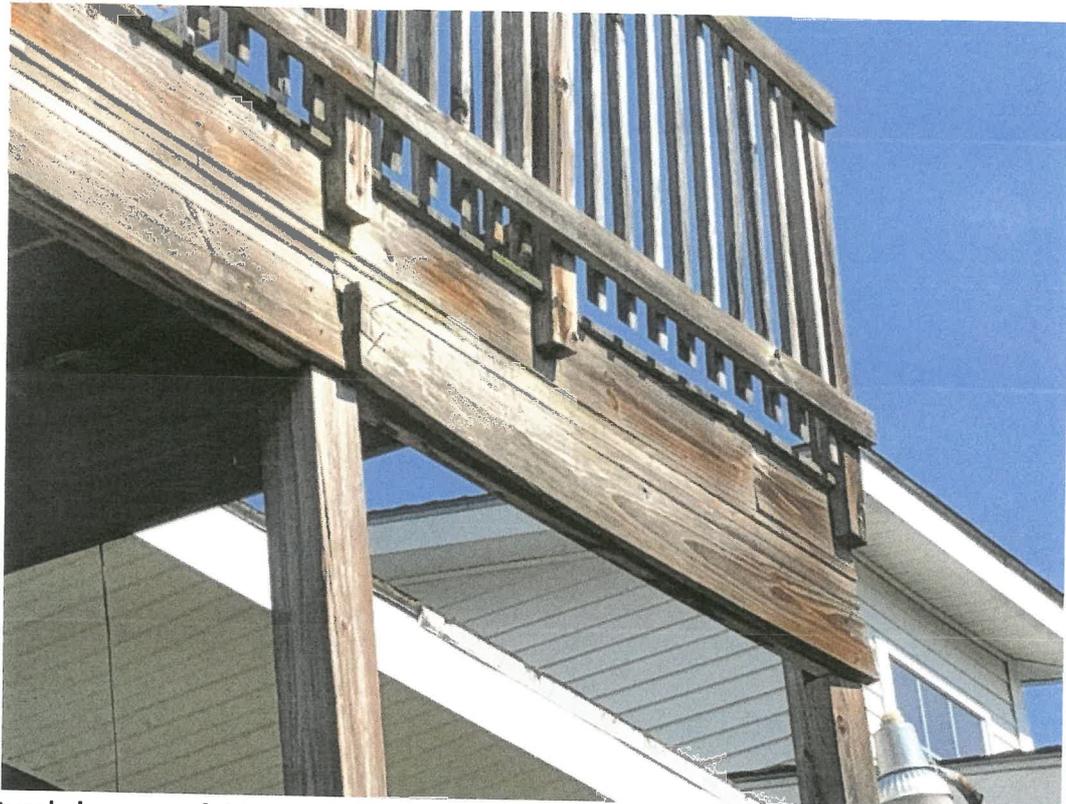
Broken loose handrail to second floor – Violation: Sec. 12-226. - Maintenance.



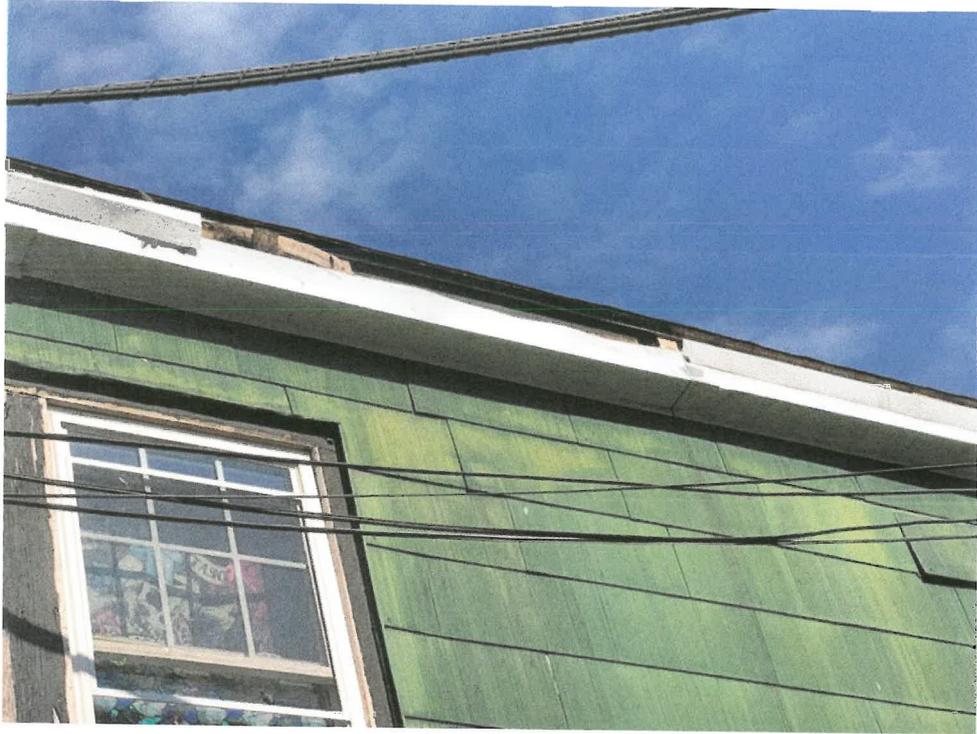
Common area to units #3 and #4 No floor covering or weather stripping around door Violation: Sec. 12-226. - Maintenance.



Rotten windowsill above where new beam was installed below. Violation: Sec. 12-226. - Maintenance.



Structural elements of third story egress porch separating. Violation: Sec. 12-226. - Maintenance.



Missing trim/facia allowing water intrusion on structural elements- Violation: Sec. 12-226. - Maintenance.



Rotten/deteriorating window trim and chipping paint- Violation: Sec. 12-226. - Maintenance.

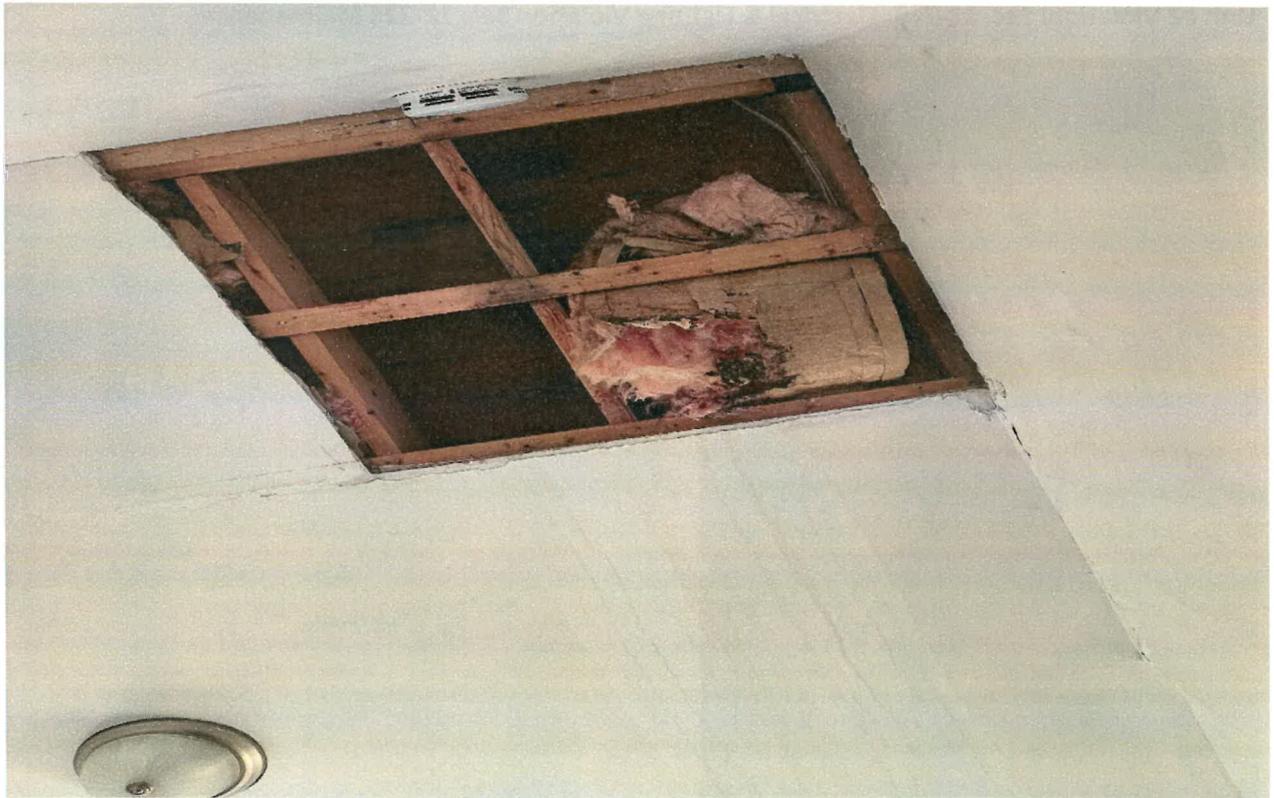
110 Hampshire Street September 1, 2022

EXHIBIT

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Unit #2 Violation: Sec. 12-226 - Maintenance



Unit #2 Violation: Sec. 12-226 - Maintenance

110 Hampshire Street September 1, 2022



Unit #2 Violation: Sec. 12-229: Electrical & Lighting Violation Sec. 12-226 Maintenance



Violation Sec. 12-229 Electrical & Lighting

110 Hampshire Street September 1, 2022



Unit #5 Violation: Sec 12-226 Maintenance

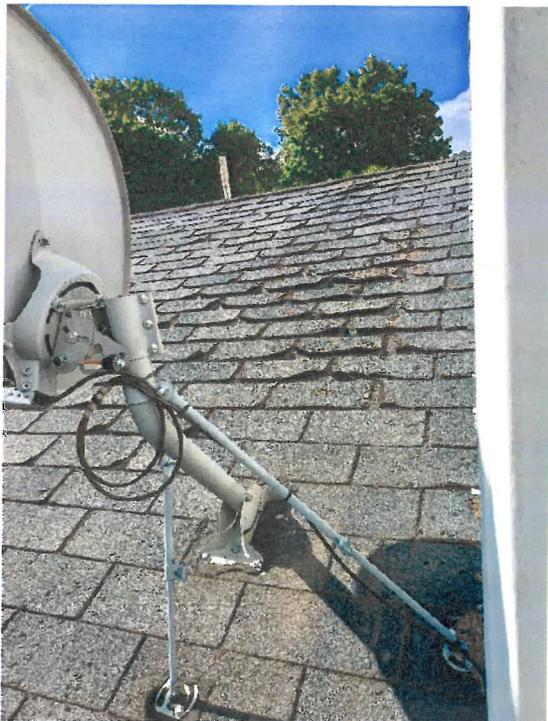


Unit #5 Violation: Sec 12-226 Maintenance

110 Hampshire Street September 1, 2022



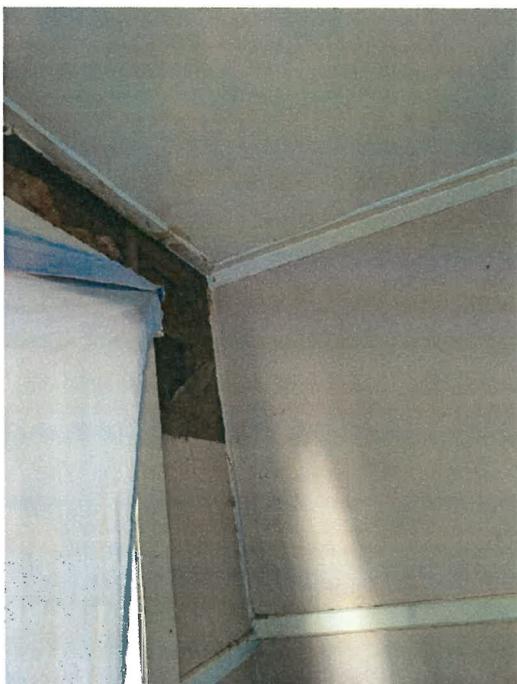
Unit #5 Violation: Sec 12-226 Maintenance



Unit #5 Violation: Sec 12-226 Maintenance



Unit #8 Violation: Sec 12-226 Maintenance



Unit #8 Violation: Sec 12-226 Maintenance

110 Hampshire Street September 1, 2022

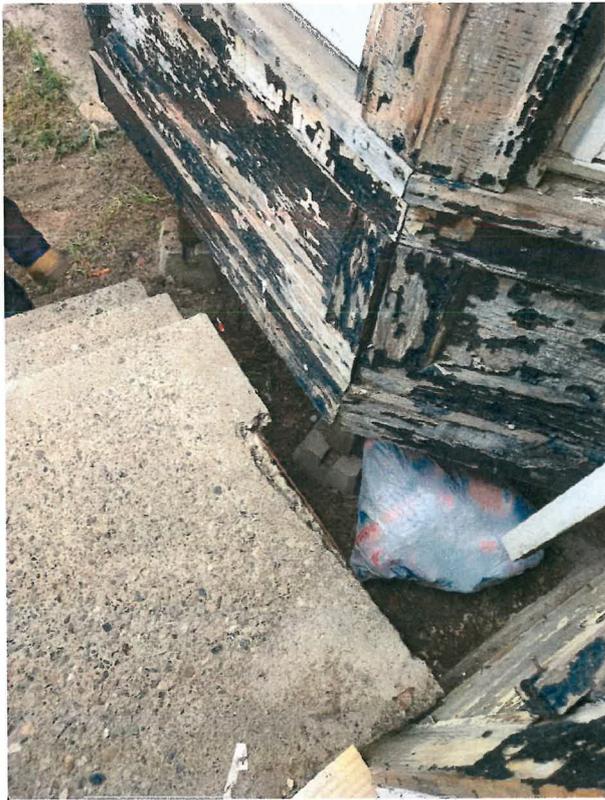


Unit #8 Violation Sec 12-229 Electrical & Lighting



Unit #8 Violation Sec 12-226 Maintenance

110 Hampshire Street September 1, 2022

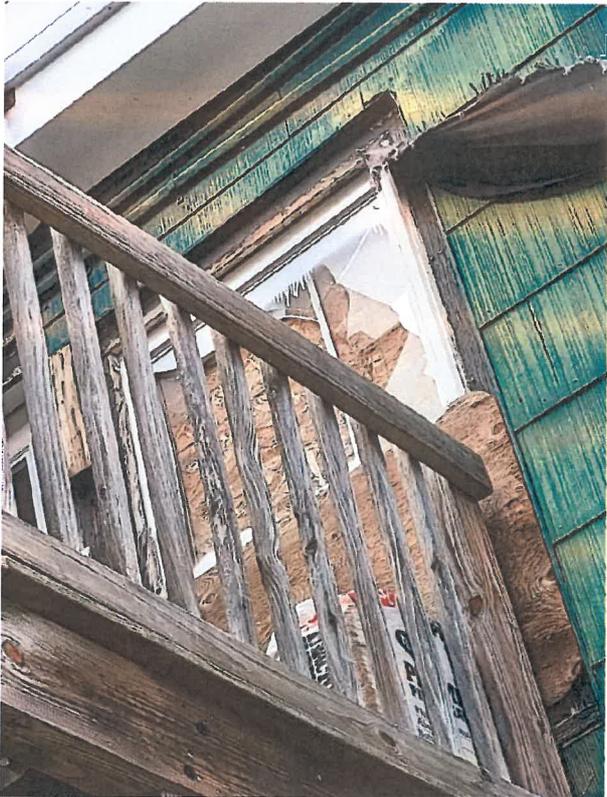


Exterior Violation: Sec 12-226 Maintenance



Exterior Violation: Sec 12-226 Maintenance

110 Hampshire Street September 1, 2022

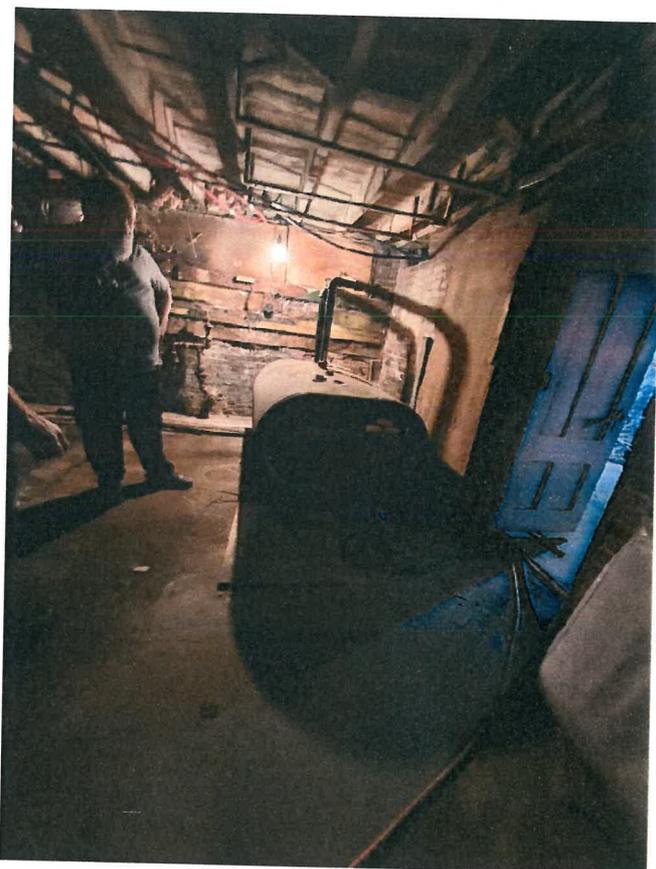


Exterior Violation: Sec 12-226 Maintenance



Exterior Violation: Sec 12-226 Maintenance

110 Hampshire Street September 1, 2022

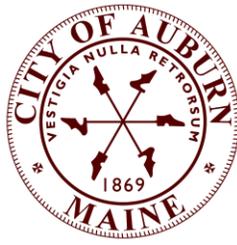


Basement Violation: Sec 12-226 Maintenance



Unit #8 Violation: Sec 12-226 Maintenance

110 Hampshire Street September 1, 2022



City Council Order

IN CITY COUNCIL

CITY OF AUBURN CITY COUNCIL FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER OF DEMOLITION

110 HAMPSHIRE STREET

On December 5, 2022, at 7:00 p.m., the Auburn City Council held a hearing at 60 Court Street in Auburn, Maine to determine whether the (“Structures”) at 110 Hampshire Street in Auburn, Maine, further described in the deed recorded in the Androscoggin County Registry of Deeds at Book 10028, Page 126 (the “Premises”), are dangerous or nuisances pursuant to 17 M.R.S. § 2851. As such, the Council makes the following findings of fact and conclusions of law, and orders that the Structures be demolished.

Findings of Fact

Present at the hearing on this matter for the city was Eric Cousens, Director of Planning & Permitting, and Kris Beaudoin, Code Enforcement Officer. The following individuals appeared on behalf of the owner and/or parties in interest_____.

After considering the testimony and evidence presented, the City Council makes the following findings of fact:

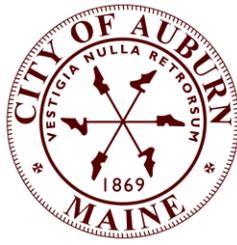
1. The Premises and Structures are owned by Lions Real Estate LLC (the “Owner”). Planning, Permitting & Code Department (“Department”) **Exhibits 1.**
2. Alexandria Savard Owner of Lions Real Estate LLC was served with copies of the Notice of Hearing (“Notice”) on November 17, 2022. **Exhibit 2.**
3. A copy of that Notice was also recorded in the Androscoggin County Registry of Deeds on November 16, 2022. **Exhibit 3.**
4. The Council has accepted and adopts the facts stated in the affidavits and supporting exhibits of Code Enforcement Officers Kris Beaudoin, Cy Wilkinson, and Jennifer Dick. Department **Exhibits 4, 5 and 6.**
5. The Structures are structurally unsafe.
6. The Structures are unfit for human occupancy due to significant structural damage.
7. The Structures constitute a hazard to health and safety because of inadequate maintenance.
8. The Owner have been given the opportunity to remedy the conditions at the Premises but have failed to do so.

Conclusions of Law

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

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

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



City Council Order

Applying the legal standards set forth in 17 M.R.S. § 2851, the Auburn City Council reaches the following conclusions of law:

9. The Structures are structurally unsafe and unstable.
10. The Structures are unsanitary.
11. The Structures constitutes a fire hazard.
12. The Structures are unsuitable and improper for human habitation.
13. The Structures are a hazard to health and safety because of inadequate maintenance, dilapidation, obsolescence, or abandonment.
14. The Structures are dangerous to life and property.

Any one of these conclusions would be sufficient to support a finding that the Structures are a nuisance and dangerous buildings, and the Council hereby concludes that the Structure at 110 Hampshire Street is a nuisance and dangerous building within the meaning of 17 M.R.S. § 2851.

Order 15-12052022

Having found that the Structures at 110 Hampshire Street is a nuisance and dangerous buildings within the meaning of 17 M.R.S. § 2851, the Auburn City Council hereby ORDERS:

15. That the Owner, and/or their successors or assigns, demolish the Structures, remove all debris, and stabilize the site within ninety (90) days of service of this Order.
16. That if the Owners, and/or their successors or assigns, fail to comply with this Order in the time frame set forth herein, the City shall have the authority to carry out this Order.
17. That within ninety (90) days after demand by the City, the Owners, and/or their successors or assigns, shall reimburse the City for all expenses it incurs in connection with this proceeding, including, but not limited to, expenses for securing and maintaining the Structure, service and other costs incurred, attorneys' fees, and any and all demolition and clean-up costs.
18. That if the Owners, and/or their successors and assigns, fail to timely reimburse the City for the expenses provided for above, the City shall assess a special tax against the Premises, as provided for in 17 M.R.S. § 2853 and/or recover its costs by means of a collection action.

This decision may be appealed to Superior Court under Maine Rule of Civil Procedure 80B.

I, Susan Clements-Dallaire, City Clerk for the City of Auburn, certify that on December 5, 2022, the Auburn City Council adopted the above Order.

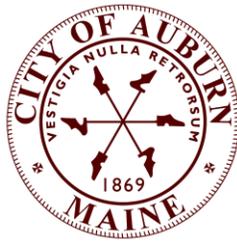
Dated:

Susan Clements-Dallaire
City Clerk

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

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

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



ORDER 158-12052022

City Council Order

STATE OF MAINE

ANDROSCOGGIN, ss

December 5, 2022

Before me this day personally appeared Susan Clements-Dallaire who acknowledges the foregoing instrument to be her free act and deed.

Notary Public/Attorney at Law

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: December 5, 2022

Order: 159-12052022

Author: Alison F. Pepin, Deputy Clerk

Subject: Ryan & Connor Concessions, Group LLC., DBA Ringers

Information: Ryan & Connor Concessions, Group LLC., DBA Ringers, a *new* concession business to be located at Norway Savings Bank Arena, 985 Turner Street has applied for a Liquor License. Police, Fire, and Code have completed the necessary inspections and have granted approval. There are no outstanding taxes owed.

City Budgetary Impacts: None

Staff Recommended Action: Public Hearing and recommend passage.

Previous Meetings and History: N/A

City Manager Comments:

Phillip Crowell Jr.

I concur with the recommendation. Signature:

Attachments:

- FSE Class I Application
- State Liquor License Application
- Public Notice
- Order

4. Indicate the type of license applying for: (choose only one)

- | | | |
|--|--|---|
| <input checked="" type="checkbox"/> Restaurant
(Class I, II, III, IV) | <input type="checkbox"/> Class A Restaurant/Lounge
(Class XI) | <input type="checkbox"/> Class A Lounge
(Class X) |
| <input type="checkbox"/> Hotel
(Class I, II, III, IV) | <input type="checkbox"/> Hotel – Food Optional
(Class I-A) | <input type="checkbox"/> Bed & Breakfast
(Class V) |
| <input type="checkbox"/> Golf Course (included optional licenses, please check if apply)
(Class I, II, III, IV) | <input type="checkbox"/> Auxiliary | <input type="checkbox"/> Mobile Cart |
| <input type="checkbox"/> Tavern
(Class IV) | <input type="checkbox"/> Other: _____ | |
| <input type="checkbox"/> Qualified Caterer | <input type="checkbox"/> Self-Sponsored Events (Qualified Caterers Only) | |

Refer to Section V for the License Fee Schedule on page 9

5. Business records are located at the following address:

296 High St South Portland ME 04106

6. Is the licensee/applicant(s) citizens of the United States? Yes No

7. Is the licensee/applicant(s) a resident of the State of Maine? Yes No

NOTE: Applicants that are not citizens of the United States are required to file for the license as a business entity.

8. Is licensee/applicant(s) a business entity like a corporation or limited liability company?

Yes No If Yes, complete Section VII at the end of this application

9. For a licensee/applicant who is a business entity as noted in Section I, does any officer, director, member, manager, shareholder or partner have in any way an interest, directly or indirectly, in their capacity in any other business entity which is a holder of a wholesaler license granted by the State of Maine?

Yes No

Not applicable – licensee/applicant(s) is a sole proprietor

10. Is the licensee or applicant for a license receiving, directly or indirectly, any money, credit, thing of value, endorsement of commercial paper, guarantee of credit or financial assistance of any sort from any person or entity within or without the State, if the person or entity is engaged, directly or indirectly, in the manufacture, distribution, wholesale sale, storage or transportation of liquor.

Yes No

If yes, please provide details: _____

11. Do you own or have any interest in any another Maine Liquor License? Yes No

If yes, please list license number, business name, and complete physical location address: (attach additional pages as needed using the same format)

Name of Business	License Number	Complete Physical Address
Waterville Pie LLC / DBA Portland Pie Co	CAR-2018-11053	173 Main St Waterville ME 04901
Windham Pie LLC / DBA Portland Pie Co	CAR-2020-12714	791 Roosevelt Tr Windham ME 04092

12. List name, date of birth, place of birth for all applicants including any manager(s) employed by the licensee/applicant. Provide maiden name, if married. (attach additional pages as needed using the same format)

Full Name	DOB	Place of Birth
Patrick Mulligan	5/11/69	Portland, ME

Residence address on all the above for previous 5 years

Name	Address:
Patrick Mulligan	296 High St South Portland, ME 04106
Name	Address:
Name	Address:
Name	Address:

13. Will any law enforcement officer directly benefit financially from this license, if issued?

Yes No

If Yes, provide name of law enforcement officer and department where employed:

14. Has the licensee/applicant(s) ever been convicted of any violation of the liquor laws in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

15. Has the licensee/applicant(s) ever been convicted of any violation of any law, other than minor traffic violations, in Maine or any State of the United States? Yes No

If Yes, please provide the following information and attach additional pages as needed using the same format.

Name: _____ Date of Conviction: _____

Offense: _____ Location: _____

Disposition: _____

16. Has the licensee/applicant(s) formerly held a Maine liquor license? Yes No

17. Does the licensee/applicant(s) own the premises? Yes No

If No, please provide the name and address of the owner:

City of Auburn 60 Court St Auburn, ME 04210

18. If you are applying for a liquor license for a Hotel or Bed & Breakfast, please provide the number of guest rooms available: _____

19. Please describe in detail the area(s) within the premises to be licensed. This description is in addition to the diagram in Section VI. (Use additional pages as needed)

Second Floor Mezzanine ~~area~~ concession area of Ice Arena.
This extends the full mezzanine between the two rinks

20. What is the distance from the premises to the **nearest** school, school dormitory, church, chapel or parish house, measured from the main entrance of the premises to the main entrance of the school, school dormitory, church, chapel or parish house by the ordinary course of travel?

Name: Saint Dominic Academy

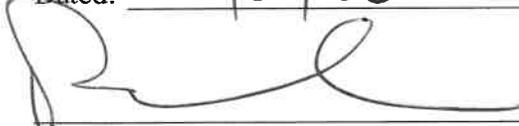
Distance: 0.4 miles

Section II: Signature of Applicant(s)

By signing this application, the licensee/applicant understands that false statements made on this application are punishable by law. Knowingly supplying false information on this application is a Class D Offense under Maine's Criminal Code, punishable by confinement of up to one year, or by monetary fine of up to \$2,000 or by both.

Please sign and date in blue ink.

Dated: 11/21/22



Signature of Duly Authorized Person

Signature of Duly Authorized Person

Patrick Mulligan
Printed Name Duly Authorized Person

Printed Name of Duly Authorized Person

Section III: For use by Municipal Officers and County Commissioners only

The undersigned hereby certifies that we have complied with the process outlined in 28-A M.R.S. §653 and approve this on-premises liquor license application.

Dated: NOV 30 2022

Who is approving this application? Municipal Officers of Auburn

County Commissioners of _____ County

- Please Note:** The Municipal Officers or County Commissioners must confirm that the records of Local Option Votes have been verified that allows this type of establishment to be licensed by the Bureau for the type of alcohol to be sold for the appropriate days of the week. Please check this box to indicate this verification was completed.

Signature of Officials	Printed Name and Title
	Susan Clements-Dallaire, City Clerk
	on behalf of the Municipal Officers

This Application will Expire 60 Days from the date of Municipal or County Approval unless submitted to the Bureau

Included below is the section of Maine’s liquor laws regarding the approval process by the municipalities or the county commissioners. This is provided as a courtesy only and may not reflect the law in effect at the time of application. Please see <http://www.mainelegislature.org/legis/statutes/28-A/title28-Asec653.html>

§653. Hearings; bureau review; appeal

1. Hearings. The municipal officers or, in the case of unincorporated places, the county commissioners of the county in which the unincorporated place is located, may hold a public hearing for the consideration of applications for new on-premises licenses and applications for transfer of location of existing on-premises licenses. The municipal officers or county commissioners may hold a public hearing for the consideration of requests for renewal of licenses, except that when an applicant has held a license for the prior 5 years and a complaint has not been filed against the applicant within that time, the applicant may request a waiver of the hearing.

A. The bureau shall prepare and supply application forms.

B. The municipal officers or the county commissioners, as the case may be, shall provide public notice of any hearing held under this section by causing a notice, at the applicant's prepaid expense, stating the name and place of hearing, to appear on at least 3 consecutive days before the date of hearing in a daily newspaper having general circulation in the municipality where the premises are located or one week before the date of the hearing in a weekly newspaper having general circulation in the municipality where the premises are located.

C. If the municipal officers or the county commissioners, as the case may be, fail to take final action on an application for a new on-premises license or transfer of the location of an existing on-premises license within 60 days of the filing of an application, the application is deemed approved and ready for action by the bureau. For purposes of this paragraph, the date of filing of the application is the date the application is received by the municipal officers or county commissioners. This paragraph applies to all applications pending before municipal officers or county commissioners as of the effective date of this paragraph as well as all applications filed on or after the effective date of this paragraph. This paragraph applies to an existing on-premises license that has been extended pending renewal. The municipal officers or the county commissioners shall take final action on an on-premises license that has been extended pending renewal within 120 days of the filing of the application.

D. If an application is approved by the municipal officers or the county commissioners but the bureau finds, after inspection of the premises and the records of the applicant, that the applicant does not qualify for the class of license applied for, the bureau shall notify the applicant of that fact in writing. The bureau shall give the applicant 30 days to file an amended application for the appropriate class of license, accompanied by any additional license fee, with the municipal officers or county commissioners, as the case may be. If the applicant fails to file an amended application within 30 days, the original application must be denied by the bureau. The bureau shall notify the applicant in writing of its decision to deny the application including the reasons for the denial and the rights of appeal of the applicant.

2. Findings. In granting or denying an application, the municipal officers or the county commissioners shall indicate the reasons for their decision and provide a copy to the applicant. A license may be denied on one or more of the following grounds:

A. Conviction of the applicant of any Class A, Class B or Class C crime;

B. Noncompliance of the licensed premises or its use with any local zoning ordinance or other land use ordinance not directly related to liquor control;

C. Conditions of record such as waste disposal violations, health or safety violations or repeated parking or traffic violations on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises or other such conditions caused by persons patronizing or employed by the licensed premises that unreasonably disturb, interfere with or affect the ability of persons or businesses residing or located in the vicinity of the licensed premises to use their property in a reasonable manner;

D. Repeated incidents of record of breaches of the peace, disorderly conduct, vandalism or other violations of law on or in the vicinity of the licensed premises and caused by persons patronizing or employed by the licensed premises;

D-1. Failure to obtain, or comply with the provisions of, a permit for music, dancing or entertainment required by a municipality or, in the case of an unincorporated place, the county commissioners;

E. A violation of any provision of this Title;

F. A determination by the municipal officers or county commissioners that the purpose of the application is to circumvent the provisions of section 601; and

G. After September 1, 2010, server training, in a program certified by the bureau and required by local ordinance, has not been completed by individuals who serve alcoholic beverages.

3. Appeal to bureau. Any applicant aggrieved by the decision of the municipal officers or county commissioners under this section may appeal to the bureau within 15 days of the receipt of the written decision of the municipal officers or county commissioners. The bureau shall hold a public hearing in the city, town or unincorporated place where the premises are situated. In acting on such an appeal, the bureau may consider all licensure requirements and findings referred to in subsection 2.

A. Repealed

B. If the decision appealed from is an application denial, the bureau may issue the license only if it finds by clear and convincing evidence that the decision was without justifiable cause.

4. Repealed

5. Appeal to District Court. Any person or governmental entity aggrieved by a bureau decision under this section may appeal the decision to the District Court within 30 days of receipt of the written decision of the bureau.

An applicant who files an appeal or who has an appeal pending shall pay the annual license fee the applicant would otherwise pay. Upon resolution of the appeal, if an applicant's license renewal is denied, the bureau shall refund the applicant the prorated amount of the unused license fee.

Section IV: Terms and Conditions of Licensure as an Establishment that sells liquor for on-premises consumption in Maine

- The licensee/applicant(s) agrees to be bound by and comply with the laws, rules and instructions promulgated by the Bureau.
- The licensee/applicant(s) agrees to maintain accurate records related to an on-premise license as required by the law, rules and instructions promulgated or issued by the Bureau if a license is issued as a result of this application.
 - The licensee/applicant(s) authorizes the Bureau to obtain and examine all books, records and tax returns pertaining to the business, for which this liquor license is requested, and also any books, records and returns during the year in which any liquor license is in effect.
- Any change in the licensee's/applicant's licensed premises as defined in this application must be approved by the Bureau in advance.
- All new applicants must apply to the Alcohol and Tobacco Tax and Trade Bureau (TTB) for its Retail Beverage Alcohol Dealers permit. See the TTB's website at <https://www.ttb.gov/nrc/retail-beverage-alcohol-dealers> for more information.

Section V: Fee Schedule

Filing fee required. In addition to the license fees listed below, a filing fee of \$10.00 must be included with all applications.

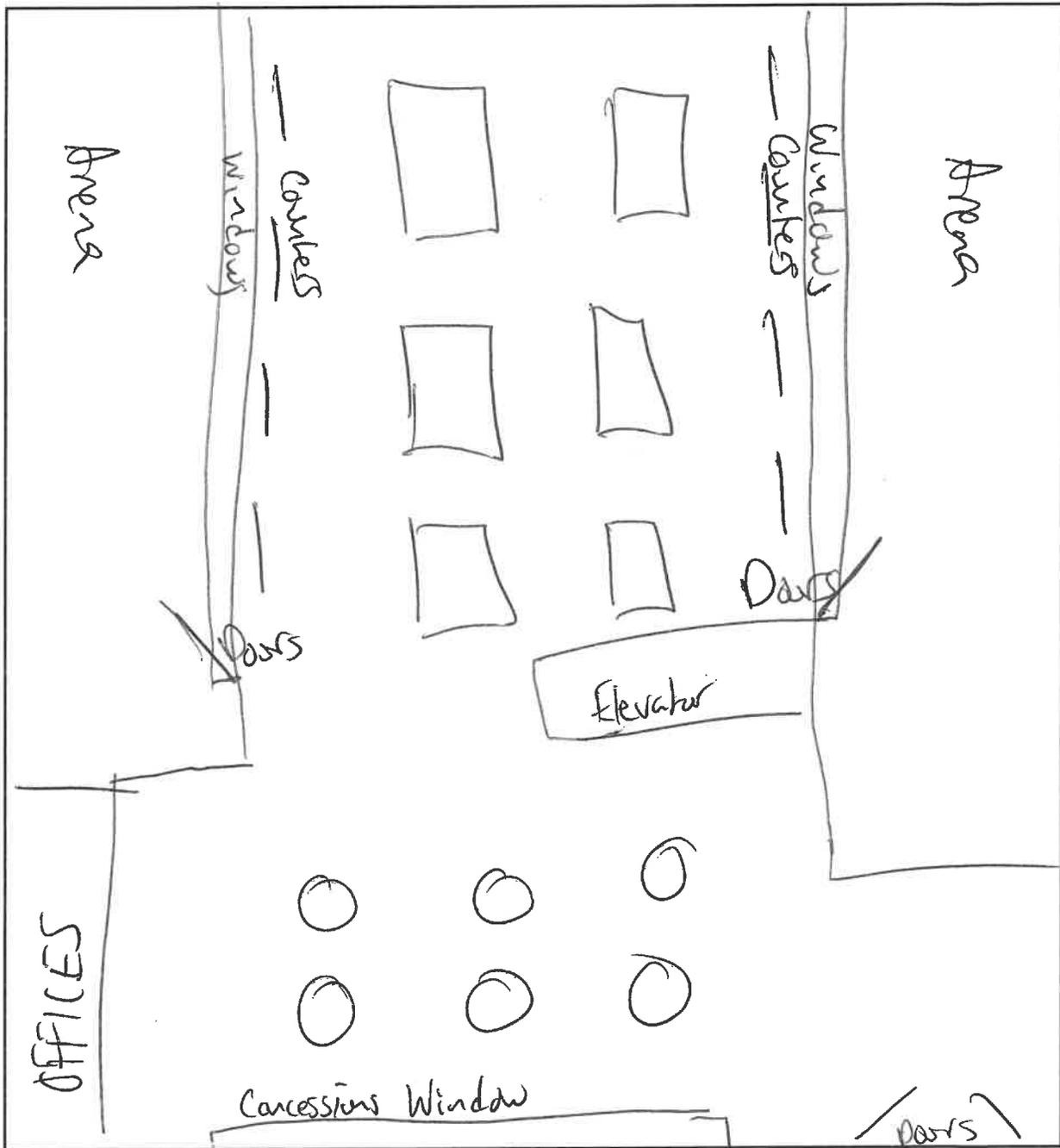
Please note: For Licensees/Applicants in unorganized territories in Maine, the \$10.00 filing fee must be paid directly to County Treasurer. All applications received by the Bureau from licensees/applicants in unorganized territories must submit proof of payment was made to the County Treasurer together with the application.

Class of License	Type of liquor/Establishments included	Fee
Class I	For the sale of liquor (malt liquor, wine and spirits) This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Vessels; Qualified Caterers	\$ 900.00
Class I-A	For the sale of liquor (malt liquor, wine and spirits) This class includes only hotels that do not serve three meals a day.	\$1,100.00
Class II	For the Sale of Spirits Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; and Vessels.	\$ 550.00
Class III	For the Sale of Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class IV	For the Sale of Malt Liquor Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Taverns; Pool Halls; and Bed and Breakfasts.	\$ 220.00
Class III and IV	For the Sale of Malt Liquor and Wine Only This class includes: Airlines; Civic Auditoriums; Class A Restaurants; Clubs with catering privileges; Dining Cars; Golf Courses; Hotels; Indoor Ice-Skating Clubs; Indoor Tennis Clubs; Restaurants; Vessels; Pool Halls; and Bed and Breakfasts.	\$ 440.00
Class V	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Club without catering privileges.	\$ 495.00
Class X	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Class A Lounge	\$2,200.00
Class XI	For the sale of liquor (malt liquor, wine and spirits) This class includes only a Restaurant Lounge	\$1,500.00

Section VI Premises Floor Plan

In an effort to clearly define your license premise and the areas that consumption and storage of liquor authorized by your license type is allowed, the Bureau requires all applications to include a diagram of the premise to be licensed.

Diagrams should be submitted on this form and should be as accurate as possible. Be sure to label the following areas: entrances, office area, coolers, storage areas, display cases, shelves, restroom, point of sale area, area for on-premise consumption, dining rooms, event/function rooms, lounges, outside area/decks or any other areas on the premise that you are requesting approval. Attached an additional page as needed to fully describe the premise.



Section VII: Required Additional Information for a Licensee/Applicant for an On-Premises Liquor License Who are Legal Business Entities

Questions 1 to 4 of this part of the application must match information in Section I of the application above and match the information on file with the Maine Secretary of State's office. If you have questions regarding your legal entity name or DBA, please call the Secretary of State's office at (207) 624-7752.

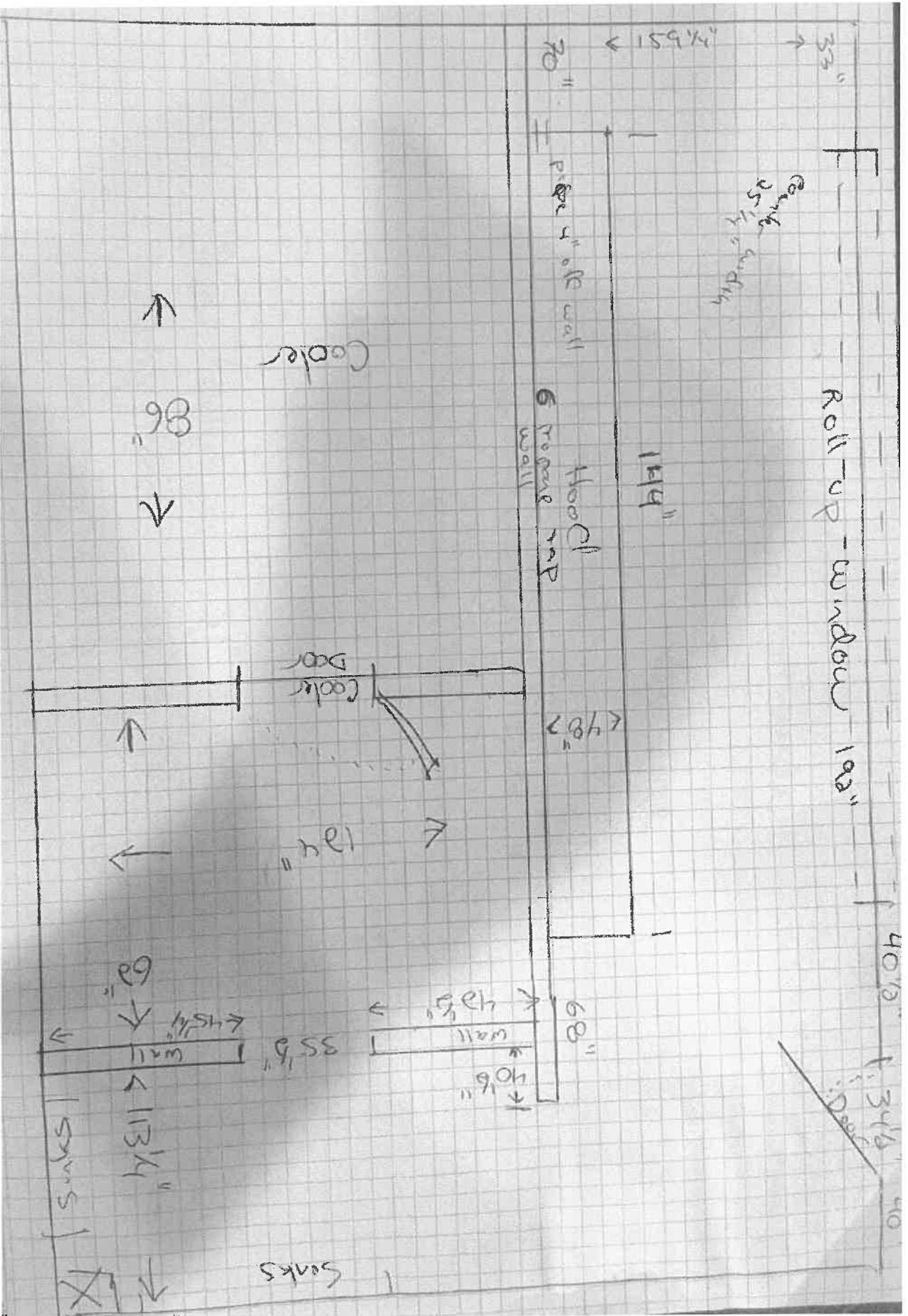
All Questions Must Be Answered Completely. Please print legibly.

1. Exact legal name: Ryan and Carver Concessions Group LLC
2. Doing Business As, if any: Ringers
3. Date of filing with Secretary of State: 9/1/22 State in which you are formed: ME
4. If not a Maine business entity, date on which you were authorized to transact business in the State of Maine:

5. List the name and addresses for previous 5 years, birth dates, titles of officers, directors, managers, members or partners and the percentage ownership any person listed: (attached additional pages as needed)

Name	Address (5 Years)	Date of Birth	Title	Percentage of Ownership
Patrick Mulligan	296 High St South Portland ME 04106	5/11/69	owner	100

(Ownership in non-publicly traded companies must add up to 100%.)



**CITY OF AUBURN
NOTICE OF PUBLIC HEARING**

A public hearing will be held by the Auburn City Council on December 05, 2022 at 7:00 p.m. or as soon as possible thereafter, in the Council Chambers of Auburn Hall, 60 Court Street, to consider the Liquor License application for:

**Ryan & Connor
Concessions Group, LLC.,
DBA Ringers –
985 Turner Street**

All interested persons may appear and will be given the opportunity to be heard before final action is taken.



ORDER 159-12052022

City Council Order

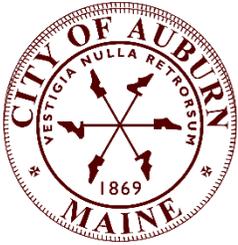
IN CITY COUNCIL

ORDERED, that the City Council hereby approves the Liquor License for Ryan & Connor Concessions Group, LLC, DBA: Ringers, located at 985 Turner Street.

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: December 5, 2022

Order: 160-12052022

Author: Brian Wood, Assistant City Manager

Subject: Purchase of a portable stage

Information:

The City of Auburn has historically rented a stage 2 to 4 times a year for various performances and events. With an increase in major events planned over the next several years an investment in a mobile stage, equipment and training would remediate the need to rent a stage and allow for greater flexibility with events.

City Budgetary Impacts:

\$180,000.00

Staff Recommended Action:

Staff recommends supporting this purchase

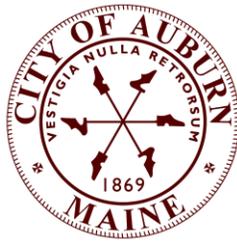
Previous Meetings and History:

N/A

City Manager Comments:

I concur with the recommendation. Signature:

Attachments:



ORDER 160-12052022

City Council Order

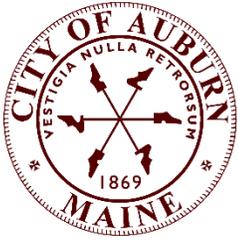
IN CITY COUNCIL

ORDERED, that the Auburn City Council direct the City Manager to purchase a portable stage of similar size and capabilities as has historically been rented. The City of Auburn will allocate up to \$180,000 from the American Rescue Plan Act (ARPA) funds in support of this initiative.

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: December 5, 2022

Ordinance: 24-12052022

Author: Eric Cousens, Director of Planning and Permitting

Subject: First Reading on a Zone Change Petition for 150 Andrew Drive (Parcel I.D. 347-003)

Information: On November 15, 2022, The Planning Board held a public hearing and vote on a petition submitted to amend the areas outside the Lake Auburn watershed: 33.49 +/- acres of 38.22 total acres at 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.576 acres, zoning districts to Suburban Residential (SR) zoning district. The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation. The proposal is pursuant to Chapter 60 Article XVII Division 2—Amendment to the Zoning Ordinance or Zoning Map.

After the Planning Board voted against a motion to not rezone the parcel, they made a favorable recommendation to “amend 33.49 +/- acres of the 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), occupying 29.92 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to the Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation.”

At the hearing it was noted by a member of the public that the Maine Municipal Guide for Planning Boards recommends that Board Members not represent clients in front of the Planning Board that they serve on. Board Member Brian Dubois did his due diligence and asked if he could recuse himself from the item but still participate and represent his client as a member of the public and local Real Estate Broker and was advised that that he could, and that the recusal was the appropriate action on his part. Staff has since researched the issue further and although State Law allows it, local Planning Board policy is more stringent, and doe does not allow it. We raise this issue for full transparency and to note that the Board Member did as he was advised and had no intention of violating a policy or rule. The Council, if they choose, could remedy this by requesting that the Planning Board hold a new hearing, without the participation of the board member that had a conflict and recused himself from deliberation as a Board Member. It is unlikely that this would result in a different outcome and may not be worthwhile, but it has brought attention to the policy for future referrals. The policy is up for review in February and Staff will work with the Board to align the Policy with updated Maine Municipal Association Guidance and State Law and to ensure staff and the Board are familiar with the updated policy.

City Budgetary Impacts:

Staff Recommended Action:

Staff suggests Council hold the first reading vote to pass the Planning Board’s recommendation to amend 33.49 +/- acres of the 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), occupying 29.92 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/-

acres, zoning districts to the Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation.

Previous Meetings and History:

November 15, 2022, Planning Board Meeting

City Manager Comments:



I concur with the recommendation. Signature:

Attachments: November 15, 2022, Planning Board Motion; Staff Report; Petition, Receipt, and Map; Sketch Map and Comp Plan overlay; Division 5-Suburban Residence District; Rural Residential Road Strips excerpt from the 2021 Comprehensive Plan.



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

60 Court Street | Auburn, Maine

04210 www.auburnmaine.gov |

207.333.6601

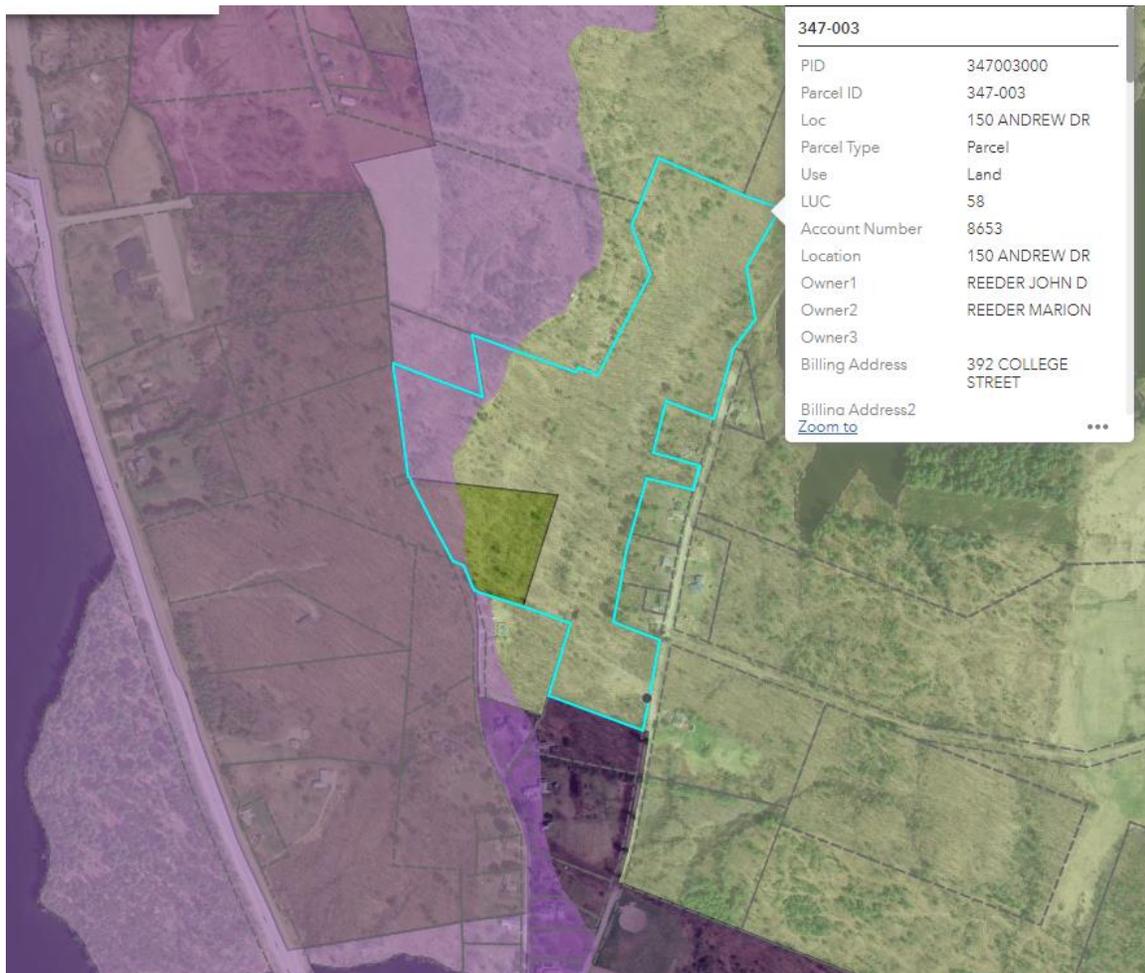
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

Re: Zone Change Petition for 150 Andrew Drive (Parcel I.D. 347-003)

Date: November 15, 2022

Proposal: Petition/ Zone Change Request: Petition to amend the areas outside the Lake Auburn watershed: 33.49 +/- acres of 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through and AG zone designation. The proposal is pursuant to Chapter 60 Article XVII Division 2—Amendment to the Zoning Ordinance or Zoning Map.



Amendments to the zoning ordinance, including the zoning map, may be initiated by the Planning Board on its own initiative or upon request by the City Council or by a petition signed by not less than 25 registered voters of the city (Ord. of 9-21-2009, § 8.1A).

One of the primary tests of a zone change is its conformance with the Comprehensive Plan.

The 2021 Comprehensive Plan provides two standards and mechanisms to consider if rezoning this parcel. First, residential strip zones may be appropriate based on a few considerations. One of these criteria are the existence of an established residential pattern. An established pattern means at least six to eight homes per half mile counting both sides of the road. This road meets the criteria with seven homes in 0.25 miles. The Comprehensive Plan guides the city to also consider “Reserve Area Adjacency” (maintained as undeveloped for the purpose of a different use in the foreseeable future) and “Natural Resource Adjacency” (areas with significant natural value) as reason to not provide a residential strip zone. Part of the parcel has slopes with a grade of over 25%, where a residential strip should not be placed according to the comprehensive plan. Residential strips adjacent to Agriculture and Resource Protection land in Auburn are commonly 450 ft deep.

Based on the guidance within the comprehensive plan and considering the slopes and location of this parcel, staff recommends that the Board vote in favor of rezoning a portion, 21.06 +/- acres, instead of 33.49 +/- acres requested in the petition. By excluding the parts of the parcel that have steep slopes as defined in the Comprehensive Plan and parts of the parcel in the watershed and finally applying 450 ft residential strips, staff recommends that the Planning Board rezone 21.06 +/- acres as Suburban Residential with 12.00 +/- acres to remain in AG and 4.66 +/- acres to remain in LDCR as shown on the map below as depicted in the original text and map.

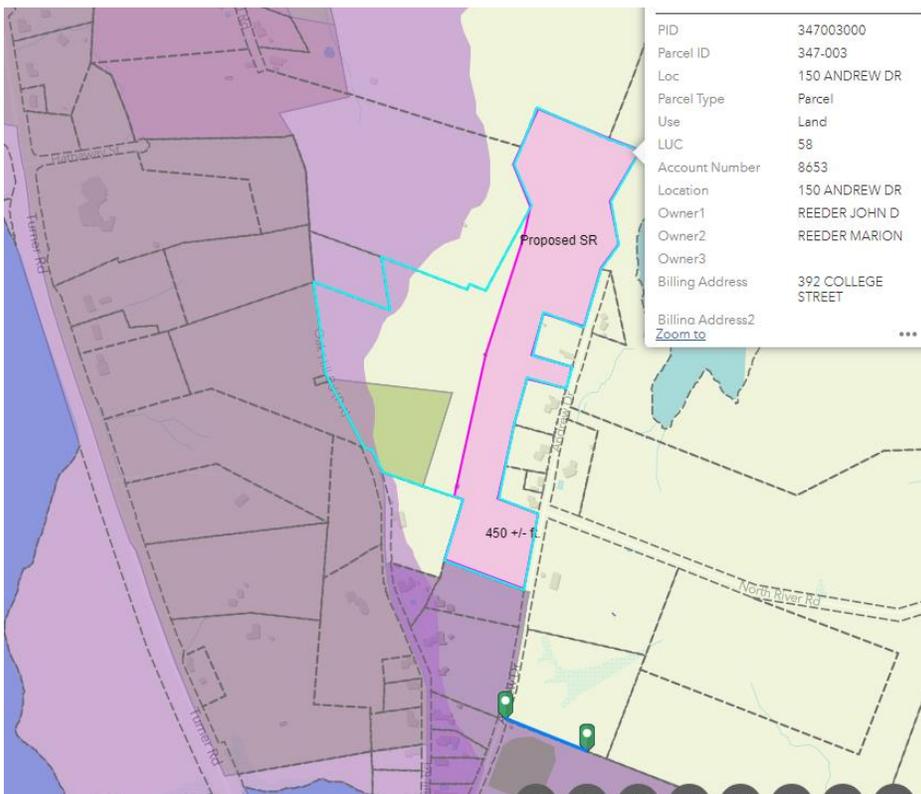


Figure 1—Staff Suggested Zone Change, supported by 2021 Comprehensive Plan.

Andrew Drive is adjacent to Gulf Island Pond where a public boat launch was proposed by the city in the past. At the time, the proposal was rejected because of safety concerns

on Route 4. This summer, considerable safety upgrades have been made on the road addressing the original concerns that prevented the boat launch. While the board considers rezoning 150 Andrew Drive, they may also consider rezoning the easterly side of the road abutting the river to SR as well to allow for future public access.

The Board may decide to initiate a zone change at a later meeting to rezone the five remaining parcels on the westerly side of Andrew Drive from AG to SR and an additional 450 ft. Strip from AG to SR on the easterly side of Andrew Drive beginning at Parcel I.D. 337-021, 101 Andrew Drive, ending north where Andrew drive ends or determined by the board and council. With this change, the board may decide to change the portion of the parcel in question currently zoned as LDCR to AG. The purpose of these subsequent changes would be to create a strip zone consistent with the Comprehensive Plan allowing for riverfront access thereby enhancing the neighborhood with waterfront recreational activity. The other purpose of the subsequent zone change would be to convert land within the watershed to Agriculture and Resource Protection which is currently in LDCR. The map of a future change could look like the following:

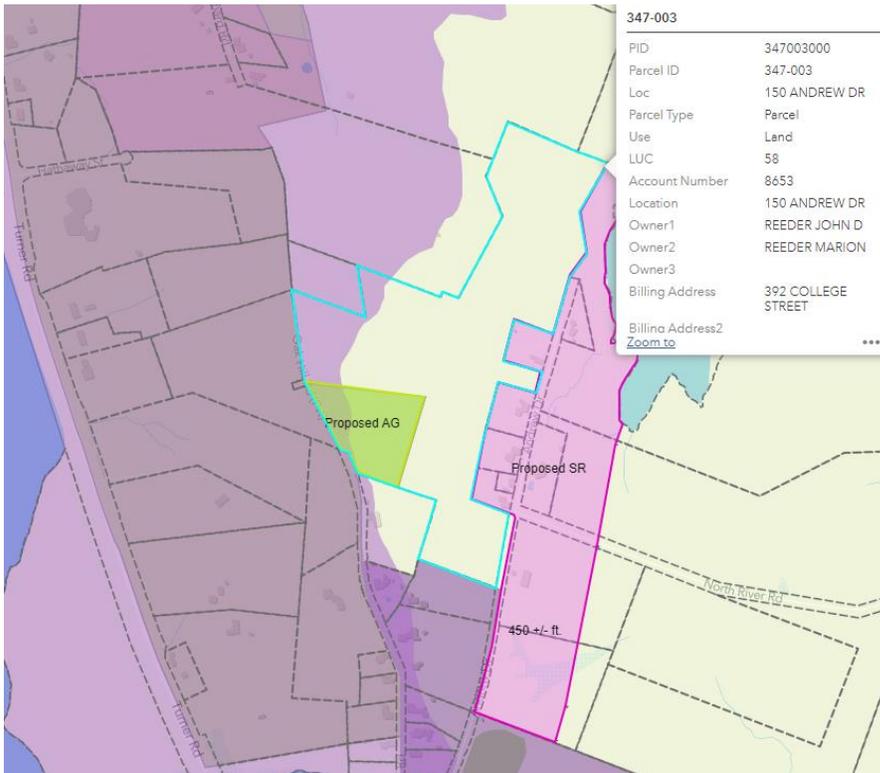


Figure 2—Possible future change not part of this petition.

The Board could instead opt to change the existing Low-Density Country Residential to Suburban Residential zoning or leave it as it is.

A second Comprehensive Plan supported option the Board could consider changing the area of the parcel proposed in the petition. This proposal could also be considered as an expansion of an existing historic core as referenced in the Comprehensive Plan:

“The Future Land Use Plan shows graphically how the City’s land use policies apply to the land area of the community, and where and how growth and development should and should not be accommodated over the next decade. The Future Land Use Plan is not a zoning map. It is intended to show, in a general sense, the desired pattern of future land use and development. The intention is that this Future Land Use Plan will guide near-term revisions to the City’s zoning ordinance and maps to assure that the City’s land use regulations are consistent with the policies set forth in this Comprehensive Plan. In addition, by designating transitional districts, the Future Land Use Plan is designed to guide future zoning changes when the circumstances become appropriate.

This Future Land Use Plan reaffirms the basic objective of land use planning, that development in Auburn should grow out from the historic cores (downtown, Danville, New Auburn, West Auburn, and East Auburn) and from older established neighborhoods. This policy was originally set forth in the City’s first comprehensive plan over a half century ago and has continued to guide the City’s land use planning ever since. We continue to believe that growth out from the downtown core and older established neighborhoods provides the most efficient utilization of city services” (Chapter 2 Page 86)

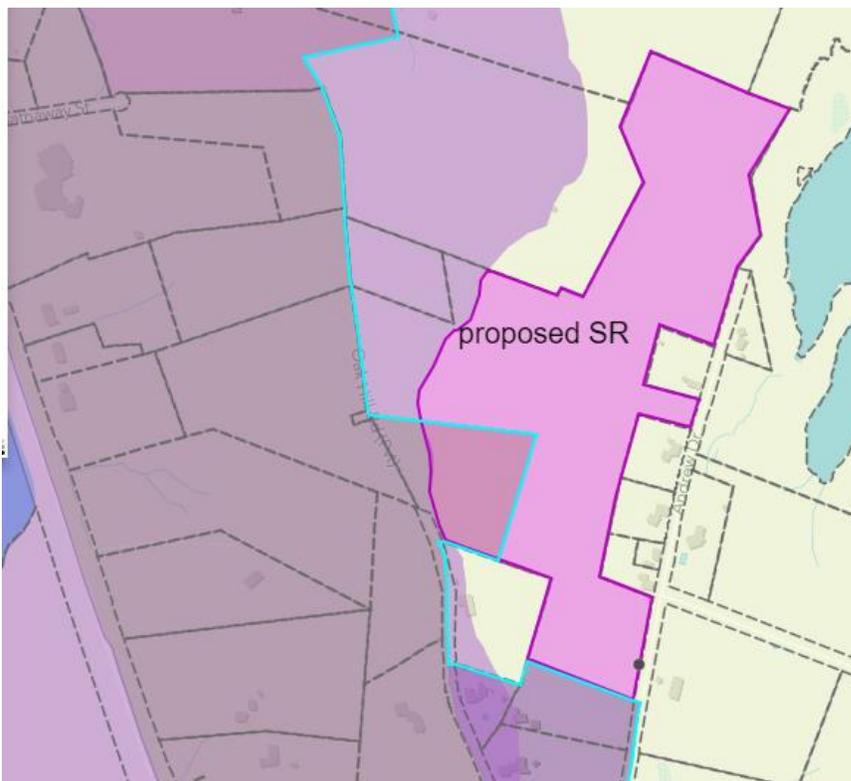


Figure 3—Second Comprehensive Plan Supported change, and the change requested in the petition.

Planning Board Action: Staff recommends that the planning board rezone 21.06 +/- acres bordering Andrew Drive in the AG zone to SR and leave 12.00 +/- acres remaining in the AG zone, and 4.66 +/- acres to remain in LDCR following the boundaries in figure 1; or that the planning board rezone 33.49 +/- acres of 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR) as shown in Figure 3.

Suggested Findings of Fact

1. The applicant submitted rezoning petitions and signatures, City Zoning maps with Parcels identified, 500' abutters list, and plans which met the standards the required materials to make the Zone change on October 3, 2022, thus meeting the time frame and submission standards (Sec. 60-1446).
2. The proposal can be implemented without detriment to city resources.
3. The proposal meets the general future land use plan pattern of development and is consistent with the current comprehensive plan.
4. The zone change will occur outside the Lake Auburn watershed.

Department Review

N/A

Suggested Motion

- A. I make a motion to change 21.06 +/- acres of the 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG) to Suburban Residential (SR) outside the Lake Auburn Watershed, following the map depiction in *Figure 1*.

OR

- B. I make a motion to amend 33.49 +/- acres of 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through and AG zone designation.

REZONING PETITION

We, the undersigned registered voters of the City of Auburn, do herein petition the City of Auburn to amend the Agricultural/Rural zoning portion of the zoning ordinance on (PID 347-003) to allow for a Zone change of Agriculture & Resource Protection Zone to Suburban Residential to support residential opportunities in an otherwise residential neighborhood along Andrews Drive and Oak Hill Road. The property has not been in agricultural use for the last 30 years. The lot is outside the floodplain. Of the 38.22 total acres, approximately 4.73 acres lies in the Lake Auburn Watershed District and would remain protected. Only the remaining 33.49+/- acres is recommended for a Zone change.

Print Name	City of Auburn Legal Address	Signature
✓ Bridget Shea	126 Sunderland Dr	<i>Bridget Shea</i>
✓ Kimberly Jalbert	1100 Stone Rd	<i>Kimberly Jalbert</i>
✓ Greg Jalbert	1100 Stone Rd	<i>Greg Jalbert</i>
✓ Lisa Whitman	15 Par Four Dr	<i>Lisa Whitman</i>
✓ Heather Hill	1166 Cook St. #2	<i>Heather Hill</i>
✓ William Arenalte	377 Beech Hill Rd	<i>William Arenalte</i>
✓ Korie Kano	53 Andrea Lane	<i>Korie Kano</i>
✓ Tom Supter	29 Viste Dr	<i>Tom Supter</i>
✓ Chad Victoria Langley	89 Vista Dr. Auburn	<i>Chad Victoria Langley</i>
✓ Marissa Moreau	217 Third St	<i>Marissa Moreau</i>
✓ Scott Benise	18 Hillsdale St	<i>Scott Benise</i>
✓ Karen Boucher	203 Hackell Rd	<i>Karen Boucher</i>
✓ Brian Boucher	65 Jennifer Dr	<i>Brian Boucher</i>
✓ Carrie Whitman	65 Jennifer Dr	<i>Carrie Whitman</i>
✓ Anthony Forchian	37 Rafael St	<i>Anthony Forchian</i>
✓ Sarah Royal	204 Beech Hill Rd	<i>Sarah Royal</i>
✓ Shannon Chalko	250 Summer St Auburn	<i>Shannon Chalko</i>
✓ Spi Smith	42 E Bates Auburn	<i>Spi Smith</i>
✓ Tom Howaniec	150 Cedarwood Rd	<i>Tom Howaniec</i>
✓ Barbara Howaniec	134 Nottingham Rd	<i>Barbara Howaniec</i>
✓ Karen Mathieu	9 Amberley Way	<i>Karen Mathieu</i>
✓ Michael J. Mathieu	9 Amberley Way	<i>Michael J. Mathieu</i>
NR Lana Cassidy	94 Amberley Way	<i>Lana Cassidy</i>
NR Green Cassidy	94 Amberley Way	<i>Green Cassidy</i>
✓ MARVIE DUBOIS	138 FAIRVIEW AVE	<i>Marvie Dubois</i>
✓ JESSICA Samsom	60 Langdon Ct Aub	<i>Jessica Samsom</i>
✓ Amy Landry	78 Bnardiff Knoll Aub	<i>Amy Landry</i>

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

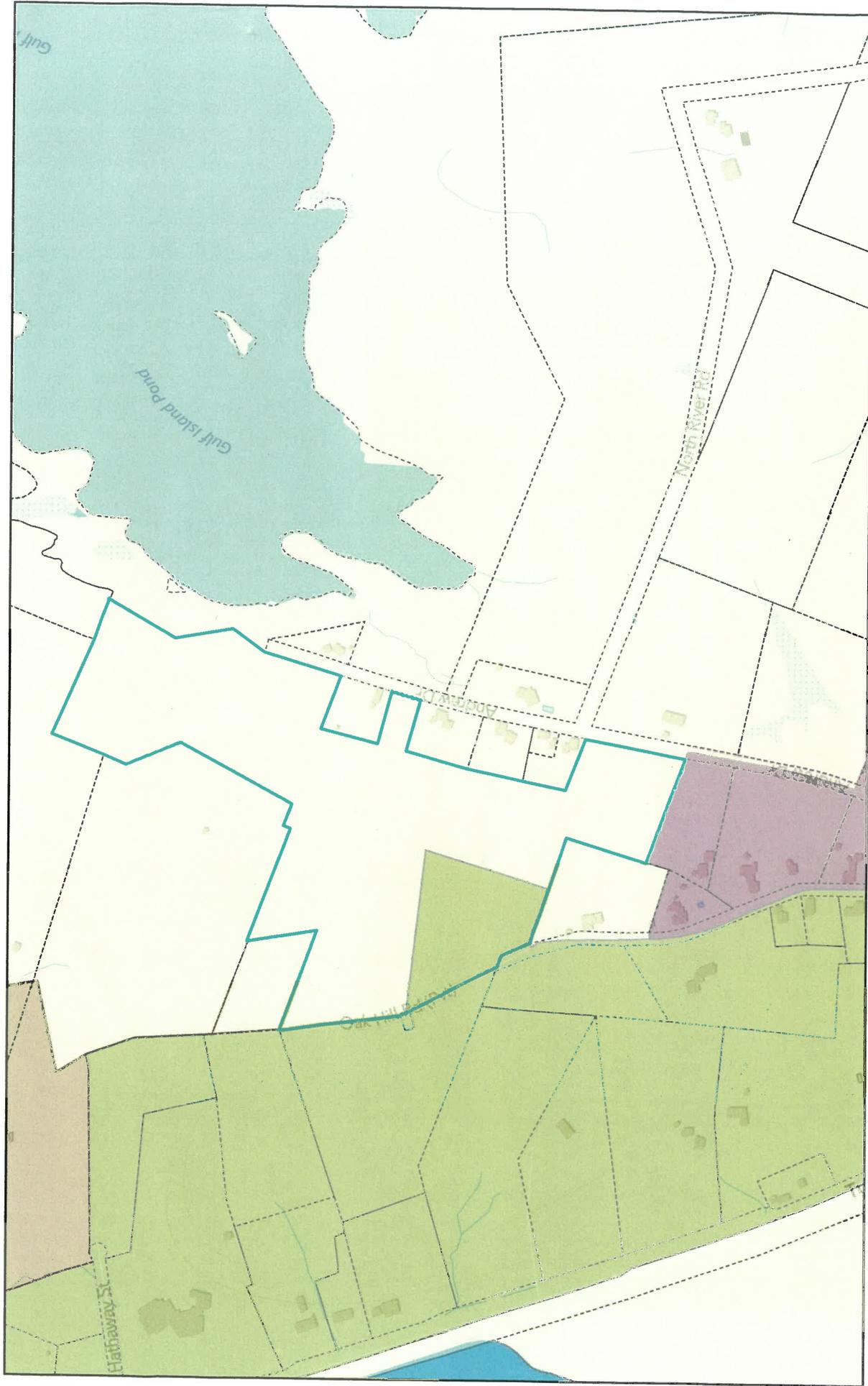
DA

Alexis F. Pepin
10/03/2022

Valid: 26

Invalid: 2

ArcGIS Web Map



9/9/2022, 1:52:27 PM

- Current Parcels _ Public
- Auburn Zoning

- LDCR - Low Density Country Residential
- RR - Rural Residential
- SR - Suburban Residential

Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, Web AppBuilder for ArcGIS

AG - Agriculture and Resource Protection
Credit should always be given to the data source and/or originator when the data is transferred or printed. | Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc., METI/NASA, USGS, EPA, NPS, US



60 Court Street
Auburn, Maine 04210
Tel: (207) 333-6601 ext. 1158
Fax: (207) 333-6625

RECEIPT

BILL TO:
John Reeder

Receipt Number: TRC-018898-03-10-2022

Date: 10/03/2022

Amount

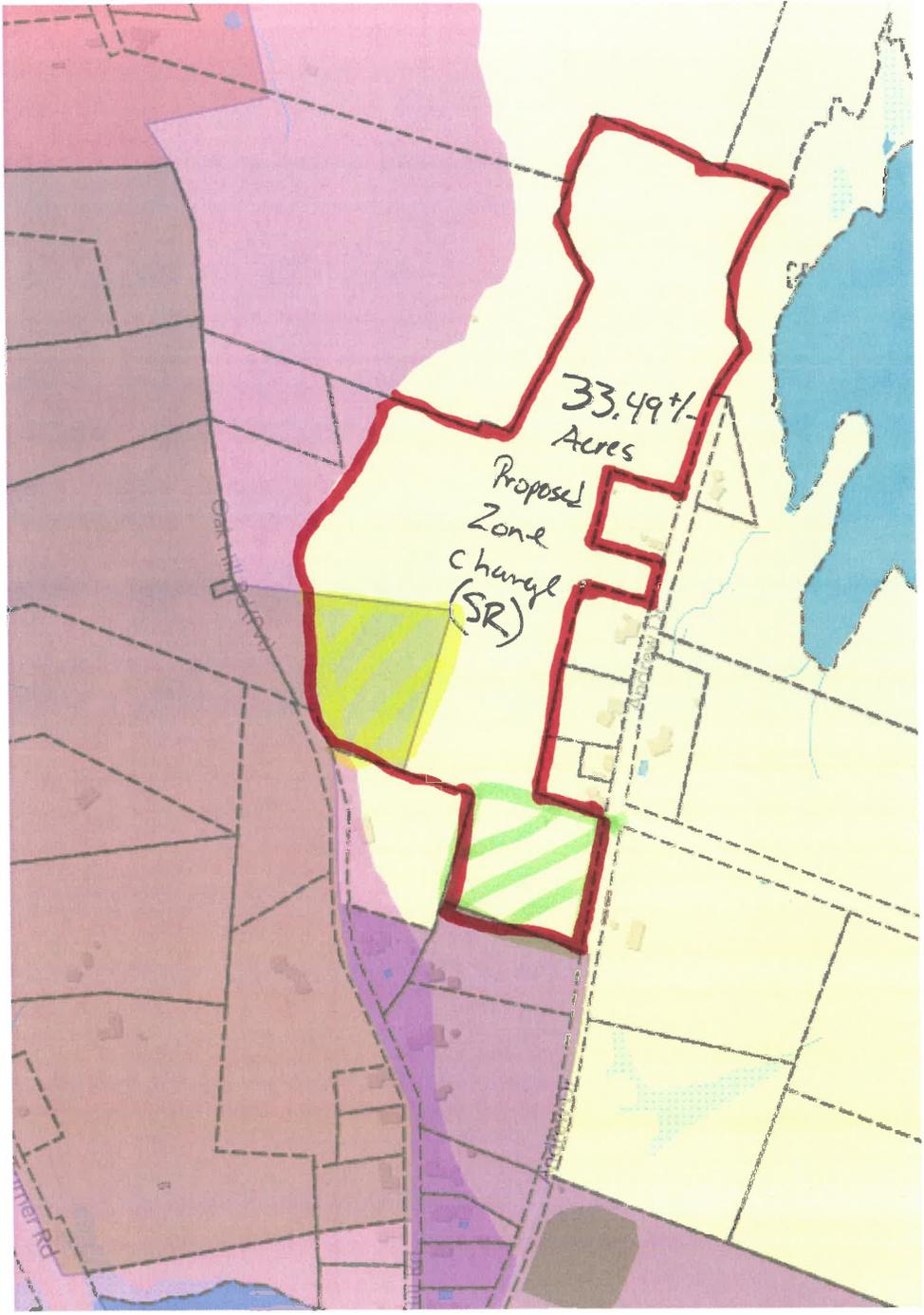
PRIMARY FEES

Invoice Number: 18315

PL: Advertising - ZO/MA	\$300.00
PL: Map Amendment	\$400.00

PAYMENTS RECEIVED

Date	Payment Method	Check Number	Amount Received
10/03/2022	Check	1175	\$700.00
	Total Payment		\$700.00
	Change Due		\$0.00



- Proposed Parcel Zone change
- Growth Area
- Limited growth Area

DIVISION 5. SUBURBAN RESIDENCE DISTRICT

Sec. 60-254. Purpose.

This district is intended to provide for, protect and stabilize low density suburban residential areas and their adjunct public and institutional uses. It is designed to ensure an open character of development through its lot size requirements and through permitting of certain uses, rural in nature, that are compatible with residential uses.

(Ord. of 9-21-2009, § 3.42A)

Sec. 60-255. Use regulations.

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

- (1) One-family detached dwellings.
- (2) Two-family dwellings.
- (3) Attached single-family dwellings, provided that they are approved by the planning board as part of a planned residential unit development and subdivision, under the provisions of division 9 of article IV and division 4 of article XVI of this chapter.
- (4) Mobile home parks, subject to the requirements and conditions of section 60-669, mobile home park standards.
- (5) Farming of field crops, row crops, orchards or truck gardens.
- (6) Greenhouses.
- (7) Licensed veterinarians, provided that the lot containing same is of at least three acres.
- (8) Farm, livestock provided that the land area required per animal unit conforms to the definition of farm, livestock contained in section 60-2 and:
 - a. A site plan be submitted to the municipal officer charged with enforcement that contains the information required by section 60-1301.
 - b. Upon request, the municipal officer charged with enforcement may waive the necessity of providing any of the foregoing information which is not relevant to the proposed development.
 - c. In judging whether or not a permit to operate an animal farm will be issued, the municipal officer charged with enforcement shall review and make a decision consistent with the finding requirements of section 60-1304.
- (9) Wayside stands.
- (10) Accessory uses, buildings or structures.
- (11) Lawn maintenance services.
- (12) Municipal uses and buildings.

-
- (b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with division 3 of article XVI of this chapter:
- (1) All uses permitted by special exception in the Rural Residence (RR) District, except those uses allowed by section 60-229(b)(3), (9), (11) and (12).
 - (2) Professional offices may be created within existing single-family residences in existence at the time of adoption of this chapter, provided the following conditions are met:
 - a. Such residences shall have frontage on a major arterial as defined in the city's comprehensive plan.
 - b. Access to parking shall be located on the arterial frontage except for corner lots, in which case access may be located on the secondary roadway frontage.
 - c. In addition to meeting the requirements of article V of this chapter, required parking shall be separated from all lot lines by a buffer of 30 feet in width. Such buffer shall be vegetated in a manner to fully screen parked vehicles from view at the lot lines. A driveway serving such a parking area must be separated from the side lot line by a sight impervious fence of six feet in height or a buffer of ten feet in width meeting the vegetation requirements of this subsection (b)(2)c.
 - d. Signage shall be limited to a single nonilluminated sign with a maximum of 16 square feet of display per side.
 - (3) Adaptive reuse of structures of community significance.

(Ord. of 9-21-2009, § 3.42B; Ord. No. 05-04032017, § 2, 4-24-2017; Ord. No. 11-03012021, §§ 15—17, 3-15-2021)

Sec. 60-256. Dimensional regulations.

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

- (1) *Minimum lot area, width and depth.* No lot shall be created and/or no building shall be erected on a lot containing less than 21,780 square feet, and measuring less than 150 feet in width; and measuring less than 125 feet in depth.
- (2) *Density.* The density of dwelling units shall not exceed an average of two dwellings per acre.
- (3) *Yard requirements.*
 - a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 25 feet or 25 percent of the average depth of lot, whichever is less.
 - b. *Side.* There shall be a minimum distance of five 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 15 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.
- (4) *Height.* The height of all structures shall be limited to 2½ stories or 35 feet in height with the following exceptions: A farm accessory building or structure, church or temple, or windmill 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, § 3.42C; Ord. No. 11-03012021, § 18, 3-15-2021)

Secs. 60-257—60-275. Reserved.

shoreland zoning under state law. It establishes water body setback requirements and performance standards and is being updated to reflect current state requirements.

3. RURAL RESIDENTIAL ROAD STRIPS

The city has historically zoned narrow strips of land along some rural roads for low density residential development. These strips represent a compromise between the City's goal of limiting residential development in rural areas, and existing conditions along these rural roads. As part of the development of the Future Land Use Plan (see Chapter 2), the City conducted a comprehensive review of where residential strips should and should not be created based upon the following set of criteria. The considerations outlined below apply sequentially – first to identify where strips are appropriate based on current land use patterns, and then to work through where residential strips are inappropriate based on a variety of considerations.

Consideration #1 – Established Residential Pattern

A residential strip **may be provided** along a rural road where there is an established pattern of residential uses along the road. An established residential pattern means at least 6-8 homes per half mile counting both sides of the road. In general, both sides of a road should have a residential strip unless there is a significant reason not to allow residential development based on the following considerations.

Consideration #2 – Reserve Area Adjacency

A residential strip **should not be provided** along a rural road if the area adjacent to the road is a "reserve area" where the objective is to maintain the land as undeveloped to allow for its conversion to a different use in the foreseeable future. There should be some realistic expectation that something will occur that will change the desired land use for the area in the future.

Consideration #3 – Natural Resource Adjacency

A residential strip **should not be provided** along a rural road if the area adjacent to the road has significant natural resource value. Areas with significant natural value include areas that are zoned Resource Protection or are high value wetlands, 100 Year floodplains, significant wildlife habitats, and areas with steep slopes (>25%).

Consideration #4 – Conservation/Open Space Adjacency

A residential strip **should not be provided** along a rural road where the adjacent land is protected open space, or where there is a reasonable expectation that the land will be preserved as open space in the foreseeable future, and residential development is inconsistent with that open space use.

Consideration #5 -- Ability to Provide Public Services

A residential strip **should not be provided** along a rural road if residential development will tax the City's ability to provide municipal services as indicated by the following:

- The road is a gravel or dirt road
- The road is a poorly maintained paved road that will need to be improved to support residential development along it

Consideration #6 – Water Quality Protection

A residential strip **should not be provided** along rural roads with undeveloped frontage that are in the watershed of Lake Auburn unless such development will not have an adverse impact on the lake's water quality.

The Future Land Use Plan (see Chapter 2) shows the areas where low density residential development is proposed to be allowed along rural roads based on these criteria. These criteria should be used in the future to review the areas designated as residential strips as conditions change, or to review property owner-initiated requests for rezoning.

4. NEIGHBORHOOD BUSINESS DISTRICTS

The city has several neighborhood businesses that are located within residential neighborhoods. It is the City's policy to support the retention and improvement of these businesses since they offer a valuable service to the City's residents. It is also the City's policy to encourage the owners of these properties to reinvest in maintaining and improving these buildings. To accomplish these objectives, the Future Land Use Plan (see Chapter 2) designates these properties as Neighborhood Business Districts. The standards for these districts allow the existing nonresidential use to be maintained and improved if it is compatible with the surrounding neighborhood. The standards also allow for replacing an existing use with a new nonresidential use (other than service stations and auto service facilities) if it is appropriate for the neighborhood. The primary objective in creating these districts is to encourage the retention of these neighborhood businesses. If the property includes nonresidential space, whether occupied or not, the property should remain in the Neighborhood Business District to allow re-occupancy



City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

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207.333.6601

To: Auburn City Council

From: Auburn Planning Board

RE: Planning Board Recommendation to City Council on Zone Change Petition for 150 Andrew Drive (Parcel I.D. 347-003)

Date: November 15, 2022

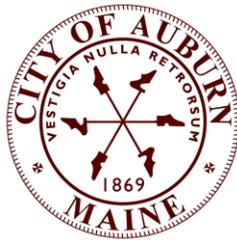
This is the report from the Planning Board regarding the above-described map amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on November 15, 2022, the Planning Board forwards this report to the City Council.

Proposal: Petition/ Zone Change Request: Petition to amend the areas outside the Lake Auburn watershed: 33.49 +/- acres if 38.22 total areas on 150 Andrew Drive (Parcel I.D. 347-003) from Agricultural and Resource Protection (AG), occupying 29.92 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.576 acres, zoning districts to Suburban Residential (SR) zoning district. The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation. The proposal is pursuant to Chapter 60 Article XVII Division 2—Amendment to the Zoning Ordinance or Zoning Map.

Motion: Stacey LeBlanc; Second: Paul Jacques

“I make a motion to recommend changing 33.49 +/- acres of the 38.22 total acres on 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), occupying 29.92 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to the Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation.”

Motion passes 5-1-1



City Council Ordinance

IN CITY COUNCIL

Zoning map amendment changing 33.49 +/- acres of the 38.22 total acres on the 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG) and Low-Density Country Residential (LDCR) zoning districts to the Suburban Residential (SR) zoning district.

Be it ordained, that the City Council approve the zoning map amendment changing 33.49 +/- acres of the 38.22 total acres on the 150 Andrew Drive (Parcel I.D. 347-003) from Agriculture and Resource Protection (AG), occupying 29.92 +/- acres, and Low-Density Country Residential (LDCR), occupying 3.57 +/- acres, zoning districts to the Suburban Residential (SR). The remaining 4.73 +/- acres in the Lake Auburn Watershed District would remain protected through an AG zone designation as shown on attached map.

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

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

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