



**City Council Meeting  
Agenda  
December 4, 2023  
Auburn Hall, Council Chambers**

**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 requests, in which event, the item will be removed from the Consent Agenda and considered in its normal sequence on the agenda.
- 1. Order 152-12042023\***  
Re-appointing Riley Bergeron to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee.
  - 2. Order 153-12042023\***  
Re-appointing Evan Cyr to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee.
  - 3. Order 154-12042023\***  
Appointing Stephen Roop to the Planning Board, full member position with a term expiration of 01/01/2027 as nominated by the Appointment Committee.
  - 4. Order 155-12042023\***  
Accepting the Audit Report.
  - 5. Order 156-12042023\***  
Appointing Wardens and Ward Clerks for a two-year term as outlined in our City Charter.
- II. Minutes** – November 20, 2023, Regular City Council Meeting
- III. Communications, Presentations and Recognitions**
- Proclamation – Small Business Saturday
  - Recognition of Outgoing Elected Officials
  - Finance Report – October 2023
  - Council Communications (about and to the community)
- IV. Open Session** – *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda.*

## **V. Unfinished Business**

### **1. Ordinance 21-09182023**

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

### **2. Ordinance 24-11202023**

Amending the zoning map to rezone all areas in the LDRR or RR zoning district within the Lake Auburn watershed to the LDCR zoning district. Public hearing and second reading.

### **3. Ordinance 26-11202023**

Amending the zoning map for parcel ID 289-001, 289-002, and 277-026 from AGRP to GB. Public hearing and second reading.

### **4. Ordinance 27-11202023**

Amending the zoning map to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. Public hearing and second reading.

### **5. Ordinance 28-11202023**

Amending the Chapter 60, Article XII, Division 4 – Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. Public hearing and second reading.

## **VI. New Business**

### **1. Public hearing – CDBG PY23 Revised Budget and Action Plan.**

### **2. Order 157-12042023**

Authorizing the School Committee to establish a curriculum development reserve fund for the purpose of funding curriculum development materials, equipment, software, and professional development.

### **3. Order 158-12042023**

Authorizing the naming of “Officer Norman Philbrick Square” (or “Philbrick Square”).

### **4. Order 159-12042023**

Authorizing the naming Mustang Alley.

### **5. Order 160-12042023**

Authorizing the naming of “Joseph ‘Joe’ Walker Memorial Field” or (“Walker Field”).

### **6. Order 161-12042023**

Authorizing the naming of “Tricia Asselin Memorial Field” or (“Asselin Field”).

### **7. Order 162-12042023**

Allocating funds (Comprehensive Plan Implementation Funding) of up to \$160,767.50 for the replacement structure for R&K Properties LLC (PID 221-074).

### **8. Order 163-12042023**

Approving Tax Increment Financing (TIF) District #31, Academy Street. Public Hearing.

**9. Order 164-12042023**

Approving Tax Increment Financing (TIF) District #32, Mount Auburn Housing. Public Hearing.

**10. Order 165-12042023**

Adopting the employment agreement between the city and the City Manager Phillip L. Crowell, Jr.

**11. Order 166-12042023**

Approving the allocation of American Rescue Plan Act (ARPA) funds for the PAL Center.

**12. Order 167-12042023**

Authorizing the allocation \$1,823,255.00 from the FY22 undesignated fund balance that's in excess of the recommended 14%.

**13. Resolve 03-12042023**

Calling upon the Auburn Water District and the Lake Auburn Watershed Protection Commissioners to begin discussions with the towns in the upper watershed to adopt critical protections for Lake Auburn.

**14. Order 168-12042023**

Approving the increase to EMS care and transport fees with the first increase taking effect December 11, 2023, and the second increase taking effect April 1, 2024.

**15. Order 169-12042023**

Authorizing the City Manager to execute the sale of 186 Main Street, Parcel ID 231-020 (city-owned property) to Great Falls Construction, DBA JCS 18, LLC.

**16. Order 170-12042023**

Directing a review of zoning ordinance text amendments relating to Lake Auburn Watershed Overlay District evidenced by Ordinance 28-11202023.

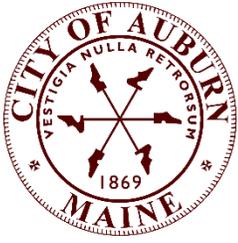
**VII. Open Session** - *Members of the public are invited to speak to the Council about any issue directly related to City business or any item that does not appear on the agenda*

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

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

**IX. Executive Sessions**

**X. Adjournment**



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Orders:** 152-12042023 and 153-12042023

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

**Subject:** Board and Committee Appointments

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The Appointment Committee met on November 20, 2023, to review applications and make their nominations for various boards and committees of the City as follows:

**Planning Board:**

Riley Bergeron, full member, re-appointment, term expiration of 1/1/2027

Evan Cyr, full member, re-appointment, term expiration of 1/1/2027

Stephen Roop, was nominated to serve but withdrew on December 4th.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Motion to appoint members as recommended by the Appointment Committee.

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**Previous Meetings and History:** The Appointment Committee met on November 20, 2023 to make their recommendations.

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**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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**Attachments:** Vacancies, Application Spreadsheet, Applications, Orders

November 20, 2023

Applicant List

<b>Board or Committee</b>	<b>Ward</b>	<b>Last Name</b>	<b>First Name</b>	<b>Address</b>
Planning Board – full member	2	*Bergeron	Riley	142 Conant Avenue
	2	*Cyr	Evan	122 Granite Street
	3	**DeRoche	Timothy	14 Millbrook Lane
	3	Hayes	Benjamin	62 Briarcliff Knoll
	3	Roop	Stephen	14 Briarcliff Knoll

\* Indicates this applicant is seeking re-appointment

\*\* Indicates this person is an associate/alternate member seeking full member status

## **VACANCIES**

**Auburn Sewer District Board of Trustees** - 1 vacancy with a term expiration of 03/01/2025

**City Council Student Representative** - 2 appointments

**Complete Streets Committee** - 1 vacancy with a term expiration of 01/01/2027

**Parks & Recreation Advisory Board** - 2 vacancies, one with a term expiration of 10/01/2025, and one with a term expiration of 10/01/2024

**Planning Board** - 3 full member vacancies, each with a term expiration of 01/01/2022

**Registration Appeals Board Chair** - 1 vacancy with a 4 year term

**Regulatory Advisory Board** - 5 vacancies, two with term expirations of 6/1/2025, and three with term expirations of 6/1/2026

## Susan Clements-Dallaire

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**From:** donotreply@auburnmaine.gov  
**Sent:** Wednesday, November 8, 2023 2:40 PM  
**To:** Susan Clements-Dallaire  
**Subject:** [External]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: Benjamin

Middle Initial: A

Last Name: Hayes

Residence Address: 62 Briarcliff Knoll

Ward: Ward ~~2~~ 3

City: Auburn

Home Phone: 207-513-7001

Cell Phone: 207-513-7001

E-mail Address: bhayes@jhhc.com

Current Occupation: medical economics - Johns Hopkins Health Plans

Previous Occupation (if retired or no longer working):

Education and/or experience: MS, MBA, 14 YEAR ECONOMIC/REAL ESTATE DEVELOPMENT EXPERIENCE

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): Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

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

Briefly describe why you want to serve on a board/committee (1,000 character limit): My interest in serving on the Auburn Planning Board is the desire to promote sensible growth to diversify and expand the local tax base. As an Auburn native, I appreciate the growth our community has experienced but acknowledge the need for a forward-looking strategy maximizing residential and commercial development while at the same time protecting the assets which make our community unique. My professional experience involves over 14 years economic and real estate development with the Lewiston/Auburn Economic Growth Council, Auburn Business Development Corporation, Lewiston Development Corporation and Hannaford Bros. Co. In addition, I am a quadriplegic. Having suffered an injury nearly 16 years ago, I have witnessed various development standards that have promoted as well as inhibited accessibility. It is my desire to bring together my unique professional and personal experiences to shape a sensible strategy to promote growth and accessibility within the City of Auburn.

What do you hope to accomplish?: Diversify and expand the local taxpayers in a sensible and accessible manner.

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)?: No

Dates served (if known): N/A

How did you learn of this vacancy?: City of Auburn webpage

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.: Benjamin Hayes

Date of Electronic Signature: 11/7/2023

## Susan Clements-Dallaire

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**From:** donotreply@auburnmaine.gov  
**Sent:** Wednesday, November 8, 2023 4:17 PM  
**To:** Susan Clements-Dallaire  
**Subject:** [External]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: Timothy

Middle Initial: J

Last Name: DeRoche

Residence Address: 14 Millbrook Lane

Ward: Ward 3

City: Auburn

Home Phone: 207-312-9490

Cell Phone: 207-312-9490

E-mail Address: teldd@roadrunner.com

Current Occupation: Locomotive Mechanic

Previous Occupation (if retired or no longer working):

Education and/or experience: Associate Degree

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): Planning Board

OTHER (Ad-Hoc Committees not on the list above):

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I have enjoyed contributing to the growth of our great city and wish to continue. I have learned that there is a lot that goes into effective local government and I wish to continue that aspect of my citizenship.

What do you hope to accomplish?: I hope to garner an even further knowledge and deeper understanding of the intricacies of our city with the potential to seek further appointments or positions within our community leadership.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? Planning Board-Associate member

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: N/A

Dates served (if known):

How did you learn of this vacancy?:

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.: Timothy J. DeRoche

Date of Electronic Signature: 11/8/23

## Susan Clements-Dallaire

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**From:** donotreply@auburnmaine.gov  
**Sent:** Wednesday, November 1, 2023 3:57 PM  
**To:** Susan Clements-Dallaire  
**Subject:** [External]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: Evan

Middle Initial:

Last Name: Cyr

Residence Address: 122 Granite St

Ward: Ward 2

City: Auburn, ME

Home Phone: 207-991-1159

Cell Phone: 207-991-1159

E-mail Address: egcyr@hotmail.com

Current Occupation: High School Science Teacher

Previous Occupation (if retired or no longer working):

Education and/or experience: BA Anthropology, MA Secondary Science Education, CAS Educational Leadership

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): Planning Board

OTHER (Ad-Hoc Committees not on the list above):

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): I want to serve on the Planning Board because I think that civic engagement and involvement is important. I am a father of two, and modeling civic engagement for them is important to me as well as modeling civic engagement for my students. I also believe the Planning Board serves an important and indispensable function in our community. I believe I have experience and understanding that can help further the work that the Planning Board does. For me it is a good fit to be involved where I think my skill set can best be used for the wider community while being civically engaged and promoting civic engagement for my children, students, friends and neighbors.

What do you hope to accomplish?: I hope to work collaboratively to continue protecting Auburn's natural resources, including Lake Auburn, Auburn's agricultural and rural resources, open space, and neighborhoods. I also hope to

continue developing zoning solutions that will help alleviate the current housing shortage, promote home ownership, create diverse housing opportunities for all residents, promote smart growth and density infill where appropriate, promote growth for all residents, and improve the quality of live in our c

Are you presently serving on a City or Community Board or Committee? If so, which one(s)?: Planning Board

Have you previously served on a City or Community Board or Committee? If so, which one(s)?: Planning Board, Lake Auburn Watershed Protection Committee, Strategic Plan, and others

Dates served (if known): 2012 - present

How did you learn of this vacancy?: This vacancy is created by the expiration of my current appointment to the Planning Board.

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.: Evan G. Cyr

Date of Electronic Signature: 11/01/2023

## Susan Clements-Dallaire

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**From:** donotreply@auburnmaine.gov  
**Sent:** Wednesday, November 8, 2023 8:18 PM  
**To:** Susan Clements-Dallaire  
**Subject:** [External]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: Stephen

Middle Initial:

Last Name: Roop

Residence Address: 14 Briarcliff Knl

Ward: Ward 3

City: Auburn

Home Phone: 12074009020

Cell Phone: 12074009020

E-mail Address: roop.stephen@gmail.com

Current Occupation: Financial Advisor (Morgan Stanley, Portland)

Previous Occupation (if retired or no longer working):

Education and/or experience: B.S. Economics and Finance

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): Planning Board

OTHER (Ad-Hoc Committees not on the list above)::

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 moved back home to Auburn just over a year ago with my family and I have been looking to get involved in the community. I enjoy real estate/development and when I heard about the opportunity to serve the community through this board, I wanted to pursue it. I've done some work in Portland with their planning board through smaller developments I have undertaken. I understand the importance of having a solid board/team to help navigate what can be a confusing and overwhelming process. I would like to work with local individuals, businesses and developers to continue the progress we have seen recently. Serving on the board would enable me to use my skill set in development/finance for the good of our community. I see the potential Auburn has going forward and would like to work with others to help with this movement.

What do you hope to accomplish?: Continuing to grow while maintaining our tight knit community is important. Working with current residents, expanding demographics, and bringing in new businesses interested in growing our community, is something I would like to work towards. Providing opportunity and a positive landscape for innovation and development is necessary for our city. The planning board has a significant role in this process and I hope to become a part of this team to help continue to grow Auburn.

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)?: No

Dates served (if known): NA

How did you learn of this vacancy?: Jason Levesque

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.: Stephen Roop

Date of Electronic Signature: 11/8/23

## Susan Clements-Dallaire

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**From:** donotreply@auburnmaine.gov  
**Sent:** Thursday, November 9, 2023 12:53 PM  
**To:** Susan Clements-Dallaire  
**Subject:** [External]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: Riley

Middle Initial:

Last Name: Bergeron

Residence Address: 142 Conant Ave

Ward: Ward 2

City: Auburn

Home Phone: 207-212-8760

Cell Phone: 207-212-8760

E-mail Address: the.riley.bergeron@gmail.com

Current Occupation: Painter

Previous Occupation (if retired or no longer working):

Education and/or experience: BA in Environmental Planning and Policy

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): Planning Board

OTHER (Ad-Hoc Committees not on the list above):

This application is for a... (choose one): Reappointment

Briefly describe why you want to serve on a board/committee (1,000 character limit): When I originally applied for a position on the Planning Board I was looking to use my college education in a way that would hopefully benefit my community. After four years (one as an alternate member) in the position, I have learned a lot about the public process that I believe will make me an even more effective member. If reappointed I will continue my work on this board with the same level of commitment to the community that I grew up in and call home.

What do you hope to accomplish?: One of the most successful things, in my opinion, that was accomplished in my time on the board was the rewriting of the Agricultural Zone. The reason I felt it was so successful was the inclusion of all the stakeholders and public input resulted in a new outcome that was successful in everyone's view. I hope to accomplish similar outcomes in the future.

Are you presently serving on a City or Community Board or Committee? If so, which one(s)? Yes, Planning Board

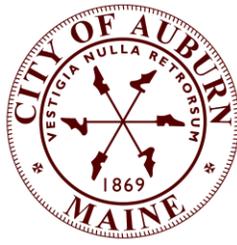
Have you previously served on a City or Community Board or Committee? If so, which one(s)? Yes, Planning Board

Dates served (if known): 2019- present

How did you learn of this vacancy?:

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.: Riley Bergeron

Date of Electronic Signature: 11/09/2023



**ORDER 152-12042023**

# City Council Order

## IN CITY COUNCIL

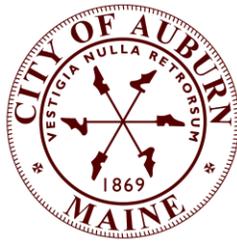
**ORDERED**, that the City Council hereby re-appoints Riley Bergeron to the Planning Board, full member, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

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

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

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



**ORDER 153-12042023**

# City Council Order

## IN CITY COUNCIL

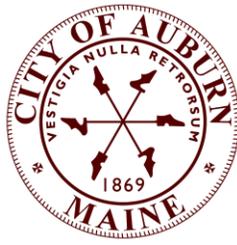
**ORDERED**, that the City Council hereby re-appoints Evan Cyr to the Planning Board, full member, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

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

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

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



**ORDER 154-12042023**

# City Council Order

## IN CITY COUNCIL

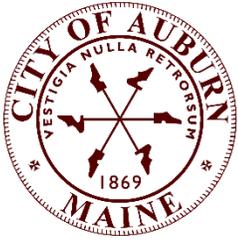
**ORDERED**, that the City Council hereby appoints Stephen Roop to the Planning Board, full member, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Order:** 155-12042023

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

**Subject:** Annual City Audit (FY 22)

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**Information:** Sec. 8.11 of the City Charter state that *“the city council shall provide for an independent annual audit of all city accounts”* and the audit committee shall *“receive the report of the independent auditor and present that report to a joint meeting of the city council and school committee with any recommendations from the committee”*.

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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:** Acceptance and approval.

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**Previous Meetings and History:** Presented annually. Was recently discussed at the 11/20/2023 Joint Workshop of the School Committee and City Council.

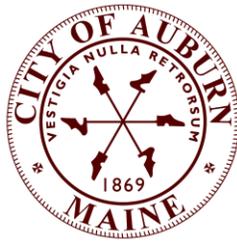
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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:**



**ORDER 155-12042023**

# City Council Order

**IN CITY COUNCIL**

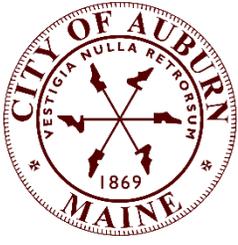
**ORDERED**, that the City Council hereby accepts and places on file the Annual City Audit for Fiscal Year ending June 30, 2022.

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Order :** 156-12042023

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

**Subject:** Appointment of Warden's and Ward Clerks

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**Information:** In accordance to Title 21-A Sec. 501 of State Statute and Sec. 5.2 of the City Charter, the City Clerk shall nominate Wardens and Ward Clerks who shall be confirmed by the City Council. They are appointed for a two-year term and must be residents of Auburn.

Audrey Murphy	Warden
Robert Hayes	Warden
Miles Smith	Warden
Doreen Jordan	Warden

Christine Sirois	Ward Clerk
Carl Young	Ward Clerk
Paul Ouellette	Ward Clerk
Alice Dill	Ward Clerk

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Recommend passage.

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**Previous Meetings and History:** This is a two-year appointment as outlined in the City Charter or when there is a vacancy.

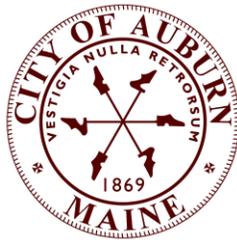
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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:** Order



# City Council Order

## IN CITY COUNCIL

**Ordered** that the City Council hereby confirms the City Clerk's nomination of and hereby appoints the following individuals to serve as Wardens and Ward Clerks for a two-year term, or until a replacement has been confirmed.

Audrey Murphy	Warden
Robert Hayes	Warden
Miles Smith	Warden
Doreen Jordan	Warden

Christine Sirois	Ward Clerk
Carl Young	Ward Clerk
Paul Ouellette	Ward Clerk
Alice Dill	Ward Clerk

**IN COUNCIL REGULAR MEETING NOVEMBER 20, 2023, VOL. 37 PAGE 103**

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

**I. Consent Items – None**

**II. Minutes – November 6, 2023, Regular City Council Meeting**

Motion was made by Councilor Staples and seconded by Councilor Hawes to approve the minutes of the November 6, 2023, Regular City Council Meeting.

Passage 7-0.

**III. Communications, Presentations and Recognitions**

Mayor Levesque announced that he received notification that the Senate has passed a \$3.9 million Congressional discretionary spending bill for the Riverwalk, however, they haven't acted on it yet. He thanked staff, the City Council and Senator Collins and her staff for helping with this. He provided information on the Light the Park event in Anniversary Park to be held on Friday, December 1<sup>st</sup> from 6-8pm.

Councilor Whiting congratulated the Lewiston Blue Devils soccer championship team.

Councilor Gerry asked what will be done for the homeless and warming centers in the City and the City Manager provided an update.

**IV. Open Session – Stephen Beal wanted to comment on agenda item #5, the TIF #29 item not realizing there would be public comment at that time. He stated that he would defer his comments until that item comes up on the agenda.**

**V. Unfinished Business - None**

**VI. New Business**

**1. Order 146-11202023**

Approving the Mass Gathering Permit for the New Year Auburn Event to be held on December 31, 2023, in Festival Plaza. Public hearing and vote.

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

Public hearing – No one from the public spoke.

Passage 7-0.

**2. Order 147-11202023**

Allocating funds from the American Rescue Plan Act (ARPA) for the Public Safety Wellness Program.

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

Public comment – No one from the public spoke.

Passage 7-0.

**3. Order 148-11202023**

Allocating funds for the Recreation Program Scholarships.

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

Public comment – No one from the public spoke.

Passage 7-0.

**4. Order 149-11202023**

Approving the Miller Street discontinuance.

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

Public comment – No one from the public spoke.

Passage 7-0.

**5. Order 150-11202023**

Approving Tax Increment Financing (TIF) District #29, 186 Main Street.

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

Public comment – Stephen Beal, Johnson Road, did not speak for, nor against this item but had questions regarding the credit enhancement agreement.

Passage 7-0.

**6. Order 151-11202023**

Approving Tax Increment Financing (TIF) District #30, Diamond Point Storage.

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

Public comment – John Cleveland, 183 Davis Avenue, had questions regarding the credit enhancement agreement. He also stated that he would like to see the Tax Increment Financing voted on separately from the Credit Enhancement Agreement.

Passage 6-1 (Councilor Whiting opposed).

**7. Ordinance 24-11202023**

Amending the zoning map to rezone all areas in the LDRR or RR zoning district within the Lake Auburn watershed to the LDCR zoning district. First reading.

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

Public comment – No one from the public spoke.

Passage 6-1 (Councilor Gerry opposed).

**8. Ordinance 26-11202023**

Amending the zoning map for parcel ID 289-001, 289-002, and 277-026 from AGRP to GB. First reading.

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

Public comment – No one from the public spoke.

Passage 5-2 (Councilors Gerry and Whiting opposed).

**9. Ordinance 27-11202023**

Amending the zoning map to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. First reading.

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

Public comment – No one from the public spoke.

Passage 6-1 (Councilor Gerry opposed).

**10. Ordinance 28-11202023**

Amending the Chapter 60, Article XII, Division 4 – Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, septic system buffer strips, and private sewage disposal systems and subsurface wastewater standards and requirements. First reading.

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

Public comment – Bruce Rioux, Mary Carroll Street, said amending this ordinance will be adding pollution to the lake.

Passage 5-2 (Councilors Gerry and Whiting opposed).

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

**VIII. Reports -**

Mayor Levesque reported on the School Committee's fund balance.

**IX. Executive Session - None**

**X. Adjournment**

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

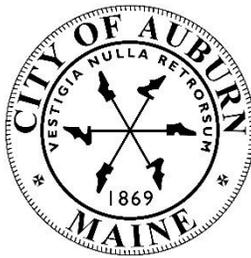
Unanimously approved and the meeting adjourned at 8:08 pm.

A TRUE COPY

ATTEST

*Susan Clements-Dallaire*

Susan Clements-Dallaire, City Clerk



## **SMALL BUSINESS SATURDAY PROCLAMATION**

**Recognizing the importance of Auburn businesses and proclaiming Saturday, December 9, 2023, as Auburn Small Business Saturday**

**WHEREAS**, small businesses are the backbone of Maine's and Auburn's economy; and

**WHEREAS**, local small business support our community in the way of wages, taxes, donations to local schools and charities; and

**WHEREAS**, studies have consistently shown that supporting the growth of existing small businesses produce the majority of economic growth in a community, and that entrepreneurs and small businesses stimulate job creation, develop crucial innovation and promote the diversification of local economies; and

**Whereas**, the City of Auburn supports our local businesses that create jobs, boost our local economy and preserve our community;

**NOW THEREFORE BE IT PROCLAIMED** that Saturday, December 9, 2023, in the City of Auburn Small Business Saturday, a day when we all are encouraged to thank our business community for their contributions to the way of life in Auburn. I urge the residents of Auburn to make a special effort to support our small businesses on Auburn Small Business Saturday, and all year long.

IN WITNESS WHEREOF, I have  
hereunto set my hand and caused  
the Seal of the City of Auburn,  
Maine  
to be fixed this 20th day of June  
2023.

---

Jason Levesque, Mayor

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services



**TO: Phillip Crowell, City Manager**  
**FROM: Jill Eastman, Finance Director**  
**REF: October 2023 Financial Report**  
**DATE: December 4, 2023**

The following is a discussion regarding the significant variances found in the City's October financial report. Please note that although the monthly financial report contains amounts reported by the School Department, this discussion is limited to the City's financial results and does not attempt to explain any variances for the School Department.

The City has completed its fourth month of the current fiscal year. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 33.3% of the annual budget. However, not all costs and revenues are distributed evenly throughout the year; individual line items can vary based upon cyclical activity.

### **Revenues**

Revenues collected through October 31st, including the school department were \$40,701,163, or 35.96%, of the budget. The municipal revenues including property taxes were \$33,313,531, or 45.08% of the budget which is more than the same period last year by \$966,952. The accounts listed below are noteworthy.

- A. September 15<sup>th</sup> the first installment for real estate taxes were due. The current year tax revenue is at 49.09% as compared to 49.43% last year or \$488,380 more than last year.
- B. Excise tax for the month of October is at 35.55%. This is a \$38,918 decrease Compared to FY 23.
- C. State Revenue Sharing for the month of October is 39.94% or \$2,386,399. This is an increase from last October of \$85,812.
- D. EMS Transport is at 35.4% or \$518,673, which is a slight increase from last year of \$22,710.

**Expenditures**

City expenditures through October 2023 were \$22,808,036 or 42.16% of the budget. This is a total decrease over last year of \$1,428,482 Noteworthy variances are:

A. The largest decrease is the transfers to the TIF accounts due to timing of the transfers.

**Investments**

This section contains an investment schedule as of October 31st. Currently the City's funds are earning an average interest rate of 4.36% compared to 1.44% at this time last year.

Respectfully submitted,

A handwritten signature in black ink that reads "Jill M. Eastman". The signature is written in a cursive, flowing style.

Jill M. Eastman  
Finance Director

**CITY OF AUBURN, MAINE**  
**BALANCE SHEET - CITY GENERAL FUND AND WORKERS COMP FUND**  
**AS of October 2023, September 2023, and June 2023**

	October 31 2023	September 30 2023	Increase (Decrease)	Unaudited JUNE 30 2023
<b>ASSETS</b>				
CASH	\$ 36,417,944	\$ 51,169,520	\$ (14,751,576)	\$ 43,592,529
RECEIVABLES			-	
ACCOUNTS RECEIVABLES	3,202,599	564,821	2,637,778	2,703,976
TAXES RECEIVABLE-CURRENT	24,552,202	25,021,659	(469,457)	949,747
DELINQUENT TAXES	610,037	612,849	(2,812)	442,839
TAX LIENS	879,932	907,003	(27,071)	430,056
NET DUE TO/FROM OTHER FUNDS	1,067,322	1,392,247	(324,925)	(11,595,819)
	<hr/>			
<b>TOTAL ASSETS</b>	<b>\$ 66,730,037</b>	<b>\$ 79,668,099</b>	<b>\$ (12,938,062)</b>	<b>\$ 36,523,328</b>
 <b>LIABILITIES &amp; FUND BALANCES</b>				
ACCOUNTS PAYABLE	\$ 3,613,786	\$ 953,955	\$ 2,659,831	\$ 901,846
PAYROLL LIABILITIES	(349,021)	(275,240)	(73,781)	(350,435)
ACCRUED PAYROLL	245,746	43,709	202,037	(570,829)
STATE FEES PAYABLE	(169,350)	(224,342)	54,992	(129,140)
ESCROWED AMOUNTS	(32,662)	(32,563)	(99)	(32,462)
DEFERRED REVENUE	(26,018,370)	(26,517,709)	499,339	(1,798,833)
DUE TO OTHER FUNDS	-	-	-	-
	<hr/>			
<b>TOTAL LIABILITIES</b>	<b>\$ (22,709,871)</b>	<b>\$ (26,052,190)</b>	<b>\$ 3,342,318</b>	<b>\$ (1,979,853)</b>
FUND BALANCE - UNASSIGNED/ASSIGNED	\$ (41,021,351)	\$ (50,617,092)	\$ 9,595,741	\$ (31,544,658)
FUND BALANCE - RESTRICTED	(2,309,553)	(2,309,553)		(2,309,553)
FUND BALANCE - NON SPENDABLE	(689,263)	(689,264)	1.00	(689,263)
	<hr/>			
<b>TOTAL FUND BALANCE</b>	<b>\$ (44,020,167)</b>	<b>\$ (53,615,909)</b>	<b>\$ 9,595,742</b>	<b>\$ (34,543,474)</b>
	<hr/>			
<b>TOTAL LIABILITIES AND FUND BALANCE</b>	<b>\$ (66,730,037)</b>	<b>\$ (79,668,099)</b>	<b>\$ 12,938,061</b>	<b>\$ (36,523,327)</b>

**CITY OF AUBURN, MAINE**  
**REVENUES - GENERAL FUND COMPARATIVE**  
**THROUGH October 31, 2023 VS October 31, 2022**

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU OCT 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU OCT 2022	% OF BUDGET	VARIANCE
<b>TAXES</b>							
PROPERTY TAX REVENUE-	\$ 53,935,348	\$ 26,476,324	49.09%	\$ 52,463,320	\$ 25,987,944	49.54%	\$ 488,380
PRIOR YEAR TAX REVENUE	\$ -	\$ 310,192		\$ -	\$ 80,370		\$ 229,822
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 1,770,000	\$ 1,320,847	74.62%	\$ 1,770,000	\$ 1,322,921	74.74%	\$ (2,074)
EXCISE	\$ 4,535,000	\$ 1,612,081	35.55%	\$ 4,435,000	\$ 1,650,999	37.23%	\$ (38,918)
PENALTIES & INTEREST	\$ 80,000	\$ 29,146	36.43%	\$ 120,000	\$ 16,302	13.59%	\$ 12,844
<b>TOTAL TAXES</b>	<b>\$ 60,320,348</b>	<b>\$ 29,748,589</b>	<b>49.32%</b>	<b>\$ 58,788,320</b>	<b>\$ 29,058,536</b>	<b>49.43%</b>	<b>\$ 690,053</b>
<b>LICENSES AND PERMITS</b>							
BUSINESS	\$ 240,000	\$ 91,106	37.96%	\$ 190,000	\$ 93,333	49.12%	\$ (2,227)
NON-BUSINESS	\$ 199,100	\$ 163,950	82.35%	\$ 195,250	\$ 131,352	67.27%	\$ 32,598
<b>TOTAL LICENSES</b>	<b>\$ 439,100</b>	<b>\$ 255,056</b>	<b>58.09%</b>	<b>\$ 385,250</b>	<b>\$ 224,685</b>	<b>58.32%</b>	<b>\$ 30,371</b>
<b>INTERGOVERNMENTAL ASSISTANCE</b>							
STATE-LOCAL ROAD ASSISTANCE	\$ 400,000	\$ -	0.00%	\$ 400,000	\$ -	0.00%	\$ -
STATE REVENUE SHARING	\$ 5,975,000	\$ 2,386,399	39.94%	\$ 4,504,100	\$ 2,300,587	51.08%	\$ 85,812
WELFARE REIMBURSEMENT	\$ 125,000	\$ 28,509	22.81%	\$ 83,912	\$ 13,858	16.51%	\$ 14,651
OTHER STATE AID	\$ 94,000	\$ 12,883	13.71%	\$ 32,000	\$ -	0.00%	\$ 12,883
CITY OF LEWISTON	\$ 182,000	\$ -	0.00%	\$ 182,000	\$ -	0.00%	\$ -
<b>TOTAL INTERGOVERNMENTAL ASSISTANCE</b>	<b>\$ 6,776,000</b>	<b>\$ 2,427,791</b>	<b>35.83%</b>	<b>\$ 5,202,012</b>	<b>\$ 2,314,445</b>	<b>44.49%</b>	<b>\$ 113,346</b>
<b>CHARGE FOR SERVICES</b>							
GENERAL GOVERNMENT	\$ 355,550	\$ 53,595	15.07%	\$ 361,400	\$ 41,567	11.50%	\$ 12,028
PUBLIC SAFETY	\$ 26,400	\$ 9,576	36.27%	\$ 30,800	\$ 26,281	85.33%	\$ (16,705)
EMS TRANSPORT	\$ 1,465,000	\$ 518,673	35.40%	\$ 1,350,000	\$ 495,963	36.74%	\$ 22,710
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 1,846,950</b>	<b>\$ 581,844</b>	<b>31.50%</b>	<b>\$ 1,742,200</b>	<b>\$ 563,811</b>	<b>32.36%</b>	<b>\$ 18,033</b>
<b>FINES</b>							
PARKING TICKETS & MISC FINES	\$ 23,000	\$ 9,290	40.39%	\$ 28,000	\$ 9,051	32.33%	\$ 239
<b>MISCELLANEOUS</b>							
INVESTMENT INCOME	\$ 45,000	\$ 147,989	328.86%	\$ 30,000	\$ 14,561	48.54%	\$ 133,428
RENTS	\$ 75,000	\$ 8,631	11.51%	\$ 75,000	\$ 2,593	3.46%	\$ 6,038
UNCLASSIFIED	\$ 20,000	\$ 32,811	164.06%	\$ 20,000	\$ 54,109	270.55%	\$ (21,298)
COMMERCIAL SOLID WASTE FEES	\$ -	\$ 12,667		\$ -	\$ 26,038		\$ (13,372)
SALE OF PROPERTY	\$ 100,000	\$ 11,494	11.49%	\$ 100,000	\$ 611	0.61%	\$ 10,883
MMWAC HOST FEES	\$ 240,000	\$ 77,370	32.24%	\$ 240,000	\$ 77,370	32.24%	\$ 0
TRANSFER IN: TIF	\$ 1,500,000	\$ -	0.00%	\$ 1,140,000	\$ -	0.00%	\$ -
TRANSFER IN: Other Funds	\$ 362,500	\$ -	0.00%	\$ 619,000	\$ -	0.00%	\$ -
ENERGY EFFICIENCY							\$ -
SPONSORSHIPS - COMMUNITY ENGAGEMENT	\$ 40,000	\$ -		\$ -	\$ 32,700		\$ -
CDBG	\$ 588,154	\$ -	0.00%	\$ 588,154	\$ -	0.00%	\$ -
UTILITY REIMBURSEMENT	\$ 20,000	\$ -	0.00%	\$ 20,000	\$ 769	3.85%	\$ (769)
CITY FUND BALANCE CONTRIBUTION	\$ 1,500,000	\$ -	0.00%	\$ 1,500,000	\$ -	0.00%	\$ -
<b>TOTAL MISCELLANEOUS</b>	<b>\$ 4,490,654</b>	<b>\$ 290,961</b>	<b>6.48%</b>	<b>\$ 4,332,154</b>	<b>\$ 208,751</b>	<b>4.82%</b>	<b>\$ 114,910</b>
<b>TOTAL GENERAL FUND REVENUES</b>	<b>\$ 73,896,052</b>	<b>\$ 33,313,531</b>	<b>45.08%</b>	<b>\$ 70,477,936</b>	<b>\$ 32,379,279</b>	<b>45.94%</b>	<b>\$ 966,952</b>
<b>SCHOOL REVENUES</b>							
EDUCATION SUBSIDY	\$ 36,663,037	\$ 7,320,491	19.97%	\$ 34,826,024	\$ 7,667,473	22.02%	\$ (346,982)
EDUCATION	\$ 611,103	\$ 67,141	10.99%	\$ 489,465	\$ 24,782	5.06%	\$ 42,359
SCHOOL FUND BALANCE CONTRIBUTION	\$ 2,000,000	\$ -	0.00%	\$ 1,251,726	\$ -	0.00%	\$ -
<b>TOTAL SCHOOL</b>	<b>\$ 39,274,140</b>	<b>\$ 7,387,632</b>	<b>18.81%</b>	<b>\$ 36,567,215</b>	<b>\$ 7,692,255</b>	<b>21.04%</b>	<b>\$ (304,623)</b>
<b>GRAND TOTAL REVENUES</b>	<b>\$ 113,170,192</b>	<b>\$ 40,701,163</b>	<b>35.96%</b>	<b>\$ 107,045,151</b>	<b>\$ 40,071,534</b>	<b>37.43%</b>	<b>\$ 662,329</b>

**CITY OF AUBURN, MAINE**  
**EXPENDITURES - GENERAL FUND COMPARATIVE**  
**THROUGH October 31, 2023 VS October 31, 2022**

DEPARTMENT	FY 2024 BUDGET	EXP THRU OCT 2023	% OF BUDGET	FY 2023 BUDGET	EXP THRU OCT 2022	% OF BUDGET	VARIANCE
<b>ADMINISTRATION</b>							
MAYOR AND COUNCIL	\$ 171,750	\$ 52,496	30.57%	\$ 170,500	\$ 44,812	26.28%	\$ 7,684
CITY MANAGER	\$ 695,009	\$ 186,402	26.82%	\$ 510,978	\$ 159,742	31.26%	\$ 26,660
COMMUNICATIONS & ENGAGEMENT	\$ 356,522	\$ 116,406	32.65%	\$ 218,746	\$ 61,278	28.01%	\$ 55,128
CITY CLERK	\$ 290,268	\$ 86,035	29.64%	\$ 257,506	\$ 79,151	30.74%	\$ 6,884
FINANCE	\$ 1,228,112	\$ 458,256	37.31%	\$ 1,138,802	\$ 365,800	32.12%	\$ 92,456
HUMAN RESOURCES	\$ 246,260	\$ 77,484	31.46%	\$ 222,099	\$ 65,907	29.67%	\$ 11,577
INFORMATION TECHNOLOGY	\$ 917,487	\$ 463,556	50.52%	\$ 827,000	\$ 351,483	42.50%	\$ 112,073
<b>TOTAL ADMINISTRATION</b>	<b>\$ 3,905,408</b>	<b>\$ 1,440,635</b>	<b>36.89%</b>	<b>\$ 3,345,631</b>	<b>\$ 1,128,173</b>	<b>33.72%</b>	<b>\$ 312,462</b>
<b>COMMUNITY SERVICES</b>							
PLANNING & PERMITTING	\$ 682,189	\$ 213,258	31.26%	\$ 666,629	\$ 233,246	34.99%	\$ (19,988)
ECONOMIC DEVELOPMENT	\$ 123,893	\$ 63,659	51.38%	\$ 286,598	\$ 91,139	31.80%	\$ (27,480)
BUSINESS & COMMUNITY DEVELOPMENT	\$ 710,692	\$ 117,008	16.46%	\$ 671,411	\$ 93,736	13.96%	\$ 23,272
HEALTH & SOCIAL SERVICES	\$ 180,825	\$ 215,294	119.06%	\$ 119,875	\$ 32,707	27.28%	\$ 182,587
RECREATION & SPORTS TOURISM	\$ 722,416	\$ 191,525	26.51%	\$ 762,440	\$ 196,851	25.82%	\$ (5,326)
PUBLIC LIBRARY	\$ 1,138,659	\$ 379,614	33.34%	\$ 1,084,437	\$ 361,480	33.33%	\$ 18,134
<b>TOTAL COMMUNITY SERVICES</b>	<b>\$ 3,558,674</b>	<b>\$ 1,180,358</b>	<b>33.17%</b>	<b>\$ 3,591,390</b>	<b>\$ 1,009,159</b>	<b>28.10%</b>	<b>\$ 171,199</b>
<b>FISCAL SERVICES</b>							
DEBT SERVICE	\$ 8,334,544	\$ 7,382,946	88.58%	\$ 8,361,254	\$ 7,549,963	90.30%	\$ (167,017)
CAPITAL INVESTMENT & PURCHASING	\$ 783,252	\$ 257,516	32.88%	\$ 672,473	\$ 205,190	30.51%	\$ 52,326
WORKERS COMPENSATION	\$ 715,400	\$ 715,400	100.00%	\$ 698,000	\$ 698,000	100.00%	\$ 17,400
WAGES & BENEFITS	\$ 8,257,879	\$ 2,264,780	27.43%	\$ 7,876,393	\$ 2,224,869	28.25%	\$ 39,911
EMERGENCY RESERVE (10108062-670000)	\$ 550,000	\$ -	0.00%	\$ 461,230	\$ -	0.00%	\$ -
<b>TOTAL FISCAL SERVICES</b>	<b>\$ 18,641,075</b>	<b>\$ 10,620,642</b>	<b>56.97%</b>	<b>\$ 18,069,350</b>	<b>\$ 10,678,022</b>	<b>59.09%</b>	<b>\$ (57,380)</b>
<b>PUBLIC SAFETY</b>							
FIRE & EMS DEPARTMENT	\$ 6,304,713	\$ 1,920,093	30.45%	\$ 5,693,284	\$ 1,870,690	32.86%	\$ 49,403
POLICE DEPARTMENT	\$ 5,207,160	\$ 1,596,045	30.65%	\$ 4,945,034	\$ 1,374,926	27.80%	\$ 221,119
<b>TOTAL PUBLIC SAFETY</b>	<b>\$ 11,511,873</b>	<b>\$ 3,516,138</b>	<b>30.54%</b>	<b>\$ 10,638,318</b>	<b>\$ 3,245,616</b>	<b>30.51%</b>	<b>\$ 270,522</b>
<b>PUBLIC WORKS</b>							
PUBLIC WORKS DEPARTMENT	\$ 6,108,837	\$ 1,901,348	31.12%	\$ 5,600,109	\$ 1,420,440	25.36%	\$ 480,908
SOLID WASTE DISPOSAL*	\$ 1,386,000	\$ 244,693	17.65%	\$ 1,320,000	\$ 294,043	22.28%	\$ (49,350)
WATER AND SEWER	\$ 792,716	\$ 390,602	49.27%	\$ 792,716	\$ 390,602	49.27%	\$ -
<b>TOTAL PUBLIC WORKS</b>	<b>\$ 8,287,553</b>	<b>\$ 2,536,643</b>	<b>30.61%</b>	<b>\$ 7,712,825</b>	<b>\$ 2,105,085</b>	<b>27.29%</b>	<b>\$ 431,558</b>
<b>INTERGOVERNMENTAL PROGRAMS</b>							
AUBURN-LEWISTON AIRPORT	\$ 205,000	\$ 204,733	99.87%	\$ 205,000	\$ 206,299	100.63%	\$ (1,566)
E911 COMMUNICATION CENTER	\$ 1,287,401	\$ 321,850	25.00%	\$ 1,217,713	\$ 608,856	50.00%	\$ (287,006)
LATC-PUBLIC TRANSIT	\$ 400,079	\$ -	0.00%	\$ 431,811	\$ -	0.00%	\$ -
LA ARTS	\$ 20,000	\$ 15,000	75.00%	\$ 30,000	\$ 15,000	50.00%	\$ -
TAX SHARING	\$ 260,000	\$ -	0.00%	\$ 260,000	\$ -	0.00%	\$ -
<b>TOTAL INTERGOVERNMENTAL</b>	<b>\$ 2,172,480</b>	<b>\$ 541,583</b>	<b>24.93%</b>	<b>\$ 2,144,524</b>	<b>\$ 830,155</b>	<b>38.71%</b>	<b>\$ (288,572)</b>
<b>COUNTY TAX</b>							
TIF (10108058-580000)	\$ 2,972,037	\$ 2,972,037	100.00%	\$ 2,761,220	\$ 2,761,220	100.00%	\$ 210,817
OVERLAY	\$ 3,049,803	\$ -	0.00%	\$ 3,049,803	\$ 2,479,088	81.29%	\$ (2,479,088)
<b>TOTAL CITY DEPARTMENTS</b>	<b>\$ 54,098,903</b>	<b>\$ 22,808,036</b>	<b>42.16%</b>	<b>\$ 51,313,061</b>	<b>\$ 24,236,518</b>	<b>47.23%</b>	<b>\$ (1,428,482)</b>
<b>EDUCATION DEPARTMENT</b>							
	\$ 59,071,289	\$ 6,487,891	10.98%	\$ 55,732,090	\$ 7,129,785	12.79%	\$ (641,894)
<b>TOTAL GENERAL FUND EXPENDITURES</b>	<b>\$ 113,170,192</b>	<b>\$ 29,295,927</b>	<b>25.89%</b>	<b>\$ 107,045,151</b>	<b>\$ 31,366,303</b>	<b>29.30%</b>	<b>\$ (2,070,376)</b>

**CITY OF AUBURN, MAINE  
INVESTMENT SCHEDULE  
AS OF October 31, 2023**

INVESTMENT	FUND	BALANCE October 31, 2023	BALANCE September 30, 2023	INTEREST RATE
ANDROSCOGGIN BANK 449	CAPITAL PROJECTS	\$ 7,048,672.14	\$ 7,625,976.90	2.00%
ANDROSCOGGIN BANK 502	SR-TIF	\$ 1,052,675.41	\$ 1,054,561.72	2.00%
ANDROSCOGGIN BANK 836	GENERAL FUND	\$ 15,803,296.79	\$ 15,773,127.67	2.00%
ANDROSCOGGIN BANK 801	WORKERS COMP	\$ 53,561.11	\$ 53,458.87	2.00%
ANDROSCOGGIN BANK 684	EMS CAPITAL RESERVE	\$ 346,310.39	\$ 345,649.30	2.00%
ANDROSCOGGIN BANK 414	INGERSOLL TURF FACILITY	\$ 231,233.17	\$ 230,791.79	2.00%
ANDROSCOGGIN BANK 0888	ELHS FUNDRAISING	\$ 475,555.04	\$ 474,647.30	2.00%
ANDROSCOGGIN BANK	ELHS CONSTRUCTION	\$ 248,574.53	\$ 248,574.53	2.00%
NOMURA 2	ELHS Bond Proceeds	\$ 18,564,969.00	\$ 18,564,969.00	2.08%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.50%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.45%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.50%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.50%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.85%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	4.70%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.45%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.80%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.50%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.00%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.40%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.80%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.15%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.30%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.10%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.15%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.15%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.25%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.30%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.30%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.35%
Northern Capital Securities CD	GENERAL FUND	\$ 250,000.00	\$ 250,000.00	5.30%
<b>GRAND TOTAL</b>		<b>\$ 49,574,847.58</b>	<b>\$ 50,121,757.08</b>	<b>4.38%</b>

**EMS BILLING**  
**SUMMARY OF ACTIVITY**  
**July 1, 2023 - June 30, 2024**  
**Report as of September 30, 2023**

	Beginning	October 2023					Ending
	Balance 10/1/2023	New Charges	Payments	Refunds	Adjustments	Write-Offs	Balance 10/31/2023
<b>Bluecross</b>	\$ 34,102.27	\$ 18,210.00	\$ (4,533.92)		\$ (1,433.63)		\$ 46,344.72
<b>Intercept</b>	\$ (769.20)	\$ 300.00	\$ (200.00)				\$ (669.20)
<b>Medicare</b>	\$ 265,218.39	\$ 217,867.20	\$ (62,341.08)		\$ (88,103.38)		\$ 332,641.13
<b>Medicaid</b>	\$ 8,471.09	\$ 58,306.80	\$ (44,840.55)		\$ (30,745.39)		\$ (8,808.05)
<b>Other/Commercial</b>	\$ 100,989.56	\$ 30,035.95	\$ (17,844.33)		\$ (2,892.26)		\$ 110,288.92
<b>Patient</b>	\$ 89,253.56	\$ 19,484.60	\$ (14,822.91)	\$ (51.25)	\$ (2,359.39)		\$ 91,504.61
<b>Worker's Comp</b>	\$ (7,271.78)	\$ -	\$ (794.03)				\$ (8,065.81)
<b>TOTAL</b>	\$ 489,993.89	\$ 344,204.55	\$ (145,376.82)	\$ (51.25)	\$ (125,534.05)	\$ -	\$ 563,236.32

**EMS BILLING**  
**BREAKDOWN -TOTAL CHARGES**  
**July 1, 2023 - June 30, 2024**  
**Report as of October 31, 2023**

	July 2023	August 2023	Sept 2023	Oct 2023	Totals	% of Total
Bluecross	\$ 12,163.20	\$ 17,050.40	\$ 11,900.40	\$ 18,210.00	\$ 59,324.00	5.13%
Intercept	\$ -	\$ (969.20)	\$ 200.00	\$ 300.00	\$ (469.20)	-0.04%
Medicare	\$ 144,760.40	\$ 176,422.00	\$ 141,352.25	\$ 217,867.20	\$ 680,401.85	58.78%
Medicaid	\$ 61,035.00	\$ 82,884.40	\$ 53,226.00	\$ 58,306.80	\$ 255,452.20	22.07%
Other/Commercial	\$ 17,128.40	\$ 36,769.30	\$ 14,611.00	\$ 30,035.95	\$ 98,544.65	8.51%
Patient	\$ 13,258.80	\$ 16,885.60	\$ 14,580.20	\$ 19,484.60	\$ 64,209.20	5.55%
Worker's Comp				\$ -	\$ -	0.00%
<b>TOTAL</b>	\$ 248,345.80	\$ 329,042.50	\$ 235,869.85	\$ 344,204.55	\$ 1,157,462.70	100.00%

**EMS BILLING**  
**BREAKDOWN -TOTAL COUNT**  
**July 1, 2023 - June 30, 2024**  
**Report as of October 31, 2023**

	July 2023	August 2023	Sept 2023	Oct 2023	Totals	% of Total
Bluecross	12	27	12	20	71	4.94%
Intercept	0	3	2	3	8	0.56%
Medicare	178	236	172	254	840	58.50%
Medicaid	72	112	59	64	307	21.38%
Other/Commercial	17	63	18	35	133	9.26%
Patient	16	20	16	25	77	5.36%
Worker's Comp			0		0	0.00%
<b>TOTAL</b>	295	461	279	401	1436	100.00%

CITY OF AUBURN  
SPECIAL REVENUE FUNDS REVENUE AND EXPENDITURES  
As of October 31, 2023

	1902 Riverwatch	1910 Community Service	1914 Oak Hill Cemeteries	1917 Wellness Grant	1928 Vending	2003 Byrne JAG	2005 MDOT	2008 Homeland Security	2009 PD Evidence Money Deposits	2010 State Drug Money	2011 PD Capital Reserve	2014 Speed Grant	2015 AARP Walkability Grant	2016 Pedestrian Safety	2018 Nat Opioid Settlement	2019 Law Enforcement Training	
Fund Balance 7/1/23	\$ 419,018.01	\$ 7,337.93	\$ 37,205.06	\$ 7,041.18	\$ -	\$ 2,808.57	\$ (862,167.55)	\$ (101,432.52)	\$ 212,779.28	\$ 8,224.66	\$ 31,585.83	\$ 5,736.24	\$ -	\$ 545.31	\$ 212,510.51	\$ (8,205.29)	\$ (27,012.78)
Revenues FY24	\$ 12,940.01	\$ 119.00	\$ 704.64	\$ 2,037.00	\$ 204.70	\$ 3,232.99	\$ -		\$ 2,301.00			\$ 721.36			\$ 41,251.49		\$ 63,512.19
Expenditures FY24	\$ 148,377.00			\$ 1,124.22	\$ 191.84	\$ 6,457.99	\$ 1,239,416.89		\$ (2,250.00)	\$ 8,047.78		\$ 8,638.77					\$ 1,410,004.49
<b>Fund Balance 10/31/2023</b>	<b>\$ 283,581.02</b>	<b>\$ 7,456.93</b>	<b>\$ 37,909.70</b>	<b>\$ 7,953.96</b>	<b>\$ 12.86</b>	<b>\$ (416.43)</b>	<b>\$ (2,101,584.44)</b>	<b>\$ (101,432.52)</b>	<b>\$ 217,330.28</b>	<b>\$ 176.88</b>	<b>\$ 31,585.83</b>	<b>\$ (2,181.17)</b>	<b>\$ -</b>	<b>\$ 545.31</b>	<b>\$ 253,762.00</b>	<b>\$ (8,205.29)</b>	<b>\$ (1,373,505.08)</b>

	2020 CDBG	2025 Community Cords	2026 State Grant Non-GA Heat Asst	2030 Parking	2037 Bulletproof Vests	2040 Great Falls TV	2041 Blanche Stevens	2043 DOJ Covid 19 Preventative	2044 Federal Drug Money	2047 American Firefighter Grant	2048 TD Tree Days	2051 Project Canopy	2054 EMS Transport Capital Reserve	2059 Distracted Driving	2068 Northern Borders Grant	
Fund Balance 7/1/23	\$ 1,207,031.43	\$ 30,379.80	\$ 25,064.37	\$ 40,215.76	\$ 3,374.73	\$ 20,536.23	\$ 21,618.18	\$ -	\$ 110,525.79	\$ (1,695.00)	\$ 2,213.05	\$ (1,522.60)	\$ 288,581.46	\$ 802.57	\$ 178,046.71	\$ 1,925,172.48
Revenues FY24	\$ 312,282.46			\$ 83,401.50					\$ 17,121.34				\$ 1,954.53			\$ 414,759.83
Expenditures FY24	\$ 309,833.30		\$ 9,210.44	\$ 5,072.16	\$ 5,840.47		\$ 394.93		\$ 22,715.44							\$ 353,066.74
<b>Fund Balance 10/31/2023</b>	<b>\$ 1,209,480.59</b>	<b>\$ 30,379.80</b>	<b>\$ 15,853.93</b>	<b>\$ 118,545.10</b>	<b>\$ (2,465.74)</b>	<b>\$ 20,536.23</b>	<b>\$ 21,223.25</b>	<b>\$ -</b>	<b>\$ 104,931.69</b>	<b>\$ (1,695.00)</b>	<b>\$ 2,213.05</b>	<b>\$ (1,522.60)</b>	<b>\$ 290,535.99</b>	<b>\$ 802.57</b>	<b>\$ 178,046.71</b>	<b>\$ 1,986,865.57</b>

	2071 Com Engage Spec Events	2080 Futsal Court Project	2085 Edna Hodakin Crowley Park	2300 ARPA Grant	2400 NRPA Youth Mentoring	2405 Elmina B Sewall Grant	2500 Parks & Recreation	
Fund Balance 7/1/23	\$ 48,854.00	\$ 25,353.61	\$ 6,053.02	\$ 11,279,077.49	\$ 482.09	\$ 82,000.00	\$ 228,248.69	\$ 11,670,068.90
Revenues FY24				\$ 42,949.11	\$ 9,285.89	\$ 5,615.40	\$ 124,922.03	\$ 182,772.43
Expenditures FY24				\$ 778,272.75	\$ 5,103.71		\$ 236,135.38	\$ 1,019,511.84
<b>Fund Balance 10/31/2023</b>	<b>\$ 48,854.00</b>	<b>\$ 25,353.61</b>	<b>\$ 6,053.02</b>	<b>\$ 10,543,753.85</b>	<b>\$ 4,664.27</b>	<b>\$ 87,615.40</b>	<b>\$ 117,035.34</b>	<b>\$ 10,833,329.49</b>

	2600 Tamblands II TIF 6	2600 Mall TIF 9	2600 Downtown TIF 10	2600 Auburn Industrial TIF 12	2600 Auburn Plaza TIF 13	2600 Auburn Plaza II TIF 14	2600 Webster School TIF 16	2600 Hartt Transport TIF 19	2600 62 Spring St TIF 20	2600 Minot Ave TIF 21	2600 48 Hampshire St TIF 22	2600 Auburn Memory Care Facility TIF 23	2600 Millbran TIF 24	2600 Futurguard TIF 25	2600 W Shore Landing TIF 26	Total Special Revenues	TIF Totals
Fund Balance 7/1/23	\$ 126,694.39	\$ 806,274.01	\$ 786,690.71	\$ (627,211.49)	\$ 623,092.36	\$ (662,615.38)	\$ 19,435.74	\$ 27,952.81	\$ 1,120.91	\$ 74,350.62	\$ 132,062.18	\$ (28,481.47)	\$ 13,914.35	\$ (76,544.08)	\$ 59,527.65	\$ 14,844,491.91	\$ 1,276,263.31
Revenues FY24																\$ 1,075,804.28	\$ -
Expenditures FY24		\$ -	\$ 9,552.39	\$ 260,900.00								\$ 113,928.00		\$ 37.50	\$ -	\$ 3,167,000.96	\$ 384,417.89
<b>Fund Balance 10/31/2023</b>	<b>\$ 126,694.39</b>	<b>\$ 806,274.01</b>	<b>\$ 777,138.32</b>	<b>\$ (888,111.49)</b>	<b>\$ 623,092.36</b>	<b>\$ (662,615.38)</b>	<b>\$ 19,435.74</b>	<b>\$ 27,952.81</b>	<b>\$ 1,120.91</b>	<b>\$ 74,350.62</b>	<b>\$ 132,062.18</b>	<b>\$ (142,409.47)</b>	<b>\$ 13,914.35</b>	<b>\$ (76,581.58)</b>	<b>\$ 59,527.65</b>	<b>\$ 12,338,535.40</b>	<b>\$ 891,845.42</b>

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services

To: Phillip Crowell, City Manager  
From: Jill Eastman, Finance Director  
Re: Financial Reports for October 31, 2023



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Ingersoll Turf Facility for revenue and expenditures as of October 31, 2023

### **INGERSOLL TURF FACILITY**

#### **Statement of Net Assets:**

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets as of October 31, 2023.

#### **Current Assets:**

As of the end of October 2023 the total current assets of Ingersoll Turf Facility were \$374,346. This consisted of cash and cash equivalents of \$230,792 and an interfund receivable of \$143,554 an increase from September of \$9,251.

#### **Noncurrent Assets:**

Ingersoll's noncurrent assets are the building, and equipment that was purchased, less depreciation. The total value of the noncurrent assets as of October 31, 2023, was \$61,779.

#### **Liabilities:**

Ingersoll had no liabilities as of October 31, 2023.

#### **Statement of Activities:**

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Ingersoll Turf Facility through October 2023 are \$33,904. This revenue comes from the sponsorships, programs, rental income and batting cages.

The operating expenses for Ingersoll Turf Facility through October 2023 were \$8,789. These expenses include program costs, supplies, and capital purchases.

As of October 2023, Ingersoll has an operating gain of \$8,789.

As of October 31, 2023, Ingersoll has an increase in net assets of \$8,780

The budget to actual reports for revenue and expenditures, show that the revenue for FY24 compared to FY 23

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**Statement of Net Assets**  
**Ingersoll Turf Facility**  
**October 31, 2023**  
**Business-type Activities - Enterprise Fund**

	October 31 2023	September 30 2023	Increase/ (Decrease)
<b>ASSETS</b>			
Current assets:			
Cash and cash equivalents	\$ 230,792	\$ 230,364	\$ 428
Interfund receivables/payables	\$ 143,554	\$ 134,731	8,823
Accounts receivable	-	-	-
Total current assets	374,346	365,095	9,251
Noncurrent assets:			
Capital assets:			
Buildings	672,279	672,279	-
Equipment	119,673	119,673	-
Land improvements	18,584	18,584	-
Less accumulated depreciation	(776,492)	(776,492)	-
Total noncurrent assets	34,044	34,044	-
Total assets	408,390	399,139	9,251
<b>LIABILITIES</b>			
Accounts payable	\$ -	\$ -	-
Interfund payable	\$ -	\$ -	-
Total liabilities	-	-	-
<b>NET ASSETS</b>			
Invested in capital assets	\$ 34,044	\$ 34,044	\$ -
Unrestricted	\$ 374,346	\$ 365,095	\$ 9,251
Total net assets	\$ 408,390	\$ 399,139	\$ 9,251

**CITY OF AUBURN, MAINE**  
**Statement of Revenues, Expenses and Changes in Net Assets**  
**Ingersoll Turf Facility**  
**Business-type Activities - Enterprise Funds**  
**Statement of Activities**  
**October 31, 2023**

	<b>Ingersoll Turf Facility</b>
Operating revenues:	
Charges for services	\$ 33,904
Operating expenses:	
Personnel	-
Supplies	-
Utilities	234
Repairs and maintenance	
Rent	-
Depreciation	-
Capital expenses	8,555
Other expenses	
<b>Total operating expenses</b>	<b>8,789</b>
<b>Operating gain (loss)</b>	<b>25,115</b>
Nonoperating revenue (expense):	
Interest income	1,305
Interest expense (debt service)	-
<b>Total nonoperating expense</b>	<b>1,305</b>
Gain (Loss) before transfer	26,420
Transfers out	-
Change in net assets	26,420
Total net assets, July 1	381,970
<b>Total net assets, October 31, 2023</b>	<b>\$ 408,390</b>

**CITY OF AUBURN, MAINE**  
**REVENUES - INGERSOLL TURF FACILITY**  
Through October 31, 2023 compared to October 31, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU OCT 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU OCT 2022	% OF BUDGET
<b>CHARGE FOR SERVICES</b>						
Sponsorship		\$ 6,025			\$ 1,000	
Batting Cages		\$ 3,435			\$ 750	
Programs		\$ 6,702			\$ 1,210	
Rental Income		\$ 27,879			\$ 8,965	
<b>TOTAL CHARGE FOR SERVICES</b>	\$ -	\$ 44,041		\$ -	\$ 11,925	
<b>INTEREST ON INVESTMENTS</b>	\$ -	\$ 1,305		\$ -	\$ 87	
<b>GRAND TOTAL REVENUES</b>	<b>\$ -</b>	<b>\$ 45,346</b>		<b>\$ -</b>	<b>\$ 12,012</b>	

**CITY OF AUBURN, MAINE**  
**EXPENDITURES - INGERSOLL TURF FACILITY**  
**Through October 31, 2023 compared to October 31, 2022**

DESCRIPTION	ACTUAL			ACTUAL			Difference
	FY 2024 BUDGET	EXPENDITURES THRU OCT 2023	% OF BUDGET	FY 2023 BUDGET	EXPENDITURES THRU OCT 2022	% OF BUDGET	
Salaries & Benefits	See Recreation Budget			See Recreation Budget			\$ -
Purchased Services							\$ -
Programs		\$ 1,040			\$ 3,400		\$ (2,360)
Supplies					\$ 1,641		\$ (1,641)
Utilities		\$ 234					\$ 234
Insurance Premiums	\$ -			\$ -	\$ -		
Capital Outlay	\$ -	\$ 8,555		\$ -	\$ 11,136		\$ (2,581)
	\$ -	\$ 9,829		\$ -	\$ 16,177		\$ (6,348)
<b>GRAND TOTAL EXPENDITURES</b>	<b>\$ -</b>	<b>\$ 9,829</b>		<b>\$ -</b>	<b>\$ 16,177</b>		<b>\$ (6,348)</b>

# City of Auburn, Maine

*"Maine's City of Opportunity"*

## Financial Services

To: Phillip Crowell, City Manager  
From: Jill Eastman, Finance Director  
Re: Arena Financial Reports for October 31, 2023



Attached you will find a Statement of Net Assets and a Statement of Activities and budget to actual reports for Norway Savings Bank Arena for revenue and expenditures as of October 31, 2023.

### **NORWAY SAVINGS BANK ARENA**

#### **Statement of Net Assets:**

The Statement of Net Assets lists current assets, noncurrent assets, liabilities and net assets and shows a comparison to the previous month, in this case, September 30, 2023.

#### **Current Assets:**

As of the end of October 2023 the total current assets of Norway Savings Bank Arena were (\$1,474,824). These consisted of cash and cash equivalents of \$280,564, accounts receivable of \$144,194 and an interfund payable of \$1,899,582.

#### **Noncurrent Assets:**

Norway's noncurrent assets are equipment that was purchased, less depreciation (depreciation is posted at year end). The total value of the noncurrent assets as of October 31, 2023, were \$102,173.

#### **Liabilities:**

Norway Arena had accounts payable of \$998 as of October 31, 2023.

#### **Statement of Activities:**

The statement of activities shows the current operating revenue collected for the fiscal year and the operating expenses as well as any nonoperating revenue and expenses.

The operating revenues for Norway Arena through October 2023 are \$323,9246. This revenue comes from the concessions, sign advertisements, pro shop lease, youth programming, shinny hockey, public skating and ice rentals.

The operating expenses for Norway Arena through October 2023 were \$284,735. These expenses include personnel costs, supplies, utilities, repairs, capital purchases and maintenance.

As of October 2023 Norway Arena had an operating gain of \$38,559.

As of October 31, 2023, Norway Arena has an increase in net assets of \$38,559.

The budget to actual reports for revenue and expenditures, with comparison to the same period last year show that revenue for FY23 is \$164,540 more for this period than in FY22 and expenditures in FY23 are \$12,454 more than last year in October.

**CITY OF AUBURN, MAINE**  
**Statement of Net Assets**  
**Norway Savings Bank Arena**  
**October 31, 2023**  
**Business-type Activities - Enterprise Fund**

	October 31 2023	September 30 2023	Increase/ (Decrease)
<b>ASSETS</b>			
Current assets:			
Cash and cash equivalents	\$ 280,564	\$ 280,968	\$ (404)
Interfund receivables	\$ (1,899,582)	\$ (1,809,992)	\$ (89,590)
Prepaid Rent			\$ -
Accounts receivable	144,194	138,181	\$ 6,013
Total current assets	(1,474,824)	(1,390,843)	(83,981)
Noncurrent assets:			
Capital assets:			
Buildings	58,223	58,223	-
Equipment	517,049	517,049	-
Land improvements	-	-	-
Less accumulated depreciation	(473,099)	(473,099)	-
Total noncurrent assets	102,173	102,173	-
Total assets	(1,372,651)	(1,288,670)	(83,981)
<b>LIABILITIES</b>			
Accounts payable	\$ 998	\$ 998	-
Net OPEB liability	\$ 64,614	\$ 64,614	-
Net pension liability	(52,355)	(52,355)	-
Total liabilities	13,257	13,257	-
<b>NET ASSETS</b>			
Invested in capital assets	\$ 102,173	\$ 102,173	-
Unrestricted	\$ (1,385,908)	\$ (1,404,100)	\$ 18,192
Total net assets	\$ (1,283,735)	\$ (1,301,927)	\$ 18,192

**CITY OF AUBURN, MAINE**  
**Statement of Revenues, Expenses and Changes in Net Assets**  
**Norway Savings Bank Arena**  
**Business-type Activities - Enterprise Funds**  
**Statement of Activities**  
**October 31, 2023**

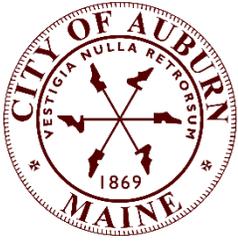
	<b>Norway Savings Arena</b>
Operating revenues:	
Charges for services	\$ 323,294
Operating expenses:	
Personnel	120,563
Supplies	26,295
Utilities	14,973
Repairs and maintenance	13,288
Insurance Premium	-
Depreciation	
Capital expenses	99,185
Other expenses	10,431
<b>Total operating expenses</b>	<b>284,735</b>
<b>Operating gain (loss)</b>	<b>38,559</b>
Nonoperating revenue (expense):	
Interest income	-
Interest expense (debt service)	-
<b>Total nonoperating expense</b>	<b>-</b>
Gain (Loss) before transfer	38,559
Transfers out	-
Change in net assets	38,559
Total net assets, July 1	(1,322,294)
<b>Total net assets, October 31, 2022</b>	<b>\$ (1,283,735)</b>

**CITY OF AUBURN, MAINE**  
**REVENUES - NORWAY SAVINGS BANK ARENA**  
Through October 31, 2023 compared to October 31, 2022

REVENUE SOURCE	FY 2024 BUDGET	ACTUAL REVENUES THRU OCT 2023	% OF BUDGET	FY 2023 BUDGET	ACTUAL REVENUES THRU OCT 2022	% OF BUDGET	VARIANCE
<b>CHARGE FOR SERVICES</b>							
Concissions	\$ 16,500		0.00%	\$ 16,500		0.00%	\$ -
Skate Rentals	\$ 6,000	\$ 400	6.67%	\$ 6,000		0.00%	\$ 400
Pepsi Vending Machines	\$ 2,000	\$ 125	6.25%	\$ 2,000	\$ 265	13.25%	\$ (140)
Games Vending Machines	\$ 3,000		0.00%	\$ 3,000	\$ -	0.00%	\$ -
Vending Food	\$ 2,000	\$ 87	4.35%	\$ 2,000	\$ 54	2.70%	\$ 33
Sponsorships	\$ 230,000	\$ 176,750	76.85%	\$ 230,000	\$ 59,865	26.03%	\$ 116,885
Pro Shop	\$ 7,000	\$ 507	7.24%	\$ 7,000		0.00%	\$ 507
Programs	\$ 20,000		0.00%	\$ 20,000		0.00%	\$ -
Rental Income	\$ 702,000	\$ 133,865	19.07%	\$ 702,000	\$ 70,770	10.08%	\$ 63,095
Camps/Clinics	\$ 50,000	\$ 11,560	23.12%	\$ 50,000	\$ 16,850	33.70%	\$ (5,290)
Tournaments	\$ 50,000	\$ -	0.00%	\$ 50,000	\$ 10,950	21.90%	\$ (10,950)
<b>TOTAL CHARGE FOR SERVICES</b>	<b>\$ 1,088,500</b>	<b>\$ 323,294</b>	<b>29.70%</b>	<b>\$ 1,088,500</b>	<b>\$ 158,754</b>	<b>14.58%</b>	<b>\$ 164,540</b>

**CITY OF AUBURN, MAINE**  
**EXPENDITURES - NORWAY SAVINGS BANK ARENA**  
Through October 31, 2023 compared to October 31, 2022

DESCRIPTION	ACTUAL			ACTUAL			VARIANCE
	FY 2024 BUDGET	EXPENDITURES THRU OCT 2023	% OF BUDGET	FY 2023 BUDGET	EXPENDITURES THRU OCT 2022	% OF BUDGET	
Salaries & Benefits	\$ 291,095	\$ 120,563	41.42%	\$ 291,095	\$ 81,989	28.17%	\$ 38,574
Purchased Services	\$ 136,900	\$ 23,719	17.33%	\$ 136,900	\$ 39,956	29.19%	\$ (16,237)
Supplies	\$ 76,562	\$ 26,295	34.34%	\$ 76,562	\$ 9,590	12.53%	\$ 16,705
Utilities	\$ 267,000	\$ 14,973	5.61%	\$ 267,000	\$ 14,160	5.30%	\$ 813
Capital Outlay	\$ 50,000	\$ 99,185	198.37%	\$ 50,000	\$ 18,586	37.17%	\$ 80,599
Rent	\$ -	\$ -		\$ -	\$ -		\$ -
	<b>\$ 821,557</b>	<b>\$ 284,735</b>	<b>34.66%</b>	<b>\$ 821,557</b>	<b>\$ 164,281</b>	<b>20.00%</b>	<b>\$ 120,454</b>
<b>GRAND TOTAL EXPENDITURES</b>	<b>\$ 821,557</b>	<b>\$ 284,735</b>	<b>34.66%</b>	<b>\$ 821,557</b>	<b>\$ 164,281</b>	<b>20.00%</b>	<b>\$ 120,454</b>



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Ordinance:** 21-09182023

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

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

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

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**City Budgetary Impacts:** N/A

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**Staff Recommended Action:** Recommend passage

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**Previous Meetings and History:** Presented at the 9/18/2023 Council meeting. Council voted to postpone this item until the 10/16/2023 meeting. A public hearing was held and it passed the first reading. This is the second and final reading.

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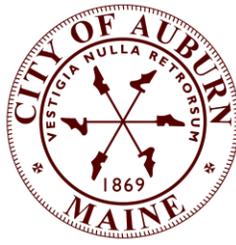
**City Manager Comments:**

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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**Attachments:**



# City Council Ordinance

## IN CITY COUNCIL

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

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

#### ARTICLE XVIII. ADULT USE AND MEDICAL MARIJUANA BUSINESSES

##### **Sec. 14-650. Title**

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

##### **Sec. 14-651. Authority and applicability.**

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

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

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

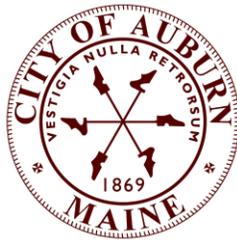
NOW THEREFORE, this Ordinance is adopted pursuant to the Marijuana Legalization Act, 28-B M.R.S. § 101 et seq.; the Maine Medical Use of Marijuana Act, 22 M.R.S. § 2421 et seq.; and the city's home rule

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**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 Ordinance

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

### **Sec. 14-652. Purpose.**

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

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

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

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

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

### **Sec. 14-657. License required.**

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

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

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

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

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

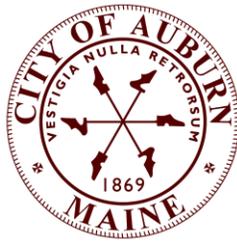
The cultivation, manufacturing, testing or sale of adult use marijuana from a residence is prohibited, unless it is for personal use in accordance with 28-A M.R.S.A. § 1502. Home cultivation of adult use marijuana for personal use is

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



## City Council Ordinance

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

### **Sec. 14-658. Application procedure.**

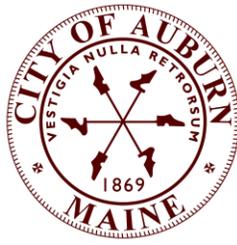
- (a) *An application for a license must be made on a form provided by the city.*
- (b) *All applicants must be qualified according to the provisions of this ordinance. Applicants shall provide sufficient information to demonstrate that they meet all qualifications and standards established in this ordinance.*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

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## City Council Ordinance

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

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

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

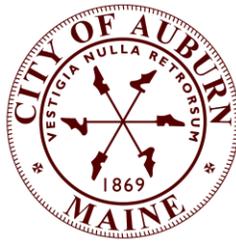
- (4) All applicants, including all individuals, officers, directors, managers, members, and partners, for any medical marijuana business license must be residents of the state, as defined in 22 M.R.S.A. § 2422.
- (5) If an applicant is a person, the applicant must be a resident as that term is defined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

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## City Council Ordinance

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

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

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

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

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

*Adult use marijuana cultivation:*

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

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

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

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

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

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

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

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

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

### **Sec. 14-662. Appeals.**

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

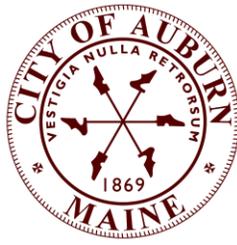
(1) Appeal by the applicant of the city clerk's denial of an application;

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

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

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

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



## City Council Ordinance

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

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

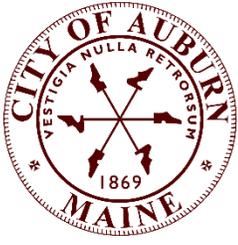
(e) An appeal from any final decision of the city council may be taken by any party to Superior Court in accordance with the provisions of Rule 80B of the Maine Rules of Civil Procedure.

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**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Ordinance:** 24-11202023

**Author:** John Blais

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

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

As a positive recommended by Planning Board. This change is conjunction with updates proposing several text amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District including amending subsurface wastewater disposal (SSWD), or septic system standards requiring a limiting soil horizon of at least 36 inches and that the bottom the disposal field be at least 24 inches above the limiting soil horizon “limiting factor”.

Several lots in the Lake Auburn Watershed Overlay District are not currently buildable because they do not have suitable soil to host a septic system under the current standard. While offering better effluent treatment to the SSWD systems in the Lake Auburn Watershed Overlay District, changing this design standard by allowing mounded systems would likely also have the effect of rendering more lots in the Lake Auburn Watershed Overlay District buildable with the allowance of mounded systems. More buildable lots may mean creating more potential SSWD systems, more land-based runoff, and less forested or vegetated areas to collect nutrients before they enter lake Auburn.

The purpose of this map amendment is to offset the building potential created by modernizing the SSWD standards. The planning board recommended to city council that changing the septic standards should coincide with changing the zoning in the Lake Auburn Watershed to allow fewer houses to offset the possible unwanted development in the watershed of Auburn’s drinking water supply.

This map amendment proposes changing all land in the Low-Density Rural Residence or Rural Residence (RR) zoning district, shown in brown, to the Low-Density Country Residence (LDCR) zoning district, shown in green, within the Lake Auburn Watershed Overlay District. This change reduces the density from one dwelling unit per acre and minimum 250 feet road frontage to one dwelling unit per three acres and minimum 325 feet road frontage. For reference, the relevant meetings to this point have been listed below. This change considered with the Overlay District amendments will reduce total potential for development and ensure that any development that does occur will meet a higher standard for the protection of Lake Auburn. text amendments will reduce total potential for development and ensure that any development that does occur will meet a higher standard for the protection of Lake Auburn.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Staff recommends that the Council completes the first reading tonight and plan to hold the public hearing on December 4, 2023 for the map amendment of 1,030 acres to Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn Watershed to the Low-Density Country Residence (LDCR) zoning district.

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**Previous Meetings and History:**

**Apr. 12, 2022**— Planning Board forwarded a favorable recommendation contingent upon the change coinciding with a zone change reducing housing density in Lake Auburn watershed from one dwelling unit per acre to one dwelling units per three acres in the currently existing Rural Residence district in the Lake Auburn Watershed Overlay District.

**May 2, 2022**—City Council orders the Planning Board to consider a zone change reducing housing density in the Lake Auburn Watershed from one dwelling per acre to one dwelling per three acres in the Rural Residence zoning district in the Lake Auburn Watershed.

**May 3, 2022**—Special Planning Board workshop to consider reducing the housing density in all parts of the Lake Auburn Watershed from one unit per acre to one-unit per three acres by changing RR zone to the LDCR zone.

**Aug. 15, 2022**—City Council workshop on reducing housing density in Lake Auburn Watershed from one dwelling unit per acre to one dwelling unit per three acres in the Rural Residential District in the Lake Auburn Watershed.

**October 11, 2022**—Planning Board Public Hearing to change RR to LDCR in all portions of the Lake Auburn watershed. Motion to recommend change to Council.

**October 10, 2023**—Planning Board workshop on map amendment changing land in the Lake Auburn Watershed Overlay District zoned RR to LDCR.

**October 16, 2023**—City Council workshop on map amendment changing land in the Lake Auburn Watershed Overlay District zoned RR to LDCR.

**November 14, 2023**-Planning Board, Public Hearing.

**November 20, 2023** – Passage of first reading

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**City Manager Comments:**

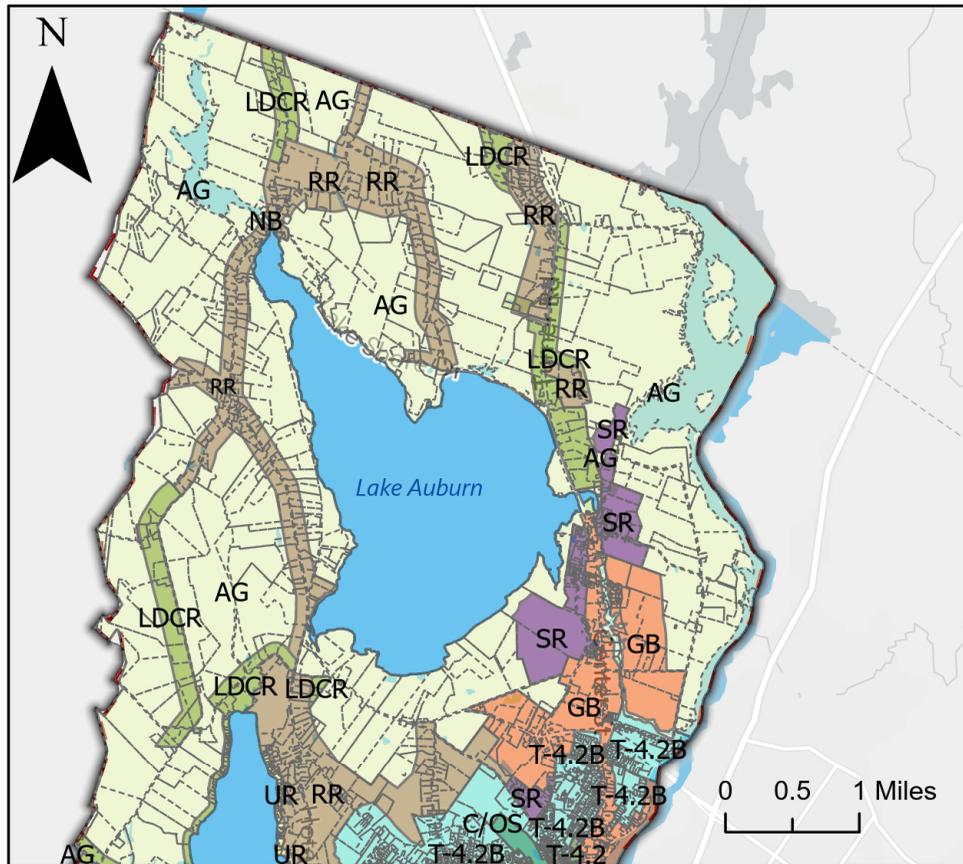
I concur with the recommendation. Signature:



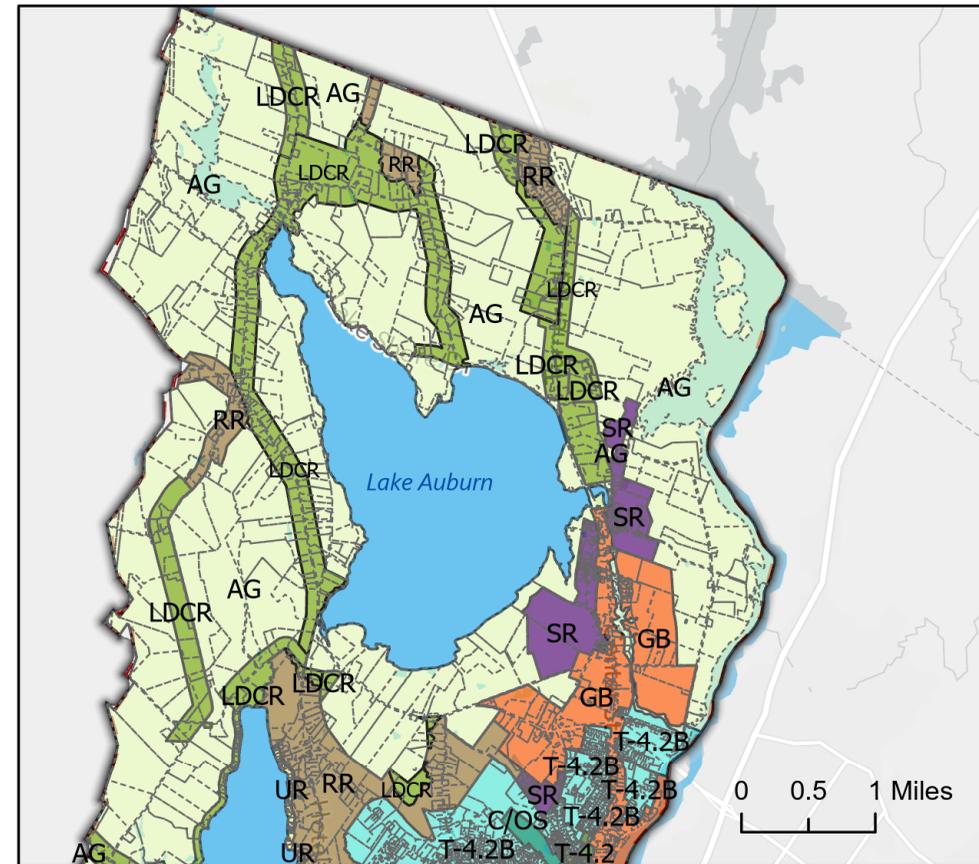
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**Attachments:** Proposed Ordinance, planning board motion, planning board staff report (text amendments) staff report (RR to LDCR), watershed zone map (existing RR), watershed zone map (proposed LDCR)

## Zoning Map Amendment for Public Hearing November 14, 2023: Rezoning Approximately 1,030 Acres of RR to LDCR



**Existing Zoning**



**Proposed Zoning**

- |   |  |   |
|---|--|---|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #e6f2e6; margin-right: 5px;"></span> AG - Agriculture and Resource Protection</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #a2c4c9; margin-right: 5px;"></span> C/OS - Conservation / Open Space</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #f4a460; margin-right: 5px;"></span> GB - General Business</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #c85135; margin-right: 5px;"></span> GB II - General Business II</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #9c27b0; margin-right: 5px;"></span> ID - Industrial</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #c8e6c9; margin-right: 5px;"></span> LDCR - Low Density Country Residential</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #c8e6c9; margin-right: 5px;"></span> MFS - Multi-Family Suburban</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #e0e0e0; margin-right: 5px;"></span> NB - Neighborhood Business</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #a1887f; margin-right: 5px;"></span> RR - Rural Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #9c27b0; margin-right: 5px;"></span> SR - Suburban Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #c8e6c9; margin-right: 5px;"></span> T-4.1 - Traditional Mainstreet Neighborhood</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #8bc34a; margin-right: 5px;"></span> T-4.2 - Traditional Downtown Neighborhood</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #a2c4c9; margin-right: 5px;"></span> T-4.2B - Traditional Neighborhood Development District</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #a2c4c9; margin-right: 5px;"></span> T-5.1 - Downtown Traditional Center</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #9c27b0; margin-right: 5px;"></span> T-5.2 - Downtown City Center</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #9c27b0; margin-right: 5px;"></span> T-6 - Great Falls Metropolitan</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; background-color: #e6f2e6; margin-right: 5px;"></span> UR - Urban Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid black; border-style: dashed; margin-right: 5px;"></span> Parcels</li> </ul> |
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## City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

Date: 11/20/2023

To: Auburn City Council

From: Auburn Planning Board

Subject: Planning Board Recommendation to City Council on proposed map amendment to change the minimum lot size to three acres in the residential areas of the Lake Auburn watershed

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and public hearings held on November 14, 2023, the Planning Board forwards this report to the City Council.

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

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

“I make a motion to forward a favorable recommendation to City Council to amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas in the Low-Density Rural Residence or Rural Residence zoning district within the Lake Auburn Watershed to the Low-Density Country Residence zoning district.” **VOTE:** 7-0-0 motion passes.

Date: November 14, 2023

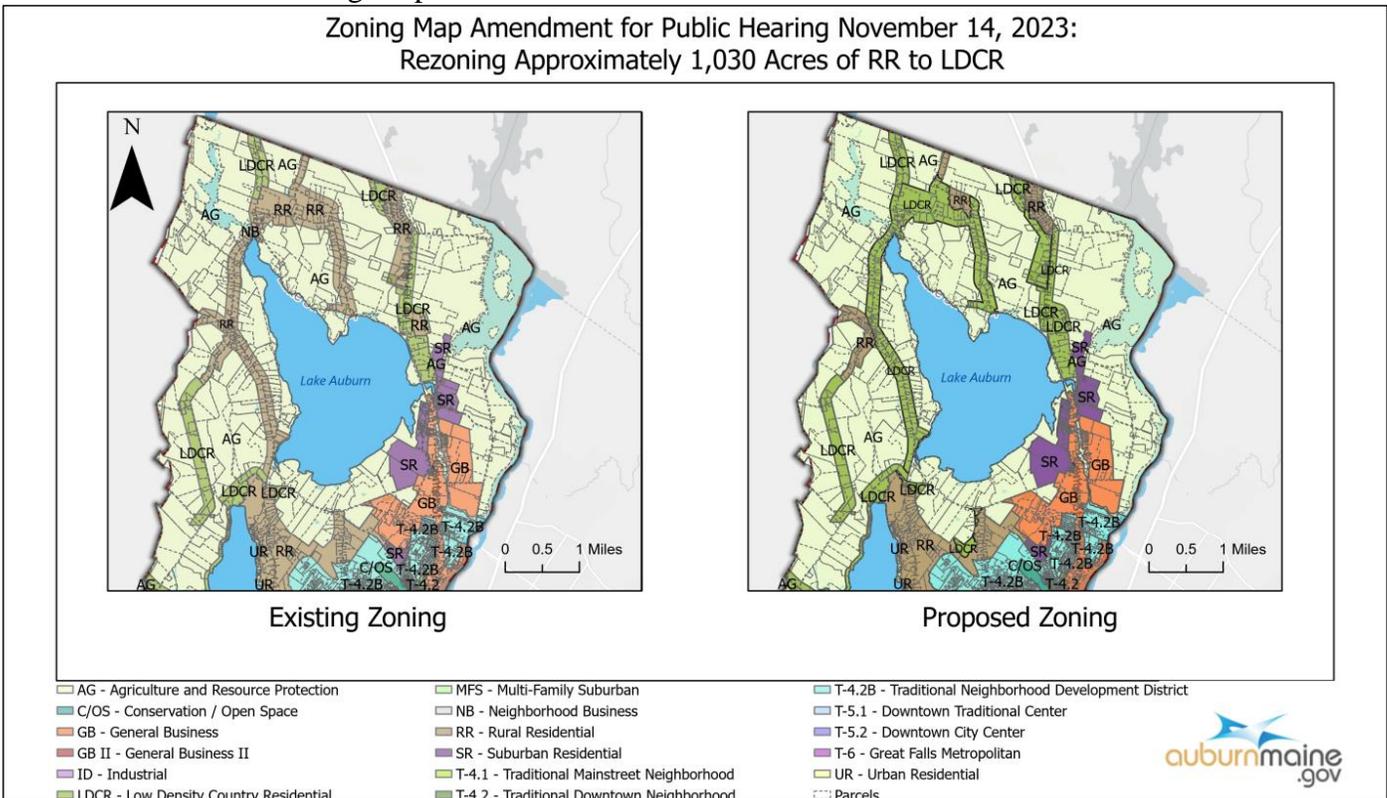
To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

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

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

Zoning Map Amendment for Public Hearing November 14, 2023:  
Rezoning Approximately 1,030 Acres of RR to LDCR



Source: City of Auburn, Zoning Map, dated May 16, 2016

**II. Background:** The City of Auburn is proposing several amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District including amending subsurface wastewater (SSWW) disposal, or septic system standards requiring a limiting soil horizon of at least 36 inches and that the bottom the disposal field be at least 24 inches above the limiting soil horizon limiting factor. This current standard does not allow for the most effective treatment of effluent because it forces effluent to travel below the organic duff layer, where the best treatment would occur. Under this existing standard, the treatment occurs in sandy, well-drained soils, which are not able to capture and treat onsite waste

nutrients. The proposed system decreases the limiting soil horizon to 12” but requires the disposal field to be treated through the existing natural duff layer and the required suitable natural soil or specified soil media must provide a minimum separation of 36-inch separation between the bottom of the disposal field and limiting factor. The proposed update is intended to improve the treatment efficiency of approximately 251 existing systems within the Lake Auburn watershed thereby reducing the potential accumulation of non-point source pollution to Lake Auburn.

Several lots in the Lake Auburn Watershed Overlay District are not currently buildable because they do not have suitable soil to host a septic system under the current standard. While offering better effluent treatment to the SSWW disposal systems in the Lake Auburn Watershed Overlay District, changing this design standard by allowing mounded systems would likely also have the effect of rendering more lots in the Lake Auburn Watershed Overlay District buildable with the allowance of mounded systems. More buildable lots may mean creating more potential SSWD systems, more land-based runoff, and less forested or vegetated areas to collect nutrients before they enter lake Auburn.

The purpose of this map amendment is to offset the building potential created by modernizing the SSWW disposal standards. The planning board recommended to the city council that changing the septic standards should coincide with changing the zoning in the Lake Auburn Watershed to allow fewer houses to offset the possible unwanted development in the watershed of Auburn’s drinking water supply.

This map amendment proposes changing all land in the Low-Density Rural Residence or Rural Residence (RR) zoning district, shown in brown, to the Low-Density Country Residence (LDCR) zoning district, shown in green, within the Lake Auburn Watershed Overlay District. This change reduces the density from one dwelling unit per acre and minimum 250 feet road frontage to one dwelling unit per three acres and minimum 325 feet road frontage. For reference, the relevant meetings to this point have been listed below. This change considered with the Overlay District amendments will reduce total potential for development and ensure that any development that does occur will meet a higher standard for the protection of Lake Auburn.

#### **Previous Meetings and Actions:**

- **Apr. 12, 2022**— Planning Board forwarded a favorable recommendation contingent upon the change coinciding with a zone change reducing housing density in Lake Auburn watershed from one dwelling unit per acre to one dwelling units per three acres in the currently existing Rural Residence district in the Lake Auburn Watershed Overlay District.
- **May 2, 2022**—City Council orders the Planning Board to consider a zone change reducing housing density in the Lake Auburn Watershed from one dwelling per acre to one dwelling per three acres in the Rural Residence zoning district in the Lake Auburn Watershed.
- **May 3, 2022**—Special Planning Board workshop to consider reducing the housing density in all parts of the Lake Auburn Watershed from one unit per acre to one-unit per three acres by changing RR zone to the LDCR zone.
- **Aug. 15, 2022**—City Council workshop on reducing housing density in Lake Auburn Watershed from one dwelling unit per acre to one dwelling unit per three acres in the Rural Residential District in the Lake Auburn Watershed.
- **October 11, 2022**—Planning Board Public Hearing to change RR to LDCR in all portions of the Lake Auburn watershed. Motion to recommend change to Council.
- **October 10, 2023**—Planning Board workshop on map amendment changing land in the Lake Auburn Watershed Overlay District zoned RR to LDCR
- **October 16, 2023**—City Council workshop on map amendment changing land in the Lake Auburn Watershed Overlay District zoned RR to LDCR

**III. Planning Board Action:** Hold a Public Hearing and recommend approval of the zoning map change to the City Council.

**IV. Suggested Motion:** I make a motion to forward a favorable recommendation to City Council to amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance changing all areas (1030+/-acres) in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn Watershed to the Low-Density Country Residence (LDCR) zoning district.

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

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***DIVISION 3. LOW DENSITY COUNTRY RESIDENTIAL DISTRICT***

**Sec. 60-200. Purpose.**

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

(Ord. of 9-21-2009, § 3.32A)

**Sec. 60-201. Use regulations.**

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

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

(b) *Special exception uses.* The following uses are permitted by special exception after approval by the planning board in accordance with the provisions of division 3 of article XVI of this chapter:

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

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

**Sec. 60-202. Dimensional requirements.**

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

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

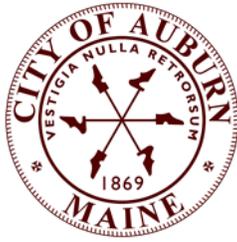
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domestic use of the residents of the lot is permitted provided that the land area required per animal unit forms to the definition of farm, livestock contained in section 60-2.

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

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

**Secs. 60-203—60-227. Reserved.**



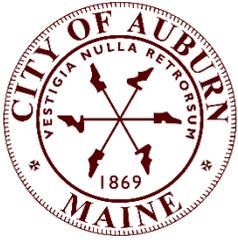
# City Council Ordinance

## **IN CITY COUNCIL**

**TITLE: Zoning Map Amendment Rezoning Certain Land from LDRR or RR to LDCR**

**BE IT ORDAINED**, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Amend the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone all areas in the Low-Density Rural Residence or Rural Residence (RR) zoning district within the Lake Auburn watershed to the Low-Density Country Residence (LDCR) zoning district, all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk’s Office and the Planning & Permitting Department.)



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Ordinance:** 26-11202023

**Author:** John Blais

**Subject:** Proposed Map Change from Agriculture and Resource Protection (AGRP) to General Business (GB)

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**Information:** The proposal was initiated by the planning board in a workshop on October 10, 2023, and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map. Early today, the planning board will consider updating the Lake Auburn Watershed Overlay zoning map to match the “DWP Potential Boundary” that was agreed upon by the City of Auburn, Auburn Water and Sewer District, and Lewiston Water Division.

The land area that is removed from the watershed, approximately 80 acres, is currently zoned AGRP 20 acres will remain as AGRP. Staff believes that General Business (GB) would be the most appropriate option to apply in this area based on direction from the 2021 Comprehensive Plan. The Future Land Use Plan for the area near Gracelawn to be changed to the Commercial Development District, which is synonymous with the General Business District in its allowed uses and densities. An important goal for the city is listed in Strategy I.2.3.c in the Comprehensive Plan: to “Investigate opportunities for high quality, creative use of vacant land and/or buildings in and around commercial/ industrial centers.” This includes rezoning Gracelawn Pits as a planned development site to be used for a mix of office, retail, and residential space, while assuring that the water quality of Lake Auburn is protected (page 73, Comprehensive Plan) because of its proximity to the abutting GB zone across Mount Auburn Ave.

At the November 14<sup>th</sup> planning board meeting, the board voted to recommend changing the zone in this area to GB. The motion itself is attached to this packet. The planning board had the following findings in their review.

1. The 2010 and now the 2020 Comprehensive Plan recommend expanding the Commercial zoning in this area. This can be accomplished without creating a new district by using the existing General Business Zone.
2. The new lake auburn watershed overlay district boundary is supported by the watershed boundary has been reviewed and agreed upon through studies by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith, The Maine Drinking Water Program and the Lake Auburn Water Quality Ad-Hoc Committee. This zone change carefully follows this new adjusted boundary but excludes the 20 acres that make up the abutting property known as the City of Auburn landfill.
3. The proposal can be implemented without detriment to Lake Auburn and is recommended by the Comprehensive Plan.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Staff recommends that the Council discuss the proposals and provide the first reading and vote and prepare for the final reading and public hearing on December 4, 2023.

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**Previous Meetings and History:**

- **Oct. 1, 2021**—A Regulator, Environmental, and Economic Analysis of Water Supply Protection in, Auburn ME. Report resulted in a watershed boundary change.
- **Dec. 21, 2021**—City Council directive to forward recommendation on changing Gracelawn area (148 acres) from AG to CDD and moving CDD boundary to match new watershed boundary.
- **Jan. 3, 2022**—City Council Workshop on changing 148 acres from AG to CDD boundary to match new watershed boundary on the southern part of Lake Auburn.
- **Jan. 11, 2023**—Planning Board Workshop on amending 148 acres near the Gracelawn area from AG to CDD to match the watershed boundary.
- **Feb. 8, 2022**—Planning Board Public Hearing on changing Gracelawn Area zoning from AG to GB and moving CDD boundary update from 2021 Comprehensive Plan. Favorable Recommendation.
- **Mar. 7, 2022**—City Council first reading on amending 148 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary.
- **Mar. 21, 2022**—City Council second reading on amending what has changed to 120 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary. Passes.
- **Aug. 9, 2022**—City Clerk verifies a citizens’ petition to repeal Ordinance 08-03072022
- **Sept. 6, 2022**—City Council Repeals Ordinance 08-03072022 which reverts the watershed boundary to what it was before March 21, 2022, and reverts the zoning in this area from GB back to AGRP.
- **Sept. 5, 2023**—Maine Drinking Water Program (DWP) concurs with the “DWP Potential Boundary” depicted in in Figure 1 – Site Map Depicting Area of Uncertainty.
- **Sept. 18, 2023**— “DWP Potential Boundary” was approved by Maine Drinking water following a peer review.
- **Sept. 26, 2023**—Lake Auburn Water Quality Ad-Hoc Committee issues memorandum recommending that AWS and LWD forward the new watershed boundary to Maine Drinking Water for Approval.
- **Oct. 10, 2023**—Planning Board workshop on amending the Lake Auburn Watershed Overlay District.
- **Oct. 16, 2023**—City Council workshop on amending the Lake Auburn Watershed Overlay District.
- **Nov. 2, 2023**—City staff send DWP Lake Auburn Watershed Overlay District updates.
- **Nov. 14, 2023**—Planning Board Public Hearing on amending the Lake Auburn Watershed Overlay District.
- **Nov. 20, 2023**—Passage of first reading.

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City Manager Comments:

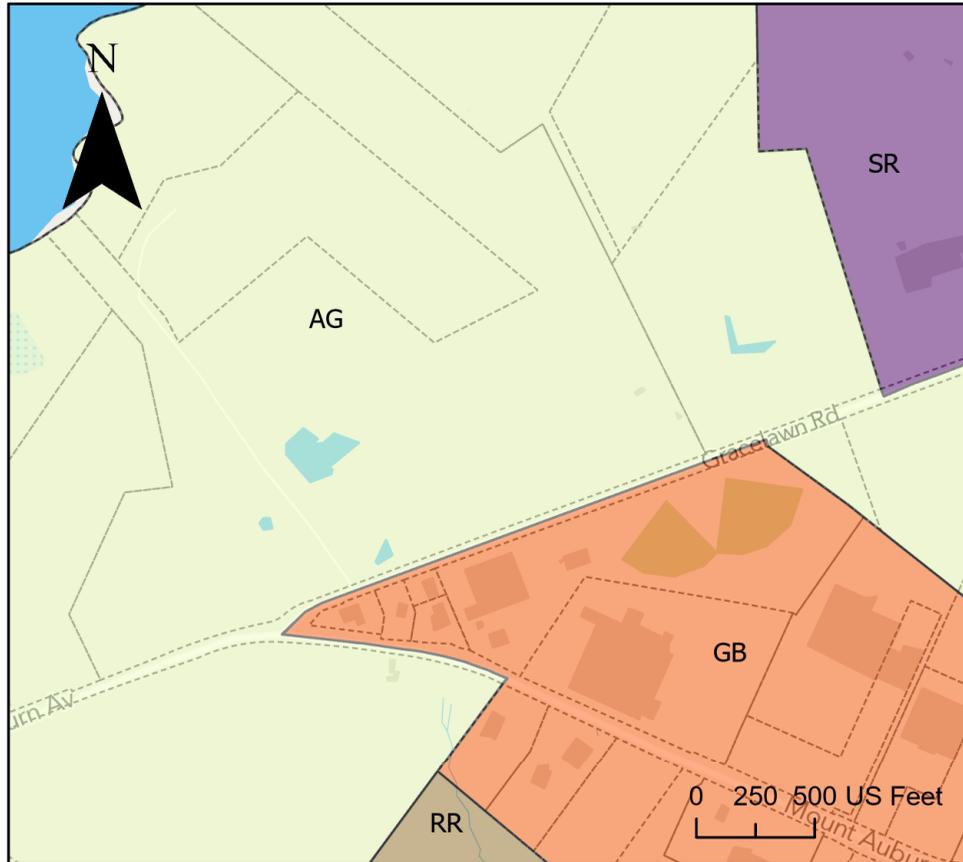


I concur with the recommendation. Signature:

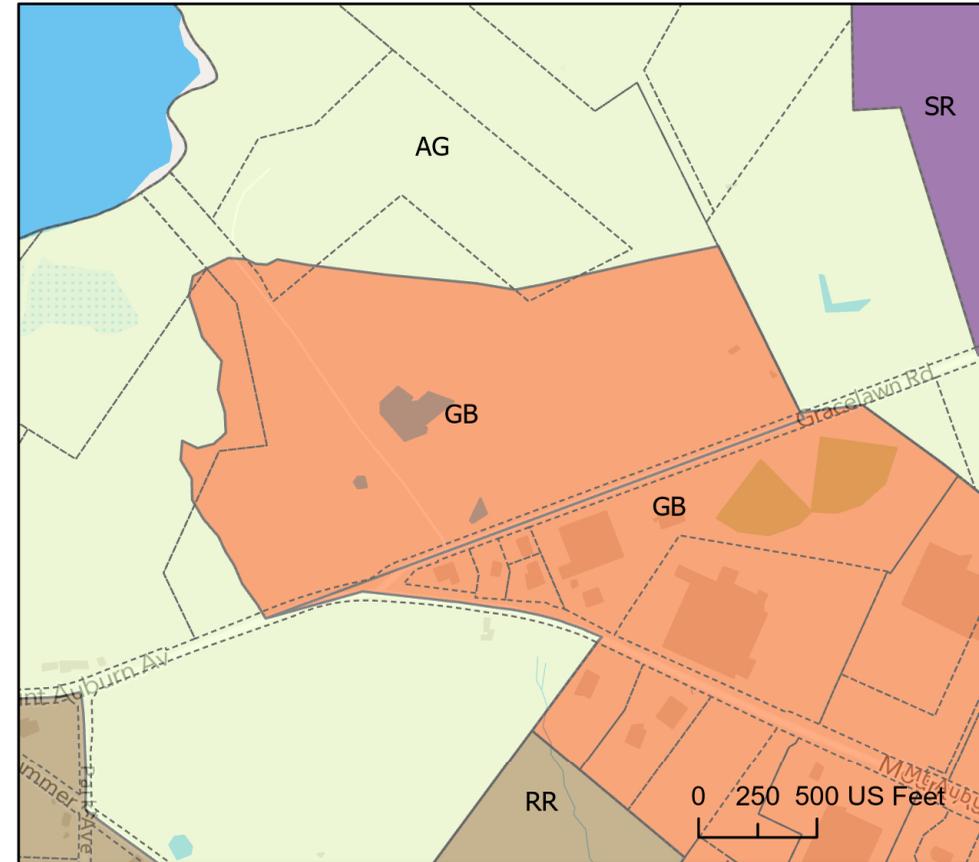
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Attachments: Proposed Ordinance, planning board motion, staff report (new watershed zone GB), GB zone ordinance and updated Map.

## Zoning Map Amendment for Public Hearing November 14th 2023: Rezoning Approximately 60 Acres of AGRP to GB



**Existing Zoning**



**Proposed Zoning**

- |   |  |  |
|---|--|--|
| <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #d9ead3; border: 1px solid black; margin-right: 5px;"></span> AG - Agriculture and Resource Protection</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #5cb85c; border: 1px solid black; margin-right: 5px;"></span> C/OS - Conservation / Open Space</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #f4a460; border: 1px solid black; margin-right: 5px;"></span> GB - General Business</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #d9534f; border: 1px solid black; margin-right: 5px;"></span> GB II - General Business II</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #9b59b6; border: 1px solid black; margin-right: 5px;"></span> ID - Industrial</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #7ed321; border: 1px solid black; margin-right: 5px;"></span> LDCR - Low Density Country Residential</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #90ee90; border: 1px solid black; margin-right: 5px;"></span> MFS - Multi-Family Suburban</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #d3d3d3; border: 1px solid black; margin-right: 5px;"></span> NB - Neighborhood Business</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #a67c52; border: 1px solid black; margin-right: 5px;"></span> RR - Rural Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #8e44ad; border: 1px solid black; margin-right: 5px;"></span> SR - Suburban Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #c8e6c9; border: 1px solid black; margin-right: 5px;"></span> T-4.1 - Traditional Mainstreet Neighborhood</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #66bb6a; border: 1px solid black; margin-right: 5px;"></span> T-4.2 - Traditional Downtown Neighborhood</li> </ul> | <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #4fc3f7; border: 1px solid black; margin-right: 5px;"></span> T-4.2B - Traditional Neighborhood Development District</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #bbdefb; border: 1px solid black; margin-right: 5px;"></span> T-5.1 - Downtown Traditional Center</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #9575cd; border: 1px solid black; margin-right: 5px;"></span> T-5.2 - Downtown City Center</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #9c27b0; border: 1px solid black; margin-right: 5px;"></span> T-6 - Great Falls Metropolitan</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: #fff9c4; border: 1px solid black; margin-right: 5px;"></span> UR - Urban Residential</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px dashed black; margin-right: 5px;"></span> Parcels</li> </ul> |
|---|--|--|

\* City of Auburn, Zoning Map, dated May 16, 2016



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

Date: 11/20/2023

To: Auburn City Council

From: Auburn Planning Board

Subject: Planning Board Recommendation to City Council on proposed map amendment changing the Gracelawn area from AGRP to GB zoning district

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and public hearings held on November 14, 2023, the Planning Board forwards this report to the City Council.

**Proposal: Public Hearing/ Map Amendment:** Consider amending the official zoning map of the City of Auburn entitled “City of Auburn, Zoning Map, dated May 16, 2016,” revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance by rezoning approximately 60 acres in parts of City Assessor’s Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district. The proposal was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

**MOTION:** David Trask makes a motion; **SECOND:** Amanda Guerrette second.

“I’m going to make a motion that we recommend to the council that we support the proposed changes to include that the General Business Boundary be adjusted to include the 60 acres shown on the map based on the following findings: The 2010 and now the 2020 Comprehensive Plan recommend expanding the Commercial zoning in this area. This can be accomplished without creating a new district by using the existing General Business Zone. The proposed new lake auburn watershed overlay district boundary is supported by the watershed boundary has been reviewed and agreed upon through studies by FB Environmental Associates, Comprehensive Environmental Inc., CDM Smith, The Maine Drinking Water Program and the Lake Auburn Water Quality Ad-Hoc Committee. This zone change carefully follows this new proposed adjusted boundary but excludes the 20 acres that make up the abutting property known as the City of Auburn landfill and that the proposal can be implemented without detriment to Lake Auburn and is recommended by the Comprehensive Plan.”

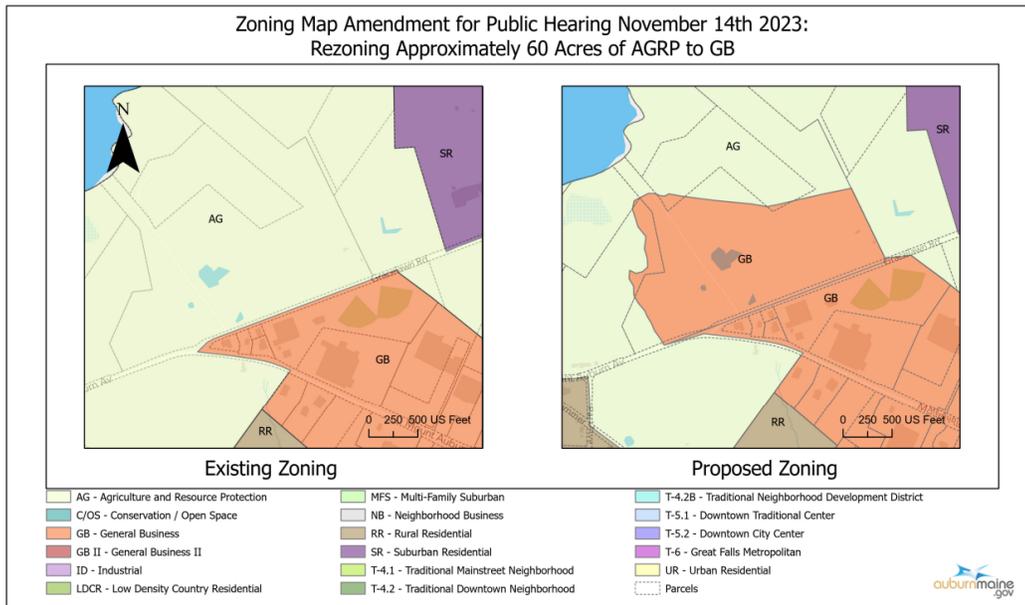
**VOTE:** 6-1-0 motion passes.

Date: November 11, 2023

To: Auburn Planning Board

From: John Blais, Deputy Director of Planning and Permitting

Re: **Staff Report on Proposed Map Change from Agriculture and Resource Protection (AGRP) to General Business (GB)**



\* City of Auburn, Zoning Map, dated May 16, 2016

- I. **Public Hearing/ Map Amendment:** New zone considerations for area along Gracelawn Road amending approximately 60 acres in parts of Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district.
- II. **Background:** The proposal was initiated by the planning board in a workshop on October 10, 2023, and is pursuant to Chapter 60, Article XVII, Division 2 Amendment to the Zoning Ordinance or Zoning Map. Early today, the planning board will consider updating the Lake Auburn Watershed Overlay zoning map to match the “DWP Potential Boundary” that was agreed upon by the City of Auburn, Auburn Water and Sewer District, and Lewiston Water Division.

The land area that is removed from the watershed, approximately 80 acres, is currently zoned AGRP 20 acres will remain as AGRP. Staff believes that General Business (GB) would be the most appropriate option to apply in this area based on direction from the 2021 Comprehensive Plan. The Future Land Use Plan for the area near Gracelawn to be changed to the Commercial Development District, which is synonymous with the General Business District in its allowed uses and densities. An important goal for the city is listed in Strategy I.2.3.c in the Comprehensive Plan: to “Investigate opportunities for high quality, creative use of vacant land and/or buildings in and around commercial/ industrial centers.” This includes rezoning Gracelawn Pits as a planned development site to be used

for a mix of office, retail, and residential space, while assuring that the water quality of Lake Auburn is protected (page 73, Comprehensive Plan) because of its proximity to the abutting GB zone across Mount Auburn Ave.

COMMERCIAL DEVELOPMENT DISTRICT (CDD)(Excerpt from Comprehensive Plan)

*Objective – Allow for the development of a wide range of uses including those that involve the sales of motor vehicles and/or that generate significant truck traffic. The district will allow for both existing and new residential use at a density of up to 16 units per acre.*

*Allowed Uses – The Commercial Development District generally follows the boundaries of the General Business and General Business II (Minot Avenue) Zoning Districts, in effect at the time of the 2021 Comprehensive Plan update. The following general types of uses should be allowed in the General Business Development District:*

- *Low and High Residential Density Uses*
- *Retail uses including large-scale uses (>100,000 square feet)*
- *Personal and business services*
- *Business and professional offices*
- *Medical facilities and clinics*
- *Restaurants*
- *Hotel, motels, inns, and bed & breakfast establishments*
- *Low and High-Density Residential Uses*
- *Community services and government uses.*
- *Research, light manufacturing, assembly, and wholesale uses*
- *Truck terminals and distribution uses*
- *Contractors and similar activities*
- *Motor vehicle and equipment sales*
- *Motor vehicle service and repair*
- *Recreational and entertainment uses and facilities.*

*Development Standards – The City’s development standards for the Commercial Development District should provide property owners and developers flexibility in the use and development of the property. The standards should include provisions to manage the amount and location of vehicular access to the site, minimize stormwater runoff and other potential environmental impacts, require a landscaped buffer along the boundary between the lot and the street, and provide for the buffering of adjacent residential districts.*

III. Environmental considerations for this zone change include having the ability to converting an existing active gravel pit to what could be a mixed-use development that could range from multi-family homes and multifaceted businesses found in the General Business District. If development occurs the site would revegetate in areas where structures and supporting infrastructure is not planned. The area would have the ability to plan for a sustainable development that would address stormwater and site law that has not been addressed in the last 60 years as grandfathered gravel pit.

IV. Utilizing the federal government’s Environmental Protection Agency (EPA) Region 5 modeling for reporting Clean Water Act, 319 Grant projects staff ran a hypothetical model to redevelop the proposed 60 acres compared to what is existing today. Assumptions include the following: 40 acres of commercial development, 12 acres of vacant undeveloped land, 8 acres of open space revegetated. Compared to the 46 acres of open gravel pit, 4 acres of gravel roads, 10 acres of vacant land. Below is the overall annual pollutant load and runoff volumes for before after implementing permanent Best Management Practices such as Low Impact Development techniques to stabilize the site and treat stormwater runoff for a significant net reduction in nitrogen, phosphorus, bio-oxygen demand, sediment, and volumes of water.

Overall annual pollutant load and runoff volume before and after BMPs				
Pollutant	Pre-BMP	Reduction	After BMP	Percent Reduction
TN (lb/yr)	727.33	363.66	363.66	50%
TP (lb/yr)	72.73	36.37	36.37	50%
BOD (lb/yr)	3,230.77	2,220.85	1,009.92	69%
Sediment (lb/yr)	27,974.09	23,752.65	4,221.44	85%
Flow Volume (ac-ft/yr)	138.50	119.79	18.72	86%

**Planning Board Action/Staff Suggestion:** Staff suggest a planning board discuss the proposals and hold a Public Hearing on November 11, 2023. Staff then recommends that the Board forward a positive recommendation to the Council supporting the proposed change, to include that the General Business Boundary be adjusted to include the 60 acres shown on the map based on the following findings.

**SUGGESTED FINDINGS AND REASONS:**

1. The 2010 and now the 2020 Comprehensive Plan recommend expanding the Commercial zoning in this area. This can be accomplished without creating a new district by using the existing General Business Zone.
2. The new lake auburn watershed overlay district boundary is supported by the watershed boundary has been reviewed and agreed upon through studies by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith, The Maine Drinking Water Program and the Lake Auburn Water Quality Ad-Hoc Committee. This zone change carefully follows this new adjusted boundary but excludes the 20 acres that make up the abutting property known as the City of Auburn landfill.
3. The proposal can be implemented without detriment to Lake Auburn and is recommended by the Comprehensive Plan.

***DIVISION 12. GENERAL BUSINESS DISTRICT***

**Sec. 60-498. Purpose.**

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

(Ord. of 9-21-2009, § 3.62A)

**Sec. 60-499. Use regulation.**

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

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

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

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

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

## **Sec. 60-500. Dimensional regulations.**

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

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

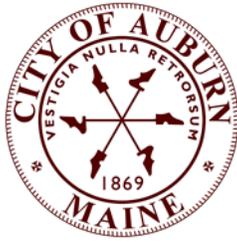
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requisites for a safe and properly designed siding and building setback acceptable to the railroad shall take precedence.

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

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

**Secs. 60-501—60-523. Reserved.**



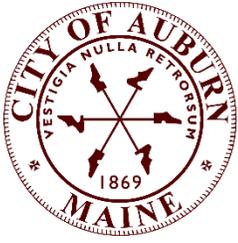
# City Council Ordinance

## **IN CITY COUNCIL**

### **TITLE: Zoning Map Amendment Rezoning Certain Land from AGRP to GB**

**BE IT ORDAINED**, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Amend the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to rezone approximately 60 acres in parts of City Assessor's Parcel ID 289-001, 289-002, and 277-026 from the Agriculture and Resource Protection (AGRP) zoning district to the General Business (GB) zoning district, all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department.)



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Ordinance:** 27-12042023

**Author:** John Blais

**Subject:** Map amendment revising the Lake Auburn Watershed Overlay District.

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**Information:** Amending the Lake Auburn Watershed Overlay District in the “City of Auburn Zoning Map dated May 16, 2016,” revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

The 2021 report by FB Environmental Associates, Horsely Witten Group, and the University of Maine, “A Regulatory, Environmental, and Economic Analysis of Water supply Protection in Auburn, ME” offered several recommended revisions to Auburn’s Code of Ordinances and Regulations in the Lake Auburn Watershed Overlay District. One such recommendation was to update the Lake Auburn Watershed Overlay District Ordinance to reflect the revised watershed boundary, reducing the existing watershed boundary by 148 acres in the Gracelawn road area based on their understanding of the topography in the area.

Following a citizen-initiated petition against changing the zoning around the Lake Auburn Watershed Overlay District in the Gracelawn area, the Lake Auburn Watershed Overlay boundary, the City Council voted to repeal the ordinance that initially changed the Lake Auburn Watershed Overlay District and zoning to what they were prior to March 21, 2022.

Since the vote to repeal Ordinance 08-02072022, the Auburn Water and Sewer District, the City of Auburn, and the City of Lewiston have conducted peer reviews of the hydrogeological features of the Gracelawn area. The Maine Drinking Water Program (DWP) agrees with the CDM Smith finding that the “DWP Potential Boundary” shown in the attached memo is a conservative boundary that can be established with available data. More information would be necessary if there were to be any future amendment to the Lake Auburn Watershed Overlay district.

The purpose of this first public meeting is to amend the City’s Lake Auburn Watershed Overlay map on our GIS system to match the agreed upon Lake Auburn watershed boundary shown as “DWP Potential Boundary” in Figure 1 - 0 Site Plan Depicting Areas of Uncertainty, and “Proposed Change” map sourced from CDM Smith in the “Lake Auburn Watershed Overlay District for Public Hearing November 14, 2023.” This meeting will be followed by a first reading in city council on November 20, and a second reading and public hearing in city council on December 4, 2023.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Staff recommends that the Council discuss the proposals and hold the public meeting and first reading and forward a positive vote for a second reading and public hearing.

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**Previous Meetings and History:**

- **Oct. 1, 2021**—A Regulator, Environmental, and Economic Analysis of Water Supply Protection in, Auburn ME. Report resulted in a watershed boundary change.
- **Dec. 21, 2021**—City Council directive to forward recommendation on changing Gracelawn area (148 acres) from AG to CDD and moving CDD boundary to match new watershed boundary.
- **Jan. 3, 2022**—City Council Workshop on changing 148 acres from AG to CDD boundary to match new watershed boundary on the southern part of Lake Auburn.
- **Jan. 11, 2023**—Planning Board Workshop on amending 148 acres near the Gracelawn area from AG to CDD to match the watershed boundary.
- **Feb. 8, 2022**—Planning Board Public Hearing on changing Gracelawn Area zoning from AG to GB and moving CDD boundary update from 2021 Comprehensive Plan. Favorable Recommendation.
- **Mar. 7, 2022**—City Council first reading on amending 148 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary.
- **Mar. 21, 2022**—City Council second reading on amending what has changed to 120 acres in the Gracelawn area to GB and moving CDD to match the new watershed boundary. Passes.
- **Aug. 9, 2022**—City Clerk verifies a citizens’ petition to repeal Ordinance 08-03072022
- **Sept. 6, 2022**—City Council Repeals Ordinance 08-03072022 which reverts the watershed boundary to what it was before March 21, 2022, and reverts the zoning in this area from GB back to AGRP.
- **Sept. 5, 2023**—Maine Drinking Water Program (DWP) concurs with the “DWP Potential Boundary” depicted in in Figure 1 – Site Map Depicting Area of Uncertainty.
- **Sept. 18, 2023**— “DWP Potential Boundary” was approved by Maine Drinking water following a peer review.
- **Sept. 26, 2023**—Lake Auburn Water Quality Ad-Hoc Committee issues memorandum recommending that AWSD and LWD forward the new watershed boundary to Maine Drinking Water for Approval.
- **Oct. 10, 2023**—Planning Board workshop on amending the Lake Auburn Watershed Overlay District.
- **Oct. 16, 2023**—City Council workshop on amending the Lake Auburn Watershed Overlay District.
- **Nov. 2, 2023**—City staff send DWP Lake Auburn Watershed Overlay District updates.
- **Nov. 14, 2023**—Planning Board Public Hearing on amending the Lake Auburn Watershed Overlay District.
- **Nov. 20, 2023**—Passage of first reading.

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**City Manager Comments:**

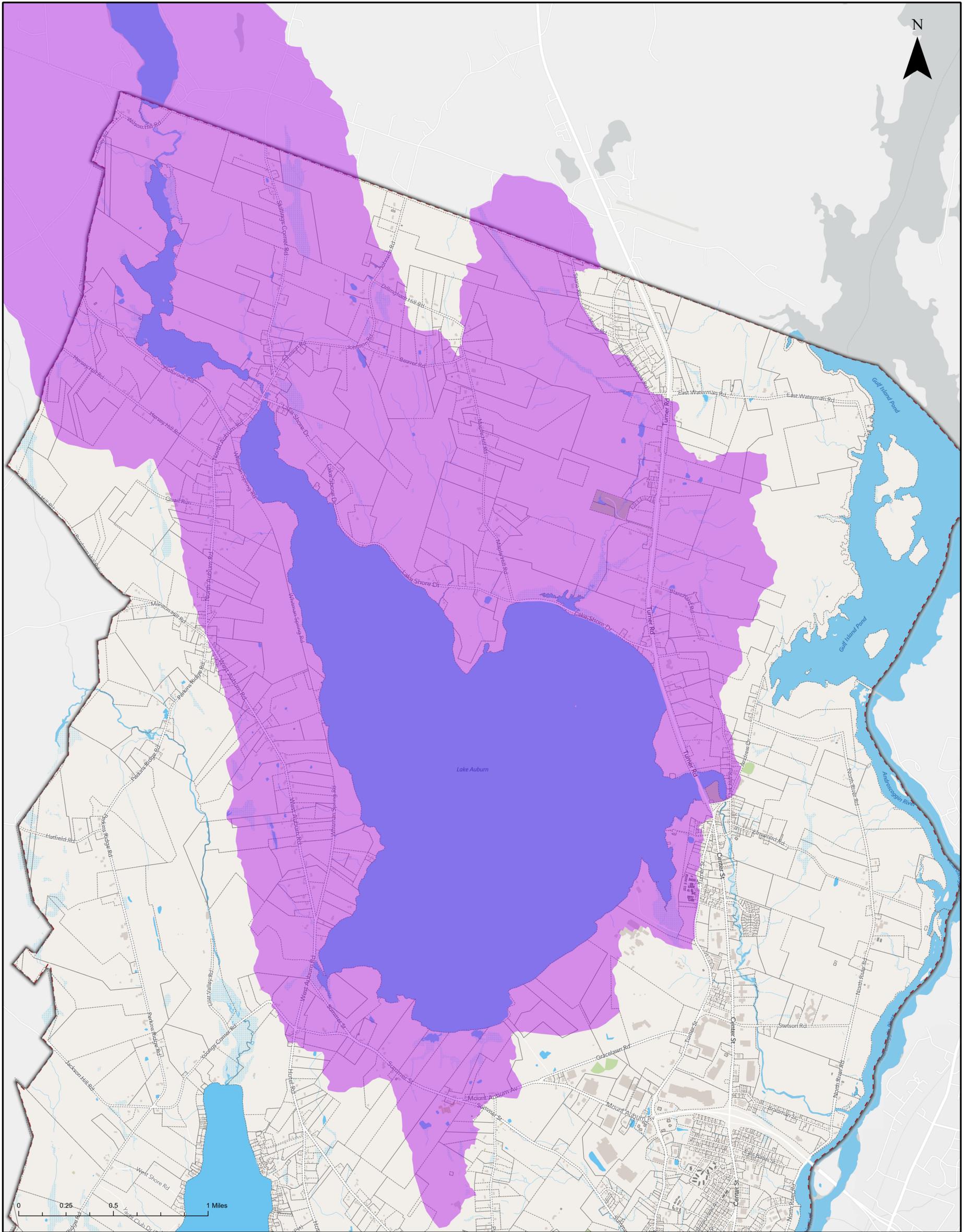


I concur with the recommendation. Signature:

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**Attachments:** planning board motion, staff report (new watershed boundary), DWP memo, LWD memo, Lewiston memo, City of Auburn Memo, watershed boundary map existing and proposed.

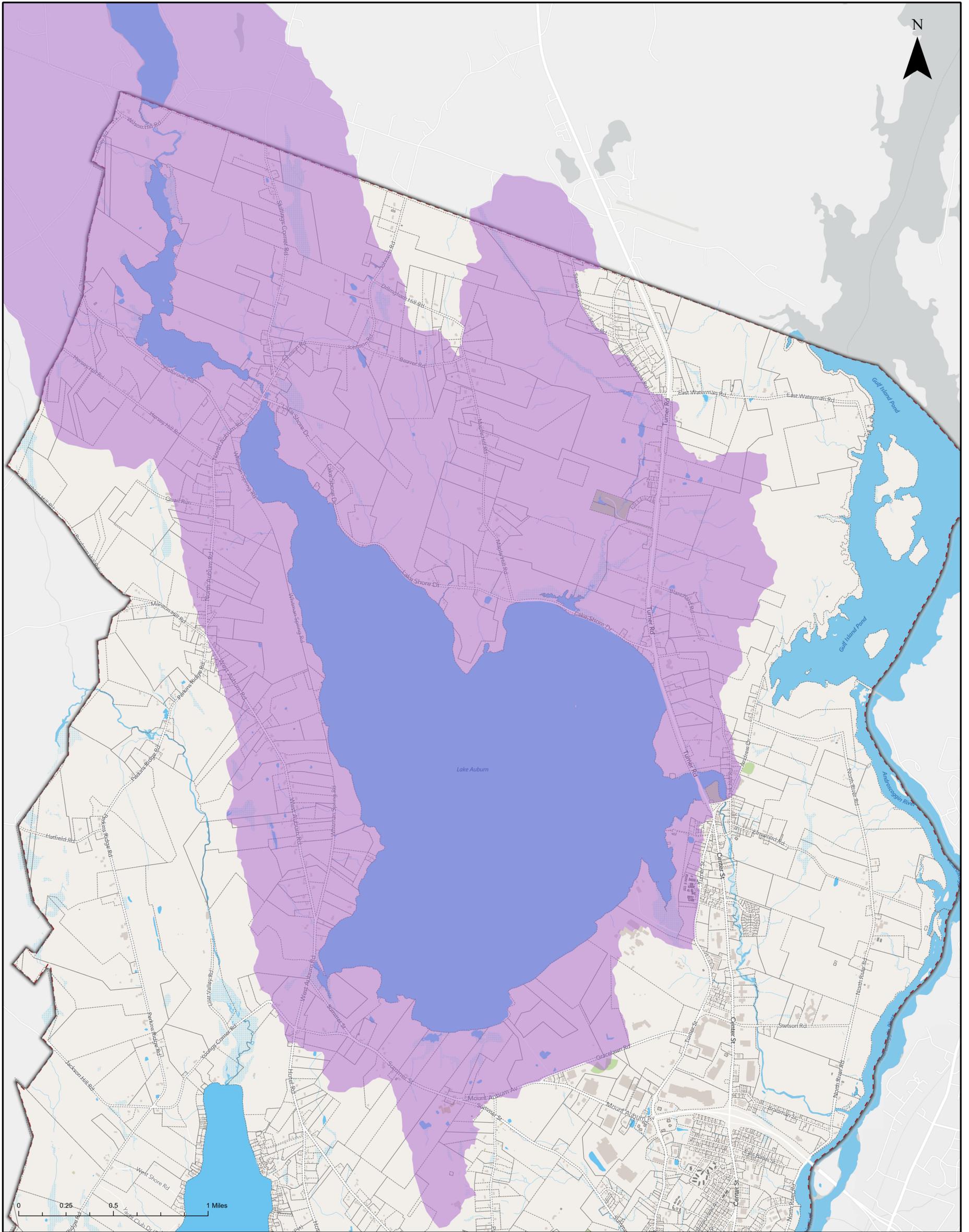
# Proposed Lake Auburn Watershed Overlay District Zoning Map Amendment for Public Hearing November 14, 2023



- ▭ Parcels
- ▭ Proposed Lake Auburn Watershed Overlay District

\*Proposed Lake Auburn Watershed Overlay District Source: CDM Smith

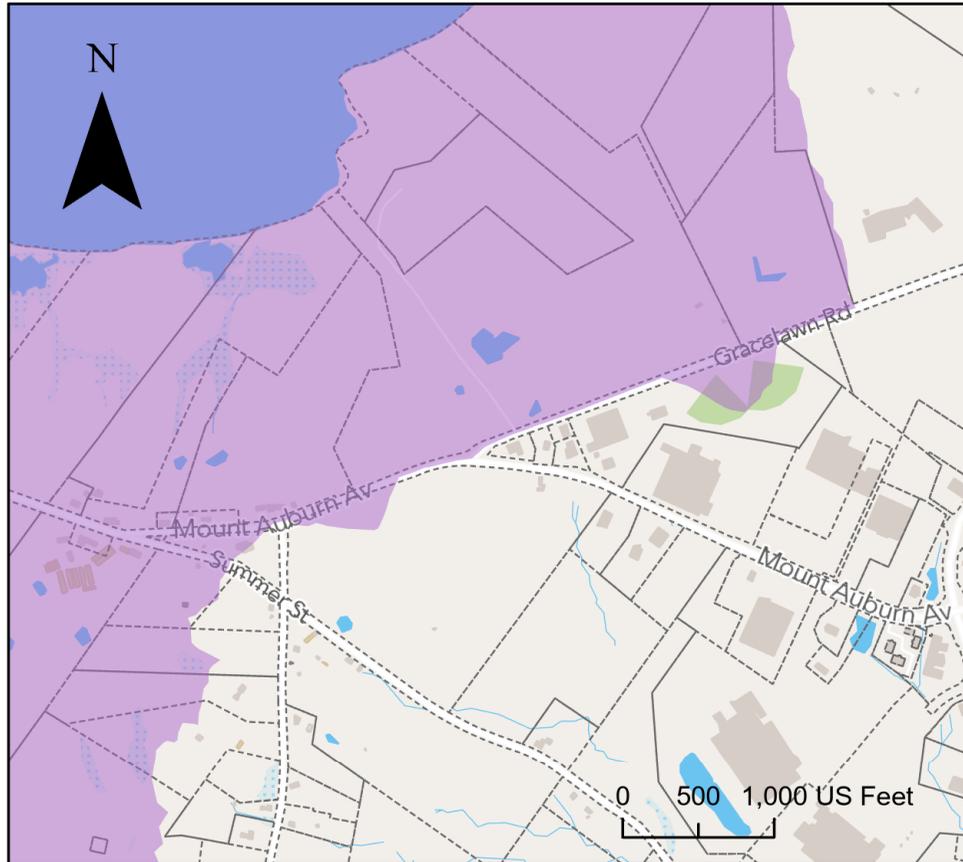
# Existing Lake Auburn Watershed Overlay District Zoning Map Amendment for Public Hearing November 14, 2023



- ▭ Parcels
- ▭ Existing Lake Auburn Watershed Overlay District

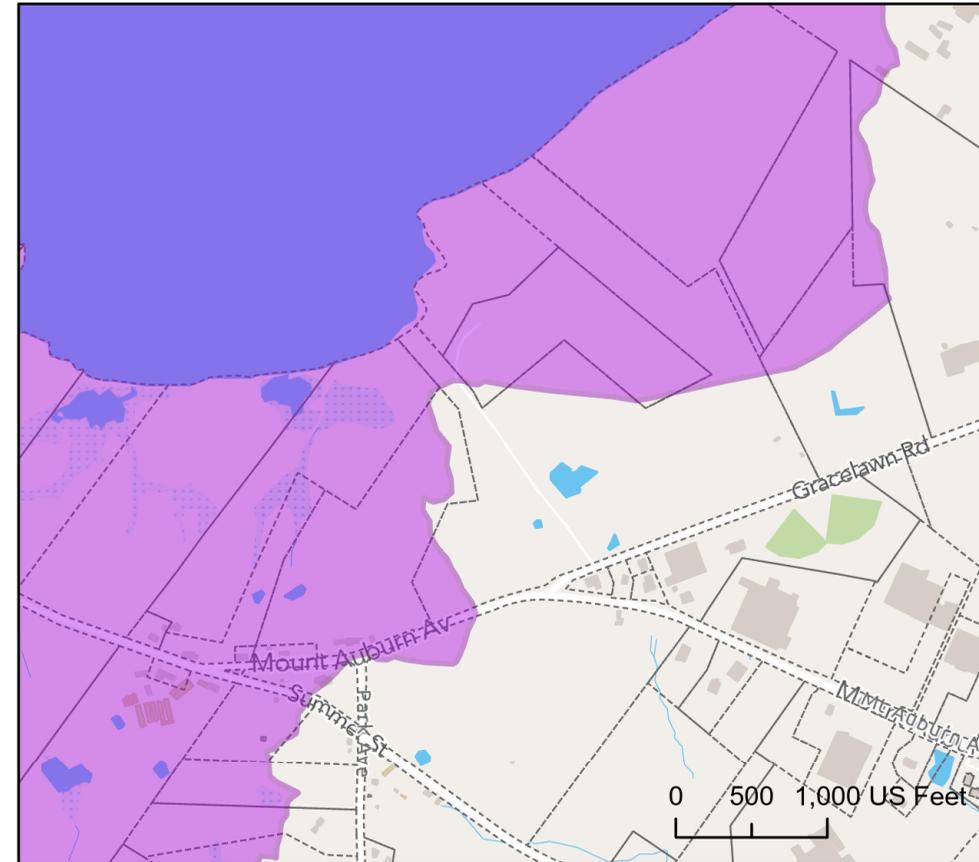
\* City of Auburn, Zoning Map, dated May 16, 2016

# Lake Auburn Watershed Overlay District Zoning Map Amendment for Public Hearing November 14, 2023



Existing Zoning

Source: City of Auburn, Zoning Map, dated May 16, 2016



Proposed Zoning

Source: CDM Smith

- Parcels
- Existing Lake Auburn Watershed Overlay District
- Proposed Lake Auburn Watershed Overlay District



## City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

Date: 11/20/2023

To: Auburn City Council

From: Auburn Planning Board

Subject: Planning Board Recommendation to City Council on proposed map amendment regarding the bounds of the Lake Auburn Watershed Overlay District

This is the report from the Planning Board regarding the attached map amendment pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and public hearings held on November 14, 2023, the Planning Board forwards this report to the City Council.

**Proposal: Public Hearing/ Map Amendment:** Consider amending the Lake Auburn Watershed Overlay District in the “City of Auburn Zoning Map dated May 16, 2016,” revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

**MOTION:** Evan Cyr makes a motion; **SECOND:** David Trask and Amanda Guerrette second simultaneously.

I make a motion to forward a favorable recommendation to City Council to amend the Lake Auburn Watershed Overlay District in the “City of Auburn Zoning Map dated May 16, 2016,” revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee, as shown on the attached maps included in the staff report dated November 14<sup>th</sup> 2023 with subject heading being ‘Staff Report on proposed map amendment revising the Lake Auburn Watershed Overlay District.’”

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

Date: November 14, 2023

To: Auburn Planning Board

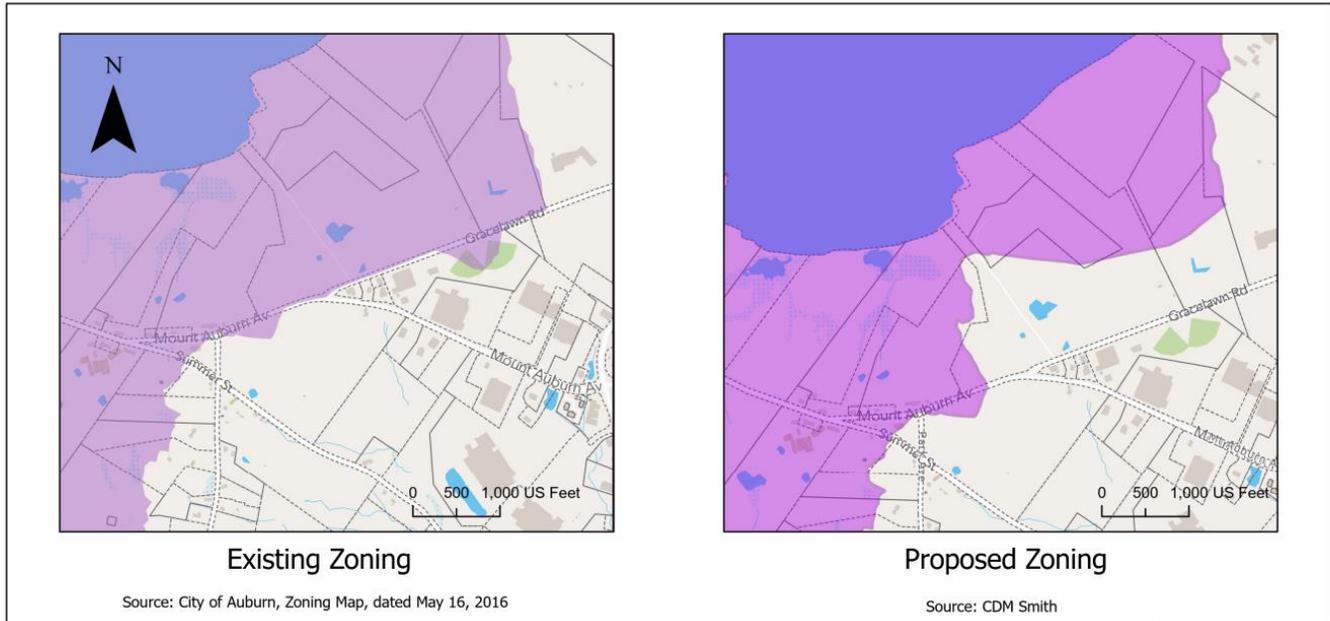
From: Katherine Cook, Planning Coordinator

**Subject: Staff Report on proposed map amendment revising the Lake Auburn Watershed Overlay District**

**I. Proposal: Public Hearing/ Map Amendment:**

Consider amending the Lake Auburn Watershed Overlay District in the “City of Auburn Zoning Map dated May 16, 2016,” revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee. This map change was initiated by the Planning Board and is pursuant to Chapter 60, Article XVII, Division 2 - Amendment to the Zoning Ordinance or Zoning Map.

Lake Auburn Watershed Overlay District Zoning Map Amendment for Public Hearing November 14, 2023



-  Parcels
-  Existing Lake Auburn Watershed Overlay District
-  Proposed Lake Auburn Watershed Overlay District

**II. Background:**

The 2021 report by FB Environmental Associates, Horsely Witten Group, and the University of Maine, “A Regulatory, Environmental, and Economic Analysis of Water supply Protection in Auburn, ME” offered several recommended revisions to Auburn’s Code of Ordinances and Regulations in the Lake Auburn Watershed Overlay District. One such recommendation was to update the Lake Auburn Watershed Overlay

District Ordinance to reflect the revised watershed boundary, reducing the existing watershed boundary by 148 acres in the Gracelawn road area based on their understanding of the topography in the area.

In the following months, the Planning Board and City Council held public hearings on amending the Lake Auburn Watershed Overlay District and changing the zoning in the area formerly but no longer considered to be within the Lake Auburn watershed from the Agriculture and Resource Protection (AGRP or AG) zoning district to the General Business (GB) zoning district as well as on amending this area's designation in the in the Future Land Use Plan to the Community Development District (CDD).

Following a citizen-initiated petition against changing the zoning around the Lake Auburn Watershed Overlay District in the Gracelawn area, the Lake Auburn Watershed Overlay boundary, the City Council voted to repeal the ordinance that initially changed the Lake Auburn Watershed Overlay District and zoning to what they were prior to March 21, 2022.

Since the vote to repeal Ordinance 08-02072022, the Auburn Water and Sewer District, the City of Auburn, and the City of Lewiston have conducted peer reviews of the hydrogeological features of the Gracelawn area. The Maine Drinking Water Program (DWP) agrees with the CDM Smith finding that the "DWP Potential Boundary" shown in the attached memo is a conservative boundary that can be established with available data. More information would be necessary if there were to be any future amendment to the Lake Auburn Watershed Overlay district.

The purpose of this public hearing is to amend the City's Lake Auburn Watershed Overlay map on our GIS system to match the agreed upon Lake Auburn watershed boundary shown as "DWP Potential Boundary" in Figure 1 - 0 Site Plan Depicting Areas of Uncertainty, and "Proposed Change" map sourced from CDM Smith in the "Lake Auburn Watershed Overlay District for Public Hearing November 14, 2023." This meeting will be followed by a first reading in city council on November 20, and a second reading and public hearing in city council on December 4. Relevant meetings and actions up to this point and planned in the future have been listed below.

#### **Previous Meetings and Actions:**

- **Oct. 1, 2021**—A Regulator, Environmental, and Economic Analysis of Water Supply Protection in, Auburn ME. Report resulted in a watershed boundary change.
- **Dec. 21, 2021**—City Council directive to forward recommendation on changing Gracelawn area (148 acres) from AG to CDD and moving CDD boundary to match new watershed boundary.
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- **Sept. 5, 2023**—Maine Drinking Water Program (DWP) concurs with the "DWP Potential Boundary" depicted in in Figure 1 – Site Map Depicting Area of Uncertainty.
- **Sept. 18, 2023**— "DWP Potential Boundary" was approved by Maine Drinking water following a peer review.
- **Sept. 26, 2023**—Lake Auburn Water Quality Ad-Hoc Committee issues memorandum recommending that AWS and LWD forward the new watershed boundary to Maine Drinking Water for Approval.
- **Oct. 10, 2023**—Planning Board workshop on amending the Lake Auburn Watershed Overlay District.
- **Oct. 16, 2023**—City Council workshop on amending the Lake Auburn Watershed Overlay District.

- Nov. 2, 2023**—City staff send DWP Lake Auburn Watershed Overlay District updates.
- **Nov. 14, 2023**—Planning Board Public Hearing on amending the Lake Auburn Watershed Overlay District.
  - **Nov. 20, 2023**—Anticipated City Council first reading on amending the Lake Auburn Watershed Overlay District.
  - **Dec. 4, 2023**—Anticipated City Council second reading and public hearing on amending the Lake Auburn Watershed Overlay District.

**III. Planning Board Action:**

Staff recommends that the planning board forward a favorable recommendation to amend the Lake Auburn Watershed Overlay District as described in the suggested motion below.

**IV. Recommended Motion:**

“I make a motion to forward a favorable recommendation to City Council to amend the Lake Auburn Watershed Overlay District in the “City of Auburn Zoning Map dated May 16, 2016,” revised through its current date and revisions, provided under Sec. 60-5 of the Zoning Ordinance to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows. This new boundary matches the conservative line that was peer reviewed and agreed upon by FB Environmental Associates, Comprehensive Environmental Inc. (CEI), CDM Smith and Maine Drinking Water Program as well as recommended by the Lake Auburn Water Quality Ad-Hoc Committee, as shown on the attached maps included in this meeting’s materials.”

## Public Works

September 18, 2023

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

  
Superintendent Broadbent:

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

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

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

Please contact me with any questions.

Sincerely,



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

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

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

Janet T. Mills  
Governor

Jeanne M. Lambrew, Ph.D.  
Commissioner



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

September 5, 2023

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

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

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

Dear Mr. Broadbent and Mr. Gagne:

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

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

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

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

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

CDM Smith Report, Figure 1:

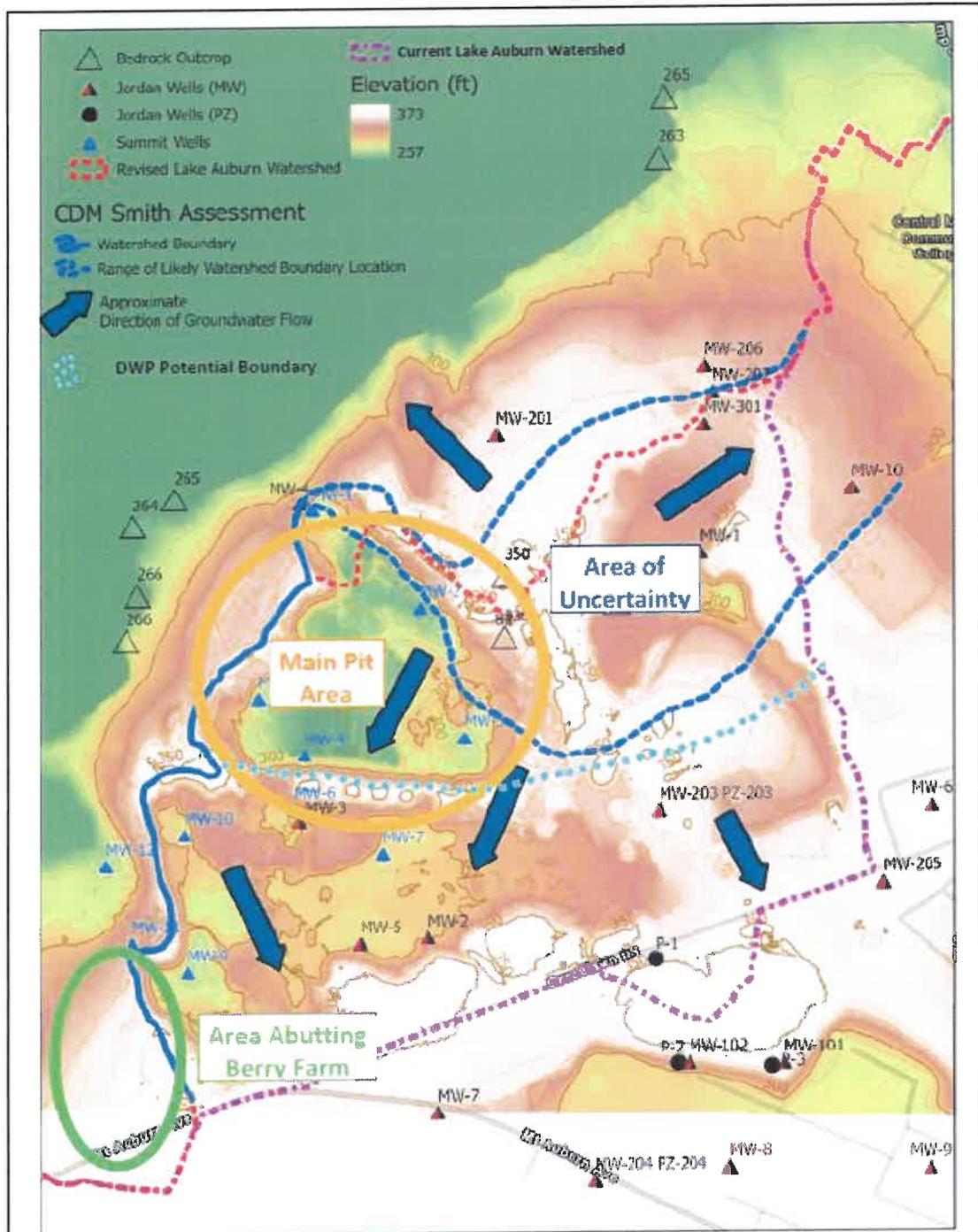


Figure 1 - Site Map Depicting Areas of Uncertainty

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

Sincerely,

A handwritten signature in black ink that reads "Susan F. Breau". The signature is written in a cursive style with a large initial 'S'.

Susan Breau, LG  
Hydrogeologist, Water Resources Team Leader  
Maine CDC Drinking Water Program  
207.592.6981, [susan.breau@maine.gov](mailto:susan.breau@maine.gov)

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

---

## Administration

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

September 18, 2023

Manager Crowell,

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

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

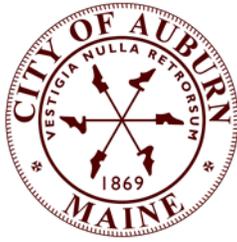
The Drinking Water Program's process to approve the DWP Potential Boundary confirms the success of a consensus-building approach premised on relying on peer-reviewed science. The Auburn Water District has created an ad hoc committee to consider other zoning and land use ordinance or bylaw changes in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

Please contact me with any questions.

Sincerely,



Heather Hunter



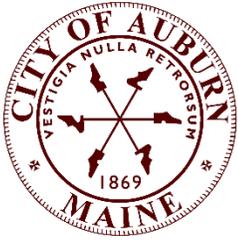
# City Council Ordinance

## IN CITY COUNCIL

**TITLE: Zoning Map Amendment of Lake Auburn Watershed Overlay District Boundary**

**BE IT ORDAINED**, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Amend the Lake Auburn Watershed Overlay District within the official zoning map of the City of Auburn entitled "City of Auburn, Zoning Map, dated May 16, 2016," revised through its current date and revisions, as provided under Sec. 60-5 of the Zoning Ordinance, to reflect the actual drainage boundary based on existing topography of the land and known groundwater flows, all as more particularly shown on the attached sketch map. (The attached sketch map is for general reference purposes only. The official zoning map amendment is available for review and inspection at the City Clerk's Office and the Planning & Permitting Department.)



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Ordinance:** 28-12042023

**Author:** John Blais

**Subject:** First Reading on proposed (11) votes/text amendments applied to the Lake Auburn watershed.

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

Since December of 2021, several amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District have been proposed. These amendments include 1.) changes to the private subsurface wastewater disposal system design and site standards and inspection requirements; 2.) changes to agricultural and subsurface wastewater system buffer widths from Lake Auburn and its tributaries and streams; and 3.) prohibiting new non-hobby agricultural farms within the Lake Auburn Watershed Overlay District. These amendments were brought forward over time to improve the quality of Lake Auburn as Auburn and Lewiston's drinking water supply by updating subsurface wastewater disposal standards and environmental regulations to meet current best practices and modern science. A culmination of all amendments was proposed at the November 14, 2023 Planning Board meeting and had favorable recommendation from the Planning Board and recommended these go forward with the contingency that Rural Residential (1 acre minimum) zoning within the watershed be changed to Low-Density Country Residential (3 acres-minimum) and are now ready for review and vote by the city council.

These amendments have been collectively reviewed by outside subject matter experts to include former State of Maine Soil Scientist and State of Maine licensed Soil Scientist and Site Evaluator, David Rocque. University of Rhode Island, Director of the Onsite Wastewater Resource Center, Alissa Cox PhD. In addition, the Lake Auburn Water Quality Ad-Hoc Committee has reviewed and recommends the adoption of the zoning ordinance text amendments.

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**City Budgetary Impacts:** None.

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**Staff Recommended Action:** Staff recommends that the Council discuss the proposals and issue the first vote on adoption of text **ordinance changes described in version B.**

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**Previous Meeting History:**

**December 21, 2021:** city council directive to amend watershed boundary

**January 2, 2022:** council directs planning board to consider certain septic requirement text change

**January 3, 2022:** city council workshop to change boundary of watershed and change from AG to CDD  
**January 11, 2022:** planning board workshop on amending watershed boundary  
**February 8, 2022:** planning board public hearing on changing Gracelawn area from AGRP to GB and moving the CDD boundary to match the newly interpreted watershed boundary (favorable recommendation)  
**March 7, 2022:** city council first reading on amending 148 Gracelawn area from AGRP to GB  
**March 21, 2022:** city council second reading on amending a slightly reduced area in the Gracelawn area from AGRP to GB (passes)  
**April 12, 2022:** planning board workshop and public hearing on updating subsurface wastewater (SSWW) standards (favorable recommendation contingent upon RR to LDCR zone change)  
**April 19, 2022:** city council workshop on Lake Auburn watershed updates  
**May 2, 2022:** city council first reading on updating SSWW standards and increasing agricultural buffer strip (favorable vote). also asks board to consider reducing housing density in the watershed  
**May 3, 2022:** special planning board workshop to consider changing RR to LDCR in the watershed  
**August 9, 2022:** planning board workshop on FB Environmental Report  
**August 9, 2022:** City Clerk verifies signatures on petition to repeal watershed boundary  
**August 15, 2022:** city council workshop on RR to LDCR  
**September 6, 2022:** City council repeals Ordinance 08-03072022 (watershed boundary)  
**October 11, 2022:** planning board review text amendment to increase ag. buffer strips and update SSWW requirements (favorable recommendation)  
**January 17, 2023:** city council directs staff to initiate prohibition on new residences and animal farms in Lake Auburn watershed also in AGRP zone  
**January 17, 2023:** city council directs planning board to consider that no future SSWW systems be allowed within 300 feet of Lake Auburn  
**September 18, 2023:** DWP Potential Boundary wrote favorable letter for new line by Maine Drinking Water  
**September 26, 2023:** Oct 10, 2023, PB workshop, Oct. 16, 2023 CC workshop, Lake Auburn Water Quality Ad-Hoc Committee issues memo recommending AWSD and LWD forward new boundary to DWP, October 17, 2023, URI makes recommendation on peer review to staff, October 17, 2023. November 14, PB public hearing.  
**November 20, 2023:** Passage of first reading.

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City Manager Comments:



I concur with the recommendation. Signature:

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Attachments: Proposed Ordinance changes Version B, planning board motion, planning board staff report (text amendments) DWP memo, LWD memo, Lewiston memo, City of Auburn Memo, Letter from Heather Hunter, Lewiston Administrator, Vote sheet language for CC.

**City Council Suggested Motion B (Staff and Legal Counsel Recommended):**

- a. I make a motion to amend Sec. 60-950 adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name as shown.

**Sec. 60-950. Purpose.**

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

(Ord. of 9-21-2009, § 5.3A)

- b. I make a motion to amend Sec. 60-951 (a)-Boundaries, adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name, and changing “city water district” to “Auburn Water District” as shown.

**Sec. 60-951. Boundaries and definitions.**

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

- c. I make a motion to amend Sec. 60-951 (b)- Definitions, adding the definition of *curtain drain, hobby agricultural use, Lake Auburn Watershed Protection Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile* to this section as shown below.

**Sec. 60-951. Boundaries and definitions.**

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

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

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

Lake Auburn Watershed Protection Commission or LAWPC means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

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

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

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

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

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications.

**Soil Filter Media Specifications**

Upper Fill Layer	
Sieve #	% Passing by Weight
No. 4	75-95
No. 10	60-90
No. 40	35-85
No. 200	20-40
200 (clay size)	<2.0

Lower Fill Layer	
Sieve #	% Passing by Weight
No. 10	85-100
No. 20	70-100
No. 60	15-400
No. 200	6-8
200 (clay size)	<2.0

- d. I make a motion to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC's Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown.

**Sec. 60-952. Use and environmental regulations.**

- (a) ~~Agricultural uses. All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff. Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.~~

- e. I make a motion to amend Sec. 60-952- use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown:

**Sec. 60-952. Use and environmental regulations.**

- (b) ~~Residential dwellings in the agriculture and resource protection zoning district. Notwithstanding the provisions of Secs. subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new one-family detached dwellings units are only permitted prohibited in the Lake Auburn Watershed Overlay District on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.~~

- f. I make a motion to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown:

**Sec. 60-952. Use and environmental regulations.**

- (c) ~~Agricultural buffer strip. Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 10050 feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.~~

- g. I make a motion to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown.

**Sec. 60-952. Use and environmental regulations.**

- (d) ~~Municipal and manure and sludge disposal. All spreading and disposal of municipal sludge is prohibited, shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980. All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.~~

- h. I make a motion to amend Sec. 60-952 (e) to change "water district" to "Auburn Water District" as shown.

**Sec. 60-952. Use and environmental regulations.**

- (e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:
- (1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.
  - (2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Water District. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.
  - (3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn Water District indicating the changes so that a record can be maintained of watershed water yields to the system.

- i. I make a motion to amend Sec. 60-952 (f)-private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of overseeing agencies; and deleting original section 60-952 (f) (5) as shown.

**Sec. 60-952. Use and environmental regulations.**

- (f) *Private ~~subsurface wastewater~~ disposal systems.* The following regulations shall be adhered to in the development of private ~~subsurface wastewater~~ disposal systems in the Lake Auburn Watershed Overlay District:
- (1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.~~
  - (2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-2 of the state plumbing code, part II (April 25, 1975), no new disposal field/subsurface absorption area shall be installed closer than 400 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewater flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.~~
  - (3) ~~All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.~~

- (4) ~~All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-344 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.~~
- (5) ~~All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.~~
- (6) ~~Commencing July 3, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.~~
- (7) ~~The Auburn City Water District or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that who shall require the abatement action by the property owner or operator of such defects or malfunctions.~~
- (8) ~~The local plumbing inspector shall furnish a copy of all site investigation evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn City Water District or its designee.~~
- (9) ~~Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1982 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

j. I make a motion to amend Sec. 60-1065 to clarify the text as shown.

**Sec. 60-1065. Definitions.**

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

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

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

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

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

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

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

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

k. I make a motion to amend Sec. 60-1237 to clarify the text as shown:

**Sec. 60-1237. Lake Auburn Watershed Overlay District ~~non~~-variance.**

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



# City of Auburn, Maine

Planning & Permitting Department

Eric Cousens, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

To: Auburn City Council

From: Auburn Planning Board

Subject: Planning Board Recommendation to City Council on proposed ordinance text changes within the Lake Auburn Watershed Overlay District

Date: 11/20/2023

This is the report from the Planning Board regarding the attached text amendments pursuant to Section 60-1496 of the City of Auburn Ordinances. After notice and Public Hearings held on November 14, 2023, the Planning Board forwards this report to the City Council.

**Public Hearing/ Text Amendment:** Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to non-hobby agricultural uses, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by the City Council and Planning Board and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-950 adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name as shown in section 6a of the staff report dated November 14<sup>th</sup>, 2023.” **VOTE:** 7-0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (a)- Boundaries, adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name, and changing “city water district” to “Auburn Water District” as shown in section 6 b of the staff report dated November 14<sup>th</sup>, 2023”. **VOTE:** 7-0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (b)- Definitions, adding the definition of *curtain drain, hobby agricultural use, Lake Auburn Watershed Protection Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile* to this section as shown in Section C of the staff report dated November 14<sup>th</sup>, 2023.” **VOTE:** 7-0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC’s Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown in section 6d of the staff report dated November 14<sup>th</sup>, 2023.” **VOTE:** 7-0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952- use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown in section 6e on page 9 of 12 in the staff report dated November 14, 2023.” **VOTE:** 7-0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown in section 6f beginning on page 9 of 12 and ending on page 10 of 12 in the staff report dated November 14<sup>th</sup>, 2023.” **VOTE:** 7-0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown in section 6g on page 10 of 12 in the staff report dated November 14<sup>th</sup>, 2023.” **VOTE:** 7-0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (e) to change “water district” to “Auburn Water District” as shown in section 6h on page 10 of 12 in the staff report dated November 14<sup>th</sup>, 2023.” **VOTE:** 7-0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (f)- private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set of design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of the overseeing agencies; and deleting original section 60-952 (f) (5) as shown in section 6i beginning on page 10 of 12 and ending on page 11 of 12 of the staff report dated November 14<sup>th</sup> 2023.”

**MOTION:** Evan Cyr offers an amendment to the motion; **SECOND:** David Trask seconds.

“I would like to make a motion to amend the motion to state that the favorable recommendation be contingent upon council’s adoption of a density standard within the residential portion of the watershed not to exceed 1 unit per 3 acres.” **VOTE:** 7-0-0 amendment to the motion passes.

**VOTE:** 6-1-0 the motion as amended passes.

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1065 to clarify the text as shown in section 6j beginning on page 11 of 12 and ending on page 12 of 12 of the staff report dated November 14<sup>th</sup>, 2023.” **VOTE:** 7-0-0 motion passes.

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

“I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1237 to clarify the text ass shown: in section 6k on page 12 of 12 of the staff report dated November 15, 2023.” **VOTE:** 7-0-0 motion passes.



# City of Auburn, Maine

Office of Planning & Permitting

Eric Cousens, Director

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Date: November 14, 2023

To: Auburn Planning Board

From: Katherine Cook, Planning Coordinator

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

- I. Public Hearing/ Text Amendment:** Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to animal farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by the City Council and Planning Board and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map.
  
- II. Background:** Since January 2022, several amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District have been proposed. These amendments include 1.) changes to the private subsurface wastewater disposal system design and site standards and inspection requirements; 2.) changes to agricultural and subsurface wastewater system buffer widths from Lake Auburn and its tributaries and streams; and 3.) prohibiting new non-hobby animal farms within the Lake Auburn Watershed Overlay District. These amendments were brought forward over time to improve the quality of Lake Auburn as Auburn and Lewiston's drinking water supply by updating subsurface wastewater disposal standards and environmental regulations to meet current best practices and modern science. All amendments were proposed at various stages but are now ready for review and recommendation by the planning board with ultimate approval by the city council.

These amendments have been collectively reviewed by outside subject matter experts to include former State of Maine Soil Scientist and State of Maine licensed Soil Scientist and Site Evaluator, David Rocque. University of Rhode Island, Director of the Onsite Wastewater Resource Center, Alissa Cox PhD. In addition, the Lake Auburn Water Quality Ad-Hoc Committee has reviewed and recommends the adoption of the zoning amendments.

For reference, below is the relevant meetings to this point have been listed below:

**Previous Meetings and Actions:**

- **Jan. 3, 2022**—Council directs planning board to maintain requirement of 36 inches above limiting factor for septic systems while allowing updating septic design to meet state standards.
- **Apr. 12, 2022**—Planning Board Workshop and Public Hearing on updating Sec. 60-952(f) (1-5) and (c) subsurface wastewater systems in the Lake Auburn watershed. Planning Board forwarded a favorable recommendation contingent upon the change coinciding with a zone change reducing housing density in Lake Auburn watershed from one dwelling unit per acre to one dwelling units per three acres in the currently existing Rural Residence district in the Lake Auburn watershed.
- **April 19, 2022**—City council workshop on Lake Auburn watershed ordinance updates.

- **May 2, 2022**—City council first reading: updating Ch. 60, Article XII, Division 4, Sec. 60-952 (c) and (f) (1-5) for agricultural buffer strip and subsurface wastewater systems in the Lake Auburn Watershed. Favorable vote.
- **Aug. 9, 2022**—Planning board workshop on FB Environmental Report on updating Sec. 60-952 (f) (1-5) for subsurface wastewater systems.
- **Oct. 11, 2022**—Planning board review of text amendment to Ch. 60, Article XVII, Div. 4, Sec. 60-952(c) agricultural buffer strip and (f) (1-5) private sewage disposal systems.
- **Jan. 17, 2023**—City council directs staff to prepare ordinance text and map Amendment to prohibit any future residential structures and limit or prohibit animal farms in the Lake Auburn Watershed in the AGRP zone.
- **Jan. 17, 2023**—City council directs Planning Board to provide a recommendation for a zoning amendment that will prohibit any future subsurface wastewater disposal within 300’ of Lake Auburn.
- **Sept. 26, 2023**—Lake Auburn Watershed Ad-Hoc Committee issues memo to recommend that zoning text amendments pertaining to animal farms, agriculture buffer strips, and septic system standards and map amendments to the Lake Auburn Watershed Overlay District and changing the Rural Residence District to the Low-Density Country Residence District within the Lake Auburn Watershed Overlay District. This memo was included in the materials for the October Planning Board and City Council meetings.
- **Oct. 10, 2023**—Planning Board workshop on text amendments concerning septic system design standards, banning commercial agriculture in the Lake Auburn Watershed, increasing width agricultural buffer strips abutting Lake Auburn and its tributaries.
- **Oct. 16, 2023**—City Council workshop on text amendments concerning septic system design standards, banning commercial agriculture in the Lake Auburn Watershed, increasing width agricultural buffer strips abutting Lake Auburn and its tributaries.

Staff has provided the Planning Board with two versions of Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District. The first is titled “**VERSION A (per 10/10/23 Pl Bd Workshop)**” the yellow highlighted text in Version A was recommended by the Ad Hoc Committee. The second is titled “**VERSION B (with Additional Staff/Legal Suggested Changes highlighted in yellow).**” Below is a summary of the changes in the attached proposed text amendment, and name where each proposed change originated. There are asterisks (\*) on changes that have been suggested since the October Workshop by legal counsel, and two asterisks (\*\*) on changes which have been suggested by the planning board.

To capture the Planning Board’s preference and to receive appropriate feedback specific to each proposed text change, below we include two motions, Motion A and Motion B, each with several separate recommended motions which will together constitute the entire text amendment which is the subject of this agenda item. This will allow the Board and the public to discuss and form a recommendation on each component of the proposed changes individually. It should be noted that some of the changes rely on other changes to achieve the desired outcome of less development at a higher standard for the protection of Lake Auburn (Example: SSWW Disposal standards and change in density to reduce buildable lot potential).

**Summary of Ordinance Text Changes:**

1. Minor edits to clarify meaning made to Sec. 60-950. *(Edits suggested by legal counsel for clarity).*
2. Add Sec. 60-951 “(a) Boundaries”, make minor edits to clarify meaning. *(Edits made by legal counsel for clarity).*
3. Add Sec. 60-951” (b) Definitions” and under this section, add the definition of “curtain drain,” “hobby agricultural use,” “Lake Auburn Watershed Protection Commission or LAWPC”, (\*) “non-hobby agricultural use,” “soil horizon,” “soil horizon, limiting or limiting soil horizon,” “soil

profile,” “soil filter media”, (\*) and soil filter media specifications”. (\*) (*Edits matching language in the State Plumbing Code made for specificity by legal counsel.*)

4. Amend Sec. 60-952(a) to state that as of January 1, 2024, non-hobby farms are not permitted, and hobby farms require review from the LAWPC Watershed Manager and notification to the code enforcement officer. (*Introduced by the city council.*)
5. Amend Sec. 60-952(b) to prohibit new dwelling units in the Lake Auburn Watershed Overlay District siting state law which may occasionally be amended. (*Language edit for clarity suggested by legal counsel, it should be noted, however, that the planning board and city council already took favorable action on this item’s content.*)
6. Amend Sec. 60-952(c) so that agricultural buffer strips become 100 feet wide instead of 50 feet wide and specify that applicable perennial or tributary streams should be identified on a 7.5-minute series USGS topographic map, dated 1981. (*City council introduced this item and has had first reading.*)
7. Amend Sec. 60-953(d) to prohibit any spreading of sludge and specify that manure spreading shall be in conformance with the then-current edition of the Maine Dept. of Agriculture Conservation and Forestry’s rules, regulations and guidelines for manure spreading and disposal. (*Edit made by legal counsel to reflect existing environmental guidelines and practices.*)
8. Make minor edits to add specificity and clarify meaning in Sec. 60-952(e)(2) and (3). (*Introduced by legal counsel to add clarity.*)
9. Amend Sec. 60-952(f) substituting “sewage” with “subsurface wastewater.” Under this section, also amend 60-952(f)(1) private subsurface wastewater disposal system design to specify that there must be at least 36 inches separation between the bottom of the disposal field and the limiting soil horizon and allows for 24 inches of this material be natural or fill; a change from the current ordinance. (\*) (*Introduced by the city council with favorable recommendation made by the planning board.*)
10. Amend Sec. 60-952(f)(2) from requiring 300 feet between any new septic field to the high-water line of a stream, tributary, or outlet of Lake Auburn to requiring 400 feet separation. (*Introduced by the city council.*)
11. Add Sec. 60-952(f)(3) stating that all new or replacement systems must meet the above criteria or be designed in consultation with Auburn Water District or its designer (\*). (*Introduced by legal counsel to add clarity.*)
12. Add Sec. 60-952(f)(4) that all replacement or new systems shall have either a curtain drain or a diversion ditch and that the design is signed off on by a site evaluator. (*Introduced by the city council.*)
13. Add Sec. 60-952(f)(5) which requires that all new and replacement systems be located on the same lot as the dwelling unit being served, or that in the case of an existing home, the applicant can prove to the plumbing inspector that it is physically impossible to have the septic system on the same lot. (*Introduced by the city council.*)
14. Add Sec. 60-952(f)(6) which requires that systems in the Lake Auburn Watershed Overlay District be inspected by LAWPC or its designee every five years (\*). (*Introduced by the planning board.*)
15. Make minor edits to clarify wording made to Sec. 60-952(f)(7) (\*). (*Introduced by legal counsel to add clarity.*)
16. Make grammatical edits to Sec. 60-952(f)(8). (\*) (*Introduced by legal counsel.*)
17. Eliminate Sec. 60-952(f)(5) which exempts systems in existence since 1983 from meeting the provisions of this section.
18. Make grammatical edits made to Sec. 60-1237. (*Introduced by legal counsel.*)
19. Add clarifying wording to Sec. 60-1065- Definitions.

### **III. Department Review:**

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

- Airport – No Comments

**IV. Planning Board Action:** This proposed text amendment involves several parts, so staff has suggested a public hearing and motions to break up this agenda item into multiple sections for comments on each component. The staff has provided a series of recommended motions for the planning board forward to council. These motions will together constitute the favorable recommendation to amend Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District. Staff recommends Version B with final legal advice and clarifications included but has included Version A below for transparency and to give the Board options.

**V. Potential Motion A:**

- a. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-950 adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name as shown:

**Sec. 60-950. Purpose.**

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

(Ord. of 9-21-2009, § 5.3A)

- b. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (a)-Boundaries, adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name, and changing “city water district” to “Auburn Water District” as shown:

**Sec. 60-951. Boundaries and definitions.**

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

- c. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (b)- Definitions, adding the definition of *curtain drain*, *hobby agricultural use*, *Lake Auburn Watershed Protection Commission or LAWPC*, *Non-hobby agricultural use*, *soil horizon*, *soil horizon limiting*, or *limiting soil horizon*, and *soil profile* to this section as shown below:

**Sec. 60-951. Boundaries and definitions.**

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

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

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

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

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

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

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

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

- d. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952-use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC's Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown:

**Sec. 60-952. Use and environmental regulations.**

- (a) Agricultural uses. All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff. Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC's Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC's Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

- e. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952-use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown:

**Sec. 60-952. Use and environmental regulations.**

- (b) Residential dwellings in the agriculture and resource protection zoning district. Notwithstanding the provisions of Secs. subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new one-family detached dwellings units are only permitted-prohibited in the Lake Auburn Watershed Overlay District on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

- f. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown:

**Sec. 60-952. Use and environmental regulations.**

- (c) Agricultural buffer strip. Where land adjoining Lake Auburn or its perennial tributaries [as depicted on a 7.5 minute series USGS topographic map, dated 1981] is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

- g. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown.

**Sec. 60-952. Use and environmental regulations.**

- (d) Municipal and mManure and sludge disposal. All sSpreading and disposal of municipal-sludge is prohibited, shall be accomplished in conformance with the Rules of Municipal Sludge Utilisation on Land, published by the department of environmental protection in September, 1980. All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposalMAine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.

- h. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (e) to change “water district” to “Auburn Water District” as shown:

**Sec. 60-952. Use and environmental regulations.**

- (e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:
- (1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.
  - (2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the ~~Auburn W~~ater ~~D~~istrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.
  - (3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the ~~Auburn W~~ater ~~D~~istrict indicating the changes so that a record can be maintained of watershed water yields to the system.

- i. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (f)-private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of overseeing agencies; and deleting section 60-952 (f) (5) as shown.

**Sec. 60-952. Use and environmental regulations.**

- (f) *Private ~~subsurface wastewater~~ disposal systems.* The following regulations shall be adhered to in the development of private ~~subsurface wastewater~~ disposal systems in the Lake Auburn Watershed ~~Overlay District~~:
- (1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.~~
  - (2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), n~~No ~~new disposal fields~~subsurface absorption area shall be installed closer than ~~400~~300 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream ~~[as depicted on a 7.5 minute series USGS topographic map, dated 1981].~~ Where the daily ~~wastewater~~sewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.
  - (3) ~~All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.~~

- (4) ~~All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.~~
- (5) ~~All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.~~
- (6) ~~Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years or at the time that a property sold, whichever date is sooner.~~
- (7) ~~The Auburn City Wwater District shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that who shall require the abatement action by the property owner or operator of such defects or malfunctions.~~
- (8) ~~The local plumbing inspector shall furnish a copy of all site investigation evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn City Wwater District.~~
- (9) ~~Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

j. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1065 to clarify the text as shown.

**Sec. 60-1065. Definitions.**

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

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

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

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

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

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

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

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

k. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1237 to clarify the text as shown:

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

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

## VI. Suggested Motion B (Staff and Legal Counsel Recommended):

- a. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-950 adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name as shown:

**Sec. 60-950. Purpose.**

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

(Ord. of 9-21-2009, § 5.3A)

- b. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (a)-Boundaries, adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name, and changing “city water district” to “Auburn Water District” as shown:

**Sec. 60-951. Boundaries and definitions.**

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

- c. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-951 (b)- Definitions, adding the definition of *curtain drain*, *hobby agricultural use*, *Lake Auburn Watershed Protection Commission or LAWPC*, *Non-hobby agricultural use*, *soil horizon*, *soil horizon limiting*, or *limiting soil horizon*, and *soil profile* to this section as shown below:

**Sec. 60-951. Boundaries and definitions.**

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

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

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

Lake Auburn Watershed Protection Commission or LAWPC means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

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

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

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

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

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications:

**Soil Filter Media Specifications**

<b>Upper Fill Layer</b>	
<b>Sieve #</b>	<b>% Passing by Weight</b>
<b>No. 4</b>	<b>75-95</b>
<b>No. 10</b>	<b>60-90</b>
<b>No. 40</b>	<b>35-85</b>
<b>No. 200</b>	<b>20-40</b>
<b>200 (clay size)</b>	<b>&lt;2.0</b>

<b>Lower Fill Layer</b>	
<b>Sieve #</b>	<b>% Passing by Weight</b>
<b>No. 10</b>	<b>85-100</b>
<b>No. 20</b>	<b>70-100</b>
<b>No. 60</b>	<b>15-400</b>
<b>No. 200</b>	<b>6-8</b>
<b>200 (clay size)</b>	<b>&lt;2.0</b>

- d. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952-use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC’s Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown:

**Sec. 60-952. Use and environmental regulations.**

- (a) Agricultural uses. All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff. Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC’s Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC’s Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.

- e. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952-use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown:

**Sec. 60-952. Use and environmental regulations.**

- (b) Residential dwellings in the agriculture and resource protection zoning district. Notwithstanding the provisions of Secs. subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new one-family detached dwellings units are only permitted-prohibited in the Lake Auburn Watershed Overlay District on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, “An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions” and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

- f. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown:

**Sec. 60-952. Use and environmental regulations.**

- (c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries ~~(as depicted on a 7.5 minute series USGS topographic map, dated 1981)~~ is tilled for agricultural purposes, an untilled buffer strip ~~10050~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

- g. I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown:

**Sec. 60-952. Use and environmental regulations.**

- (d) ~~Municipal and m~~*Manure and sludge disposal.* All ~~s~~spreading and disposal of ~~municipal~~ sludge is prohibited. ~~shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980. All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal. Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.~~

- h. I make a motion to forward a favorable recommendation to the City Council to amend Sec. 60-952 (e) to change “water district” to “Auburn Water District” as shown:

**Sec. 60-952. Use and environmental regulations.**

- (e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:
- (1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.
  - (2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the ~~Auburn W~~*water D*istrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.
  - (3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the ~~Auburneity W~~*water D*istrict indicating the changes so that a record can be maintained of watershed water yields to the system.

- i. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-952 (f)-private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of overseeing agencies; and deleting section 60-952 (f) (5) as shown:

**Sec. 60-952. Use and environmental regulations.**

- (f) Private ~~subsurface wastewater/sewage~~ disposal systems. The following regulations shall be adhered to in the development of private subsurface wastewater/sewage disposal systems in the Lake Auburn Watershed Overlay District:
- (1) Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.
  - (2) Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), no new disposal field/subsurface absorption area shall be installed closer than 400/200 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream [as depicted on a 7.5 minute series USGS topographic map, dated 1981]. Where the daily wastewater/sewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.
  - (3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.
  - (4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.
  - (5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.
  - (6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.
  - (7) The Auburn city Wwater District or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that who shall require the abatement action by the property owner or operator of such defects or malfunctions.
  - (8) The local plumbing inspector shall furnish a copy of all site investigation/evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn city Wwater District or its designee.
  - (5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.

j. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1065 to clarify the text as shown:

**Sec. 60-1065. Definitions.**

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

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

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

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

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

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

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

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

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- k. I make a motion to forward a favorable recommendation to City Council to amend Sec. 60-1237 to clarify the text as shown:

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

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

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING

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ARTICLE XII. - ENVIRONMENTAL REGULATIONS

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*DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT*

**Sec. 60-950. Purpose.**

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

(Ord. of 9-21-2009, § 5.3A)

**Sec. 60-951. Boundaries and definitions.**

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

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

*Curtain drain* means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

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

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

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

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

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

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

(Ord. of 9-21-2009, § 5.3B)

## **Sec. 60-952. Use and environmental regulations.**

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

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~~Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.~~

- (e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:
- (1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.
  - (2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Wwater Ddistrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.
  - (3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburncity Wwater Ddistrict indicating the changes so that a record can be maintained of watershed water yields to the system.
- (f) *Private subsurface wastewatersewage disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewatersewage disposal systems in the Lake Auburn Watershed Overlay District:
- (1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.~~
  - (2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), nNo new disposal fields~~subsurface absorption area shall be installed closer than ~~400~~300 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream ~~(as depicted on a 7.5 minute series USGS topographic map, dated 1981)~~. Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.
  - (3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.
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- (4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.
- (5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.
- (6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years or at the time that a property sold, whichever date is sooner.
- (73) The Auburn city Wwater Ddistrict shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that who shall require the abatement action by the property owner or operator of such defects or malfunctions.
- (84) The local plumbing inspector shall furnish a copy of all site investigation-evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn city Wwater Ddistrict.
- ~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

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

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

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

(Ord. of 9-21-2009, § 5.3D)

### **Sec. 60-954. Conflicts.**

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

(Ord. of 9-21-2009, § 5.3E)

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ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

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*DIVISION 2. PHOSPHORUS CONTROL*

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**Sec. 60-1065. Definitions.**

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

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

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

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

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

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

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

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

(Ord. of 9-21-2009, § 5.7B)

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ARTICLE XV. BOARD OF APPEALS

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*DIVISION 6. SPECIAL APPEAL*

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

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

(Ord. of 9-21-2009, § 6.5C)

PART II - CODE OF ORDINANCES

Chapter 60 - ZONING

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ARTICLE XII. - ENVIRONMENTAL REGULATIONS

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*DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT*

**Sec. 60-950. Purpose.**

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

(Ord. of 9-21-2009, § 5.3A)

**Sec. 60-951. Boundaries and definitions.**

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

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

*Curtain drain* means a trench to intercept laterally moving ground water and divert it away from a septic system disposal field.

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

*Lake Auburn Watershed Protection Commission or LAWPC* means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

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

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

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

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

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications:

#### **Soil Filter Media Specifications**

<b>Upper Fill Layer</b>	
<b>Sieve #</b>	<b>% Passing by Weight</b>
<b>No. 4</b>	<b>75-95</b>
<b>No. 10</b>	<b>60-90</b>
<b>No. 40</b>	<b>35-85</b>
<b>No. 200</b>	<b>20-40</b>
<b>200 (clay size)</b>	<b>&lt;2.0</b>

<b>Lower Fill Layer</b>	
<b>Sieve #</b>	<b>% Passing by Weight</b>
<b>No. 10</b>	<b>85-100</b>
<b>No. 20</b>	<b>70-100</b>
<b>No. 60</b>	<b>15-400</b>
<b>No. 200</b>	<b>6-8</b>
<b>200 (clay size)</b>	<b>&lt;2.0</b>

**Sec. 60-952. Use and environmental regulations.**

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

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- (3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn Water District indicating the changes so that a record can be maintained of watershed water yields to the system.
- (f) Private subsurface wastewater disposal systems. The following regulations shall be adhered to in the development of private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District:
- (1) Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.
  - (2) Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), no new disposal fields subsurface absorption area shall be installed closer than 400300 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.
  - (3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.
  - (4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a certain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.
  - (5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement
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system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

- (6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.
- (73) The Auburn city Wwater District or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that who shall require the abatement action by the property owner or operator of such defects or malfunctions.
- (84) The local plumbing inspector shall furnish a copy of all site investigation evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn city Wwater District or its designee.
- (5) ~~Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

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

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

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

(Ord. of 9-21-2009, § 5.3D)

**Sec. 60-954. Conflicts.**

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

(Ord. of 9-21-2009, § 5.3E)

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ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

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*DIVISION 2. PHOSPHORUS CONTROL*

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**Sec. 60-1065. Definitions.**

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

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

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

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

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

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

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

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

(Ord. of 9-21-2009, § 5.7B)

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ARTICLE XV. BOARD OF APPEALS

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DIVISION 6. SPECIAL APPEAL

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

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

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impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)

# AUBURN WATER DISTRICT

MEMBER MAINE WATER UTILITIES ASSOCIATION

268 COURT ST. - P.O. BOX 414

AUBURN, MAINE 04212-0414

Susan Breau  
Maine CDC Drinking Water Program  
11 State House Station  
286 Water Street  
Augusta, Me 04333-0011

November 1, 2023

Subject: Review of Ordinance Revisions and improved Lake Protections

Susan,

In an effort to strengthen Lake protections, the Auburn Water District has formed the "Lake Auburn Water Quality Ad-Hoc Committee". This Committee is made up of representatives appointed from the Auburn Water District, City of Lewiston Water Division, City of Auburn Planning and Permitting, and representatives of the Lake Auburn Watershed Protection Commission. The Committee was charged with the task of reviewing and advising changes to any watershed related ordinances. These recommendations were based on several science-based recommendations made by FB Environmental, Comprehensive Environmental, Inc and CDM Smith. The recommendations represent text amendments to the Lake Auburn Watershed Overlay District within the City of Auburn. Attached for your reference are the amendments that the collective group believes will strengthen Lake protections, reduce development, and lessen the impacts of sub-surface waste systems on Lake Auburn.

Attached with this letter is the memo signed by all members of the Committee present at the last meeting on September 26, indicating agreement on the following actions:

- Re-delineation of the Watershed Boundary as approved by the DWP.
- Increasing lot size requirements from 1-acre residential areas to 3-acre residential area minimums.
- The Committee further recommends that the Stake Holders represented on the Committee draft and execute an engagement with the Upper watershed towns to explore application of improved watershed protections in those towns.

The Ad-hoc committee unanimously agreed to endorse the currently proposed changes to the Auburn Watershed Overlay District. The draft changes as of September 26 are attached to our enclosed memo of that date. The City of Auburn has recently provided 2 further drafts for public hearing, versions A and Version B are both enclosed with this Letter.

The City of Auburn's current schedule is, 11/14 Planning Board review, 11/20 City Council First Reading and 12/4 City Council Public Hearing and 2<sup>nd</sup> reading. The ad hoc committee was in agreement that

these drafts should be forwarded to the Maine DWP to allow your review of the proposed changes, in case there was follow up necessary from your office.

Our organizations continue to be engaged in working together toward necessary watershed protections, we welcome your input on these measures. If you have comments or suggestions, we welcome those in this process.

Sincerely;

A handwritten signature in black ink, appearing to read "Michael Broadbent". The signature is fluid and cursive, with a long horizontal stroke at the end.

Michael Broadbent  
Superintendent  
Auburn Water and Sewer District

Cc Kevin Gagne, Eric Cousens, Camilla Parrish

# Lake Auburn Water Quality Ad-Hoc Committee

## MEMO

To: Auburn Water District, Lewiston Water Division

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

Date: 9.26.23

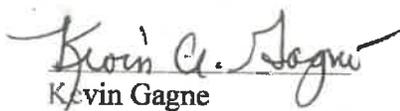
Subject: Lake Auburn Watershed Overlay District Text and Map Amendments

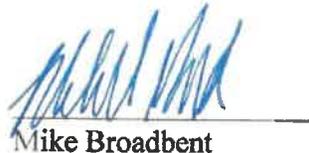
The Lake Auburn Water Quality Ad-Hoc Committee has reviewed the following documents and recommends the adoption of zoning amendments for the protection of Lake Auburn. The attached text and map amendments have been reviewed, and consensus has been reached to support the changes based on peer-reviewed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

The Summary of Changes Include:

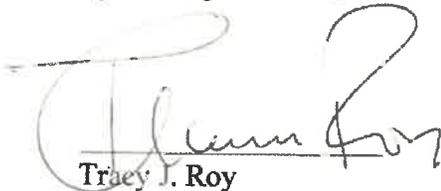
- 1.) Proposed zoning text amendments, Sec 60-950 through 1065 (Exhibit A)
- 2.) Proposed Lake Auburn Watershed Boundary, As recommended by the Maine DWP (Exhibit B)
- 3.) Map Amendment; Changing 1-acre residential areas (Rural Residential) to 3-acres residential areas minimums (Low-Density Country Residential).

Committee Members:

  
Kevin Gagne

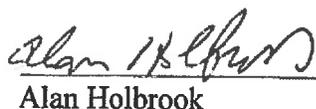
  
Mike Broadbent

  
Eric Cousens

  
Tracy J. Roy

  
Steve Milks

  
Rick R. LaChapelle

  
Alan Holbrook

  
John Blais

  
Matthew Waite



ARTICLE XII. - ENVIRONMENTAL REGULATIONS

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*DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT*

**Sec. 60-950. Purpose.**

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

(Ord. of 9-21-2009, § 5.3A)

**Sec. 60-951. Boundaries and definitions.**

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

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

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

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

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

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

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

(Ord. of 9-21-2009, § 5.3B)

## **Sec. 60-952. Use and environmental regulations.**

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

- 
- (e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:
- (1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.
  - (2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the [Auburn Wwater Deistrict](#). Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.
  - (3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the [Auburncity Wwater Deistrict](#) indicating the changes so that a record can be maintained of watershed water yields to the system.
- (f) *Private [subsurface wastewatersewage disposal systems](#).* The following regulations shall be adhered to in the development of private [subsurface wastewatersewage disposal systems](#) in the Lake Auburn Watershed [Overlay District](#):
- (1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or fill material below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.~~
  - (2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), nNo new disposal fieldsubsurface absorption area shall be installed closer than 400300 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.~~
  - (3) ~~All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.~~
  - (4) ~~All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a certain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R.~~
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ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.

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

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

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

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

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

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

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

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

(Ord. of 9-21-2009, § 5.3D)

### **Sec. 60-954. Conflicts.**

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

(Ord. of 9-21-2009, § 5.3E)

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## ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

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### *DIVISION 2. PHOSPHORUS CONTROL*

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#### **Sec. 60-1065. Definitions.**

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

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

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

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

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

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

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

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

(Ord. of 9-21-2009, § 5.7B)

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## ARTICLE XV. BOARD OF APPEALS

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### *DIVISION 6. SPECIAL APPEAL*

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

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

(Ord. of 9-21-2009, § 6.5C)

Janet T. Mills  
Governor



Jeanne M. Lambrew, Ph.D.  
Commissioner

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

September 5, 2023

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

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

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

Dear Mr. Broadbent and Mr. Gagne:

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

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

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

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

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

CDM Smith Report, Figure 1:

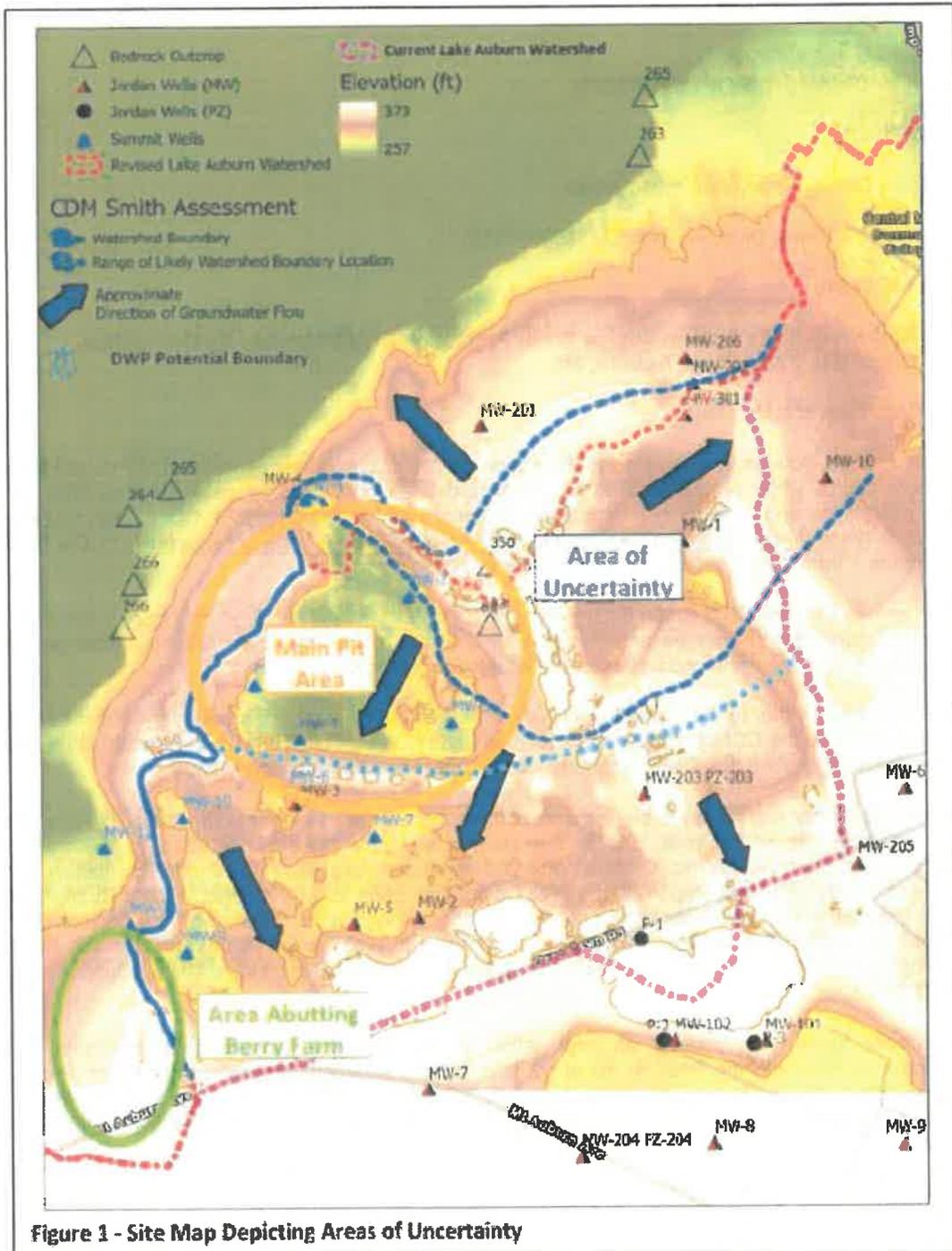


Figure 1 - Site Map Depicting Areas of Uncertainty

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

Sincerely,

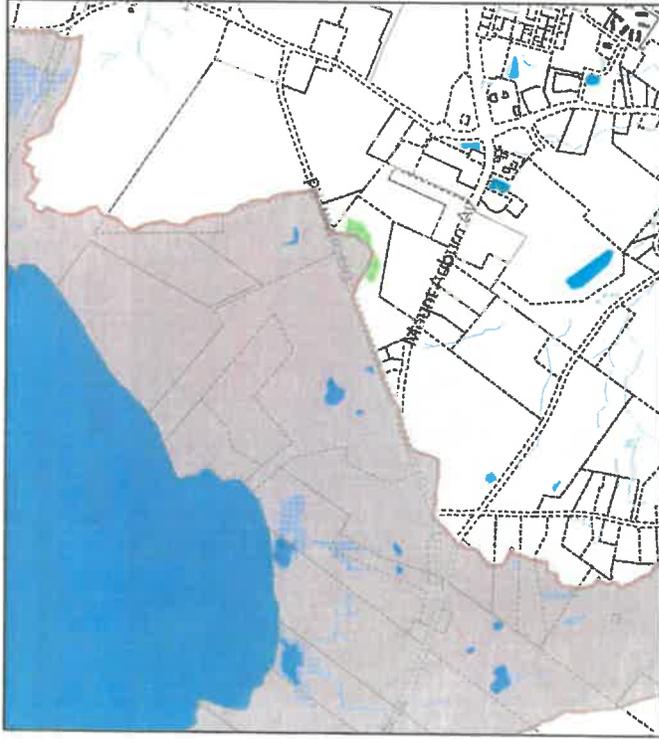


Susan Breau, LG  
Hydrogeologist, Water Resources Team Leader  
Maine CDC Drinking Water Program  
207.592.6981, [susan.breau@maine.gov](mailto:susan.breau@maine.gov)

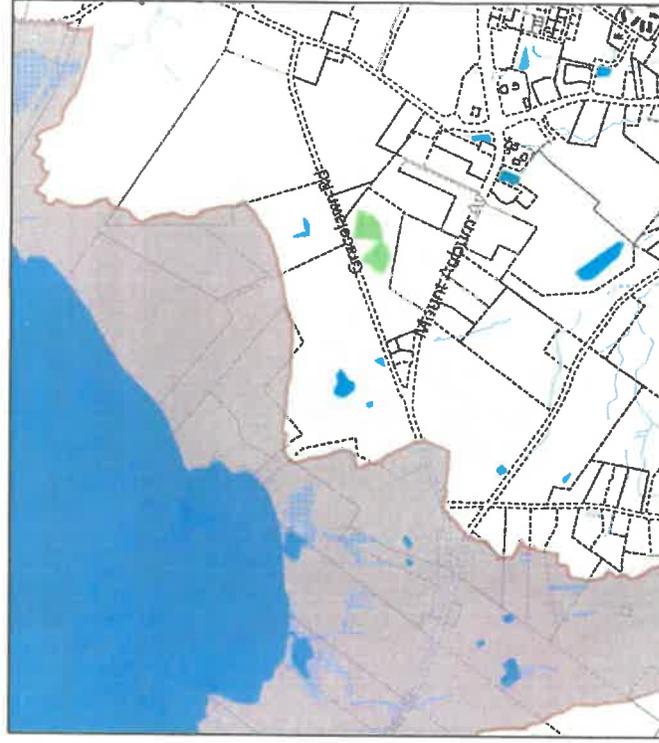
cc Kevin Reilly, EPA Region 1  
Denise Douin, DWP Public Water System Inspector; DWP file



# Proposed Auburn Watershed Boundary



Current Boundary

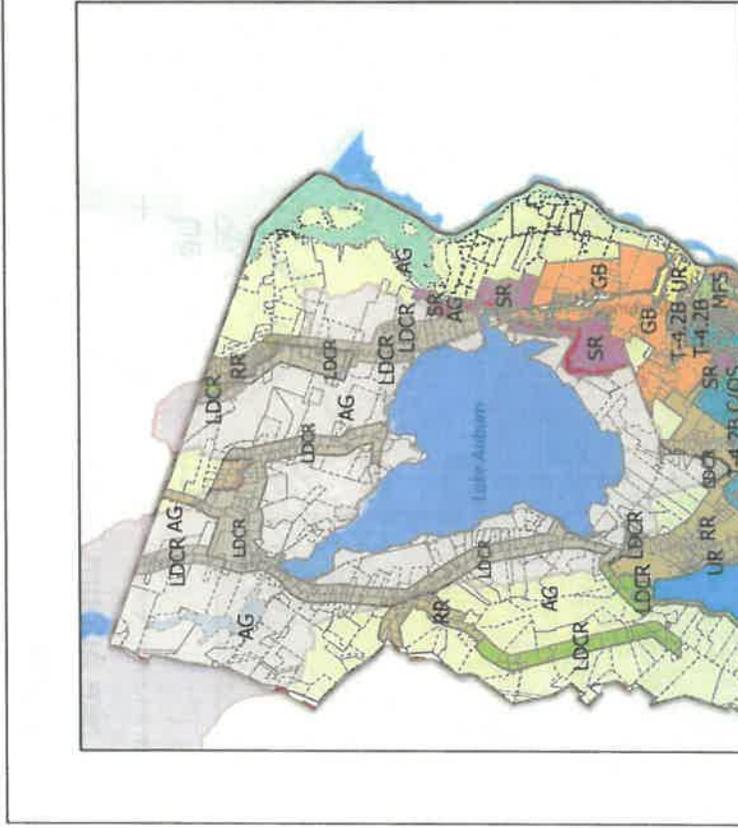


Proposed Change

— Lake Auburn Watershed Boundary

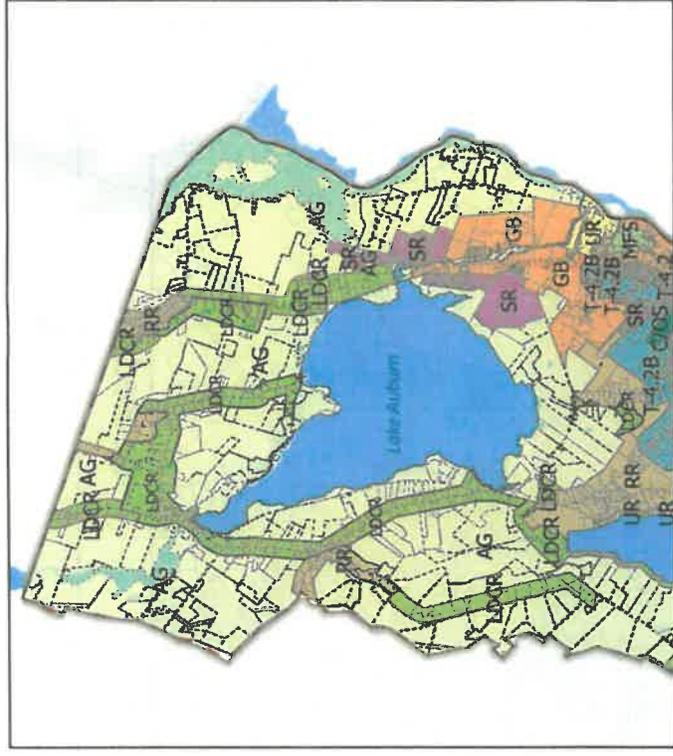
- - - Parcels

# Proposed Zoning



With Watershed

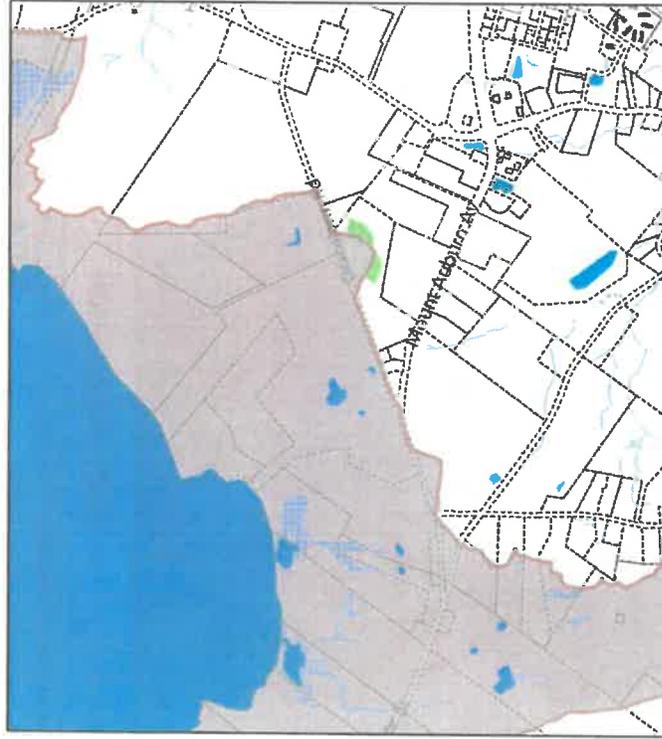
- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center



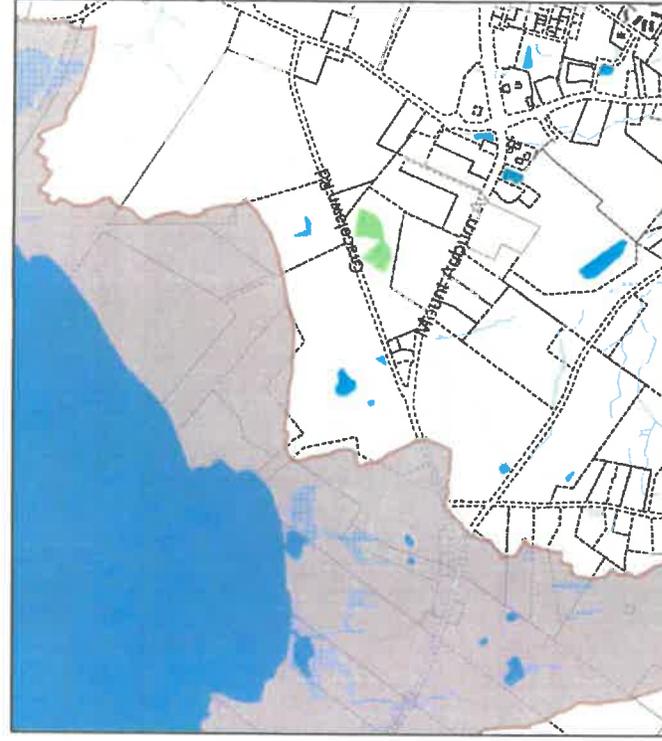
Without Watershed

- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels
- Lake Auburn Watershed

# Proposed Auburn Watershed Boundary



Current Boundary

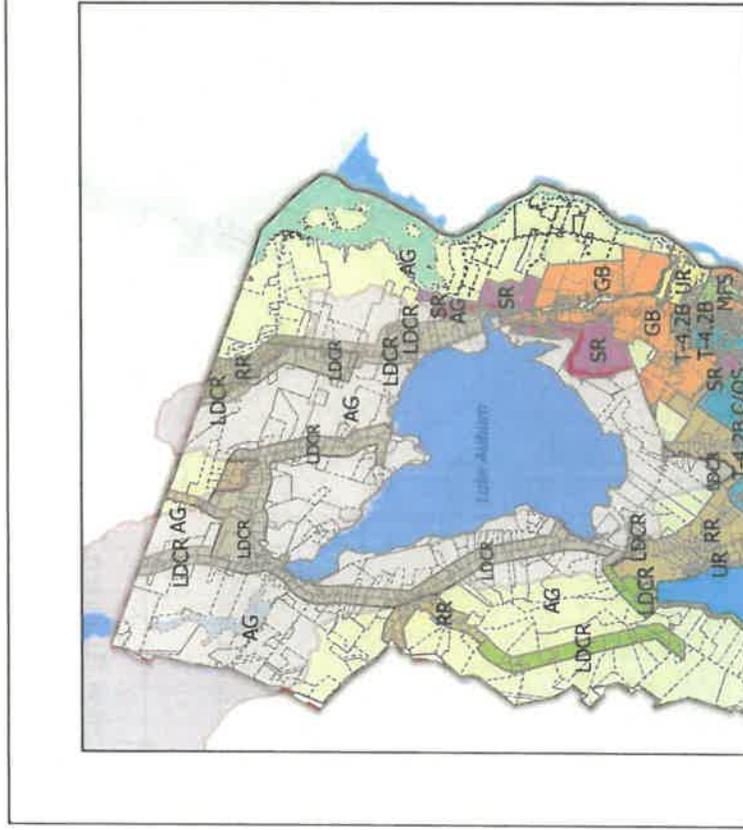


Proposed Change

— Lake Auburn Watershed Boundary

- - - Parcels

# Proposed Zoning



**With Watershed**

- AG - Agriculture and Resource Protection
- C/OS - Conservation / Open Space
- GB - General Business
- GB II - General Business II
- ID - Industrial
- LDCR - Low Density Country Residential
- MFS - Multi-Family Suburban
- NB - Neighborhood Business
- RR - Rural Residential
- SR - Suburban Residential
- T-4.1 - Traditional Mainstreet Neighborhood
- T-4.2 - Traditional Downtown Neighborhood
- T-4.2B - Traditional Neighborhood Development District
- T-5.1 - Downtown Traditional Center



**Without Watershed**

- T-5.2 - Downtown City Center
- T-6 - Great Falls Metropolitan
- UR - Urban Residential
- Parcels
- Lake Auburn Watershed

PART II - CODE OF ORDINANCES  
Chapter 60 - ZONING

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**ARTICLE XII. - ENVIRONMENTAL REGULATIONS**

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*DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT*

**Sec. 60-950. Purpose.**

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

(Ord. of 9-21-2009, § 5.3A)

**Sec. 60-951. Boundaries and definitions.**

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

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

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

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

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

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

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

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

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

(Ord. of 9-21-2009, § 5.3B)

## **Sec. 60-952. Use and environmental regulations.**

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

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~~Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.~~

- (e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:
- (1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.
  - (2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Wwater Ddistrict. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.
  - (3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburneity Wwater Ddistrict indicating the changes so that a record can be maintained of watershed water yields to the system.
- (f) *Private subsurface wastewatersewage disposal systems.* The following regulations shall be adhered to in the development of private subsurface wastewatersewage disposal systems in the Lake Auburn Watershed Overlay District:
- (1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.~~
  - (2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), nNo new disposal fieldsubsurface absorption area shall be installed closer than 400300 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.~~
  - (3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.

- (4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.
- (5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.
- (6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years or at the time that a property sold, whichever date is sooner.
- (73) The Auburn city Wwater Deistrict shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that who shall require the abatement action by the property owner or operator of such defects or malfunctions.
- (84) The local plumbing inspector shall furnish a copy of all site investigation-evaluation reports in the Lake Auburn Watershed Overlay District to the Auburncity Wwater Deistrict.
- ~~(5) Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

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

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

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

(Ord. of 9-21-2009, § 5.3D)

### **Sec. 60-954. Conflicts.**

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

(Ord. of 9-21-2009, § 5.3E)



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ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS

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*DIVISION 2. PHOSPHORUS CONTROL*

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**Sec. 60-1065. Definitions.**

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

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

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

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

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

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

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

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

(Ord. of 9-21-2009, § 5.7B)

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ARTICLE XV. BOARD OF APPEALS

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*DIVISION 6. SPECIAL APPEAL*

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

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

(Ord. of 9-21-2009, § 6.5C)

PART II - CODE OF ORDINANCES

Chapter 60 - ZONING

ARTICLE XII. - ENVIRONMENTAL REGULATIONS

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DIVISION 4. LAKE AUBURN WATERSHED OVERLAY DISTRICT

**Sec. 60-950. Purpose.**

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

(Ord. of 9-21-2009, § 5.3A)

**Sec. 60-951. Boundaries and definitions.**

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

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

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

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

Lake Auburn Watershed Protection Commission or LAWPC means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

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

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

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

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

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications:

#### Soil Filter Media Specifications

Upper Fill Layer	
Sieve #	% Passing by Weight
No. 4	75-95
No. 10	60-90
No. 40	35-85
No. 200	20-40
200 (clay size)	<2.0

Lower Fill Layer	
Sieve #	% Passing by Weight
No. 10	85-100
No. 20	70-100
No. 60	15-400
No. 200	6-8
200 (clay size)	<2.0

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(Ord. of 9-21-2009, § 5.3B)

**Sec. 60-952. Use and environmental regulations.**

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

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(3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburn City Wwater District indicating the changes so that a record can be maintained of watershed water yields to the system.

(f) Private *subsurface wastewatersewage* disposal systems. The following regulations shall be adhered to in the development of private subsurface wastewatersewage disposal systems in the Lake Auburn Watershed Overlay District:

- (1) Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.
- (2) Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-3 of the state plumbing code, part II (April 25, 1975), nNo new disposal fieldsubsurface absorption area shall be installed closer than 400200 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.
- (3) All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.
- (4) All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.
- (5) All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement

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system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.

- (6) Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.
- (73) The Auburn city Wwater District or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that who shall require the abatement action by the property owner or operator of such defects or malfunctions.
- (84) The local plumbing inspector shall furnish a copy of all site investigation-evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn city Wwater District or its designee.
- (5) ~~Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1983 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

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

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

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

(Ord. of 9-21-2009, § 5.3D)

**Sec. 60-954. Conflicts.**

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

(Ord. of 9-21-2009, § 5.3E)

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**ARTICLE XIII. ENVIRONMENTAL PERFORMANCE STANDARDS**

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***DIVISION 2. PHOSPHORUS CONTROL***

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**Sec. 60-1065. Definitions.**

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

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

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

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

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

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

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

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

(Ord. of 9-21-2009, § 5.7B)

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**ARTICLE XV. BOARD OF APPEALS**

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***DIVISION 6. SPECIAL APPEAL***

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

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

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impose reasonable conditions upon the use of the land in question which shall be reduced to writing and made a part of the permanent records of the board.

(Ord. of 9-21-2009, § 6.5C)



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## Administration

**Re: Settlement Offer via Electronic Mail**

Phil,

I write to attempt to resolve any remaining differences regarding Lake Auburn water quality among the City of Lewiston, the City of Auburn, and the Auburn Water District. Optimistically, I believe that the three entities are quite close, after an exchange of emails and a successful conference by the three entities' attorneys. Of the handful of issues remaining, the most significant (and pressing) is the process by which Auburn adopts proposed ordinances regarding the Lake Auburn Watershed and the Lake Auburn Watershed Overlay District.

As you know, Mike Broadbent coordinated a Lake Auburn Water Quality Ad-Hoc Committee, the members of which included an Auburn Councilor and multiple staff from each of our cities. Auburn planning staff drafted the enclosed memo, signed by all Auburn and Lewiston representatives, which included the following: the "Ad Hoc Committee recommends that the Auburn Water District and Lewiston Water Division forward the proposed [ordinance] changes to the Maine Drinking Water Program for review." Lewiston relies on this provision of the agreement for its further comments. Auburn Water District has taken the position that this language simply requires notice. On October 24, 2023, Sally Daggett was clear that Auburn staff plan to move forward before the new Council is sworn in.

On October 25, 2023, through counsel, Lewiston requested that the City of Auburn delay the adoption of the proposed ordinances to allow enough time for the Drinking Water Program to meaningfully consider each proposed ordinance change and to respond to the proposed change. (See enclosed.) Auburn has not responded to the request. On November 1, 2023, John Blais wrote the Maine Drinking Water Program giving notice that the Council is expected to conduct a second reading on December 4, 2023. This is the timeline that you emailed Auburn Councilors before September 26, 2023.

Lewiston shared its positions on the outstanding items with the City of Auburn and Auburn Water District through lawyers but given the importance of these matters to our communities, I wanted to reach out directly. Lewiston is open to changed zoning and land use around Lake Auburn, so long as the water quality is maintained or improved. Changes in zoning and land use should be vetted by peer-reviewed science and implemented only after they are agreed upon by the AWD and LWD licensed operators, approved by the regulators, and adopted within the legal structures that govern the relationships around Lake Auburn. **Lewiston is prepared to support the proposed ordinances, as drafted<sup>1</sup>, if Auburn**

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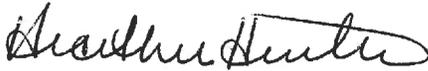
<sup>1</sup> One provision of the proposed ordinance needs more clarity. Lewiston agrees that replacement systems, particularly the replacement of septic tanks currently serving existing homes, may be unable to meet the new septic standards in sec. 60-952(f)(1). However, the language "site-specific circumstances" is too vague and broad to describe that narrow circumstance.

**observes a process that allows enough time for the Drinking Water Program to meaningfully consider each proposed ordinance change and to respond.**

I hope Auburn sees this offer as intended; Lewiston respects Auburn's home-rule authority but, given the high stakes (potential loss of waiver), needs to ensure that the recommendation drafted by Auburn staff and signed by an Auburn Councilor has meaning. As such, it requests that Auburn allow enough time for the Drinking Water Program to meaningfully consider each proposed ordinance change and to respond to the proposed change. While my Council and I seek agreement, the lawsuit was filed due to the enormous stakes that could follow an ill-considered ordinance (as you know, if the waiver is lost, Auburn's consultant estimated that total annualized costs of construction, operation, and maintenance for a new filtration plant were \$3.07 million/year).

Please contact me with any questions.

Sincerely,



Heather Hunter

ENCLOSURE

cc: Michael Broadbent, Superintendent, Auburn Water District



# City Council Ordinance

## IN CITY COUNCIL

### TITLE: Zoning Map Amendment Rezoning Certain Land from LDRR or RR to LDCR

**BE IT ORDAINED**, that the City Council hereby approves the amendment of Chapter 60, Zoning, of the Code of Ordinances as follows:

Proposed Amendments to Chapter 60, Article XII, Division 4- Lake Auburn Watershed Overlay District pertaining to agricultural farms, agricultural buffer strips, subsurface wastewater disposal system setbacks from resources/buffer strips, private sewage disposal systems and subsurface wastewater standards and requirements. The text changes in this proposal have been initiated by the City Council and Planning Board and are pursuant to Chapter 60, Article XVII, Division 2- Amendment to the Zoning Ordinance or Zoning Map and are detailed below.

- a. I make a motion to amend Sec. 60-950 adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name as shown.

**Sec. 60-950. Purpose.**

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

(Ord. of 9-21-2009, § 5.3A)

- b. I make a motion to amend Sec. 60-951 (a)-Boundaries, adding the word “Overlay” to clarify the Lake Auburn Watershed Overlay District name, and changing “city water district” to “Auburn Water District” as shown.

**Sec. 60-951. Boundaries and definitions.**

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

- c. I make a motion to amend Sec. 60-951 (b)- Definitions, adding the definition of *curtain drain, hobby agricultural use, Lake Auburn Watershed Protection*



## City Council Ordinance

*Commission or LAWPC, Non-hobby agricultural use, soil horizon, soil horizon limiting, or limiting soil horizon, and soil profile to this section as shown below.*

### **Sec. 60-951. Boundaries and definitions.**

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

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

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

Lake Auburn Watershed Protection Commission or LAWPC means the commission formed through an interlocal cooperation agreement between and among the City of Lewiston, Auburn Water District, and Town of Turner, with three commissioners appointed by the City of Lewiston, three commissioners appointed by the Auburn Water District, one commissioner appointed by the Town of Turner, one commissioner appointed by the Towns of Hebron, Minot and Buckfield, and one commissioner appointed by the Androscoggin Valley Council of Governments.

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

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

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

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

Soil filter media means a soil mixture that consists of a loamy sand lower fill layer meeting the following lower fill layer specifications, plus a minimum of 6 inches of upper fill layer meeting the following upper fill layer specifications:



# City Council Ordinance

**Soil Filter Media Specifications**

Upper Fill Layer	
Sieve #	% Passing by Weight
No. 4	75-95
No. 10	60-90
No. 40	35-85
No. 200	20-40
200 (clay size)	<2.0

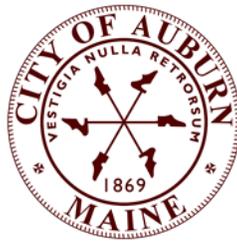
Lower Fill Layer	
Sieve #	% Passing by Weight
No. 10	85-100
No. 20	70-100
No. 60	15-400
No. 200	6-8
200 (clay size)	<2.0

- d. I make a motion to amend Sec. 60-952- use and environmental regulation (a) Agricultural uses prohibiting new non-hobby agricultural uses as of 1/1/24 and requiring approval by LAWPC’s Watershed Manager to operate hobby agricultural uses after 12/31/23 as shown.

**Sec. 60-952. Use and environmental regulations.**

(a) *Agricultural uses.* All uses of land for chicken farms, cattle farms, horse farms, egg farms, piggeries, sheep farms, stables, crop farming and other agricultural purposes shall be subject to the approval of the city water district. Such approval shall be granted upon a showing that such uses will not cause groundwater contamination or contaminate or disturb the normal course of surface water runoff. ~~Non-hobby agricultural uses not in existence as of January 1, 2024 are prohibited, and expansions of non-hobby agricultural uses in existence as of December 31, 2023 are prohibited. As of January 1, 2024, new hobby agricultural uses or expansions of hobby agricultural uses in existence as of December 31, 2023 are only allowed if (i) the owner or operator first demonstrates to LAWPC’s Watershed Manager that such use or expansion will not cause groundwater contamination and will not contaminate or disturb the normal course of surface water runoff, and (ii) LAWPC’s Watershed Manager approves such use or expansion in writing and so notifies the code enforcement officer.~~

- e. I make a motion to amend Sec. 60-952- use and environmental regulations (b) *residential dwellings in the agriculture and resource protection zoning district* by specifying that LD 2003 does not apply in the Lake Auburn Watershed Overlay District as shown:



## City Council Ordinance

### Sec. 60-952. Use and environmental regulations.

- (b) *Residential dwellings in the agriculture and resource protection zoning district.* Notwithstanding the provisions of Secs. subsections 60-145(a)(1), 60-145(b)(18) and 60-146(1)(c), new one-family detached dwellings units are only permitted-prohibited in the Lake Auburn Watershed Overlay District on parcels containing no less than ten acres, provided that the dwelling is accessory to farming operations and subject to the following restriction: at least 50 percent of the total annual household income of the farm occupants living in the farm residence will be derived from farm uses. Pursuant to 30-A M.R.S. § 4364(9), 30-A M.R.S. § 4364-A(1-A), and 30-A M.R.S. § 4364-B(1-A), each as may be amended from time to time, the affordable housing density, residential density and accessory dwelling unit provisions of P.L. 2021, ch. 672, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions" and any related State regulations do not apply in the Lake Auburn Watershed Overlay District.

- f. I make a motion to amend Sec. 60-952 (c) by increasing the width of an untilled agricultural buffer strip near Lake Auburn or its perennial tributaries from 50 feet wide to 100 feet wide as shown:

### Sec. 60-952. Use and environmental regulations.

- (c) *Agricultural buffer strip.* Where land adjoining Lake Auburn or its perennial tributaries (as depicted on a 7.5 minute series USGS topographic map, dated 1981) is tilled for agricultural purposes, an untilled buffer strip 100~~50~~ feet wide shall be retained between the tilled area and the normal high-water mark. This subsection (c) shall not be interpreted as permitting agricultural tillage in any zoning district in which it is not otherwise permitted.

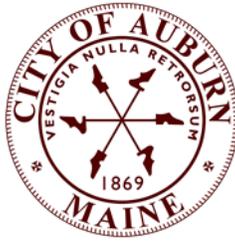
- g. I make a motion to amend Sec. 60-952 (d) to prohibit all spreading of or disposal of sludge as shown.

### Sec. 60-952. Use and environmental regulations.

- (d) *Municipal and mManure and sludge disposal.* All sSpreading and disposal of municipal-sludge is prohibited. shall be accomplished in conformance with the Rules of Municipal Sludge Utilization on Land, published by the department of environmental protection in September, 1980. All spreading and disposal of manure shall be accomplished in conformance with the then-current edition of the Maine Department of Agriculture, Conservation and Forestry's rules, regulations and guidelines for manure spreading and disposal. Maine Guidelines for Manure and Manure Sludge Disposal on Land, published by the Life Sciences and Agriculture Experiment Station and the Cooperative Extension Service, University of Maine at Orono, and the Maine Soil and Water Conservation Commission in July, 1972.

- h. I make a motion to amend Sec. 60-952 (e) to change "water district" to "Auburn Water District" as shown.

### Sec. 60-952. Use and environmental regulations.



## City Council Ordinance

- (e) *Erosion control.* The following provisions shall be observed for the control of erosion in the Lake Auburn Watershed:
- (1) Any earth cutting, moving or removal activities that will result in erosion or runoff which is likely to increase sedimentation of Lake Auburn, or any tributaries or other water bodies in the watershed are prohibited.
  - (2) Vegetative cover shall not be removed except in a manner which will minimize erosion. Harvesting of trees shall be permitted only after a plan prepared by a qualified forester is submitted to and approved by the Auburn Wwater District. Such plan will be approved or disapproved on the basis of its conformance with good watershed management practice for domestic water supplies.
  - (3) Trees may be cleared, provided the cleared areas are covered with other vegetation, for approved construction and landscaping. Where such clearing is extended to the shoreline, a cleared opening or openings not greater than 30 feet in width for every 100 feet of shoreline (measured along the high-water mark) may be created in the strip extending 50 feet inland from the normal high-water mark. For purposes of this section, clearing is the removal of adjacent dominant trees which extend into the canopy and shrubs within ten feet of the shoreline. Where natural vegetation is removed, it shall be replaced with other vegetation which is equally effective in retarding erosion and preserving natural beauty. When the vegetative cover is changed in areas greater than three acres, a plan shall be filed with the Auburncity Wwater District indicating the changes so that a record can be maintained of watershed water yields to the system.
- i. I make a motion to amend Sec. 60-952 (f)-private subsurface wastewater disposal systems by (1) amending the separation requirements between the disposal field and the limiting soil horizon; (2) increasing the separation between septic systems and tributaries to Lake Auburn from 300 to 400 feet; (3) requiring that the plumbing inspector must ensure that new and replacement systems meet this set design criteria; (4) specifying the design standards of private subsurface wastewater disposal systems; (5) specifying that systems must be on the same lot as the unit they serve; (6) specifying that LAWPC or its designee shall have the right to inspect systems; (7) clarifying the follow-up steps in case of a malfunction; (8) changing the wording of overseeing agencies; and deleting original section 60-952 (f) (5) as shown.

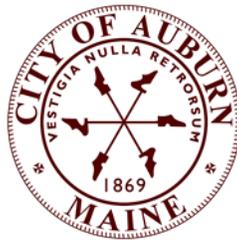
Sec. 60-952. Use and environmental regulations.



## City Council Ordinance

- (f) ~~Private subsurface wastewatersewage disposal systems.~~ The following regulations shall be adhered to in the development of private ~~subsurface wastewatersewage~~ disposal systems in the Lake Auburn Watershed Overlay District:
- (1) ~~Subsurface absorption areas shall not be permitted on sites on which the highest seasonal groundwater table, bedrock, or other impervious layer is less than 36 inches below the bottom of the organic horizon. Not less than 24 inches of suitable soil shall be present below the bottom of the subsurface absorption area. The bottom of such subsurface absorption area shall not be less than 12 inches below the bottom of the organic horizon measured from the lowest point on the subsurface absorption area. Disposal fields are prohibited on sites with less than 12 inches to the limiting soil horizon. In addition to having at least 12 inches to the limiting soil horizon, disposal fields shall have at least 24 inches of suitable natural soil or soil filter media below the bottom of the disposal field, such that there is at least a 36-inch separation between the bottom of the disposal field and the limiting soil horizon. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that these design criteria are met before the LPI finds the design or installation of the system to comply with this ordinance.~~
  - (2) ~~Within areas containing soils described as deep, loose and sandy or gravelly and which contain more than 70 percent sand as shown on table 9-2 of the state plumbing code, part II (April 25, 1975), no new disposal fields/subsurface absorption area shall be installed closer than 400/300 feet to the normal high-water mark of any lake, pond, or year-round or intermittent stream (as depicted on a 7.5 minute series USGS topographic map, dated 1981). Where the daily wastewatersewage flow is or is reasonably likely to be in excess of 2,000 gallons, the system shall be located at least 1,000 feet from the normal high-water mark of any lake, pond or year-round or intermittent stream.~~
  - (3) ~~All disposal fields, replacement or new, shall meet the design criteria set forth in subsection (f)(1) above, except that if a replacement system disposal field cannot meet the design criteria set forth in subsection (f)(1) above, the local plumbing inspector must, in consultation with and the concurrence of the Auburn Water District or its designee, evaluate the design and then require the disposal field to meet as much of the design criteria as is physically possible under the site-specific circumstances.~~
  - (4) ~~All private subsurface wastewater disposal systems, replacement or new, shall either have (a) a curtain drain installed per Section 11(H) of the Maine Subsurface Wastewater Disposal Rules, 10-144 C.M.R. ch. 241 (2015), as may be amended from time to time, or (b) a diversion ditch, upslope of the disposal field, installed for the disposal field's entire length (including fill extensions), whichever installation is determined to be most appropriate based on the evaluation of groundwater conditions on the site by a Maine licensed site evaluator. The local plumbing inspector shall require that a Maine licensed site evaluator affirm that one of these two types of installation is part of the design of the system before the LPI finds the design or installation of the system to comply with this ordinance.~~
  - (5) ~~All private subsurface wastewater disposal systems, replacement or new, shall be installed on the same lot as the dwelling unit being served by the system, unless the system can be developed outside of the Lake Auburn Watershed Overlay District or, in the case of a replacement system, the property owner can demonstrate to the local plumbing inspector that it is physically impossible for the replacement system to be located on the same lot, in which case the local plumbing inspector may approve all or a portion of the replacement system's location on adjacent lots.~~
  - (6) ~~Commencing July 1, 2024, LAWPC or its designee shall have the right to inspect all private subsurface wastewater disposal systems in the Lake Auburn Watershed Overlay District every 5 years and/or at the time that a property sold, whichever time frame is deemed most appropriate by LAWPC or its designee.~~
  - (7) ~~The Auburn city Water District or its designee shall have the right to inspect any subsurface wastewater disposal system within the Lake Auburn Watershed Overlay District during its construction and operation and may notify the health officer, police chief, local plumbing inspector or housing inspector of any observed defects or malfunctions that who shall require the abatement action by the property owner or operator of such defects or malfunctions.~~
  - (8) ~~The local plumbing inspector shall furnish a copy of all site investigation-evaluation reports in the Lake Auburn Watershed Overlay District to the Auburn city Water District or its designee.~~
  - (9) ~~Replacement or reconstruction of private residential sewage disposal systems in existence and in use on December 17, 1982 shall not be subject to the requirements of this section but shall be required to comply with the current state plumbing code.~~

j. I make a motion to amend Sec. 60-1065 to clarify the text as shown.



# City Council Ordinance

## Sec. 60-1065. Definitions.

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

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

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

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

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

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

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

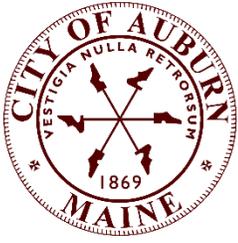
*Taylor Pond* means the Taylor Pond Watershed regulated by this chapter, which is all land areas within the direct watershed of Taylor Pond as defined on the attached map entitled "Taylor Pond Watershed Map".

Ord. 28-11202023

- k. I make a motion to amend Sec. 60-1237 to clarify the text as shown:

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Public Hearing**

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

**Subject:** CDBG Action Plan Amendment for Program Year 2023

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**Information:**

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

This amendment is intended to reallocate available funds to address the identified community needs outlined within the amendment. This Public Hearing will accompany a 30 day public comment period prior to the submittal of the amended plan to the U.S. Department of Housing & Urban Development.

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**City Budgetary Impacts:**

Funds included within this budget are covered by grants provided by the U.S. Department of Housing and Urban Development. This includes projects, activities and related staff time administering programs.

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**Staff Recommended Action:**

Hold Public Hearing.

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**Previous Meetings and History:**

Action Plan Public Hearing February 13, 2023  
Action Plan Public Comment Period April 1 - May 1st, 2023  
Action Plan Adoption May 1, 2023  
PRO Housing Grant Workshop October 16, 2023  
PRO Housing Grant approval October 23, 2023

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**City Manager Comments:**



I concur with the recommendation. Signature:

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**Attachments:**

PY23 CDBG Action Plan Amendment



# City of Auburn, Maine

Business & Community Development

Glen Holmes, Director

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

## **COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM Program Year 2023 Revised ACTION PLAN and BUDGET**

The City of Auburn is amending its PY23 Action Plan with the U. S. Department of Housing and Urban Development (HUD). This Action Plan revision is in response to emergent community needs described in detail below. These new CDBG funded activities still meet and advance the goals and objectives set forth in the Auburn 2020-2024 Consolidated Plan.

### **2020-2024 CONSOLIDATED PLAN**

The City of Auburn has adopted a 2020-2024 Consolidated Plan for the Community Development Block Grant (CDBG) Program and the HOME Investment Partnerships (HOME) Program which includes both the City of Auburn and Lewiston. The Consolidated Plan identifies many community challenges, establishes priorities, and describes how Community Development resources will address these needs. Although this plan was adopted prior to Covid-19 and many housing-related crises, these amendments still meet the original four goals:

**Goal 1: Provide Safe & Affordable Housing**

**Goal 2: Improve Infrastructure & Reduce Blight**

**Goal 3: Promote Economic Opportunities**

**Goal 4: Provide Essential Services**

### **2023 FUNDING**

Funding for the Community Development Program is derived from Community Development Block Grant and HOME Investment Partnerships Program allocations for both Auburn and Lewiston. These yearly allocations are supplemented by their respective program income derived from current loan principal paybacks expected within the program year and unspent funds carried over from previous years. Allocations are presented as indicated on our FY23 Award letter from HUD and internal reports designating available program income and available carryover funds.

**Annual Community Development Block Grant Funds:** The proposed budget for FFY2023 is \$1,877,316 from the following sources of Community Development funds:

CDBG Allocation	\$534,778
Anticipated Program Income	\$200,000
Carry Over Funds	\$1,251,738

## **DRIVERS OF CHANGE**

After the adoption of the PY23 Action Plan there were three new, substantial needs identified within the city. By amending the CDBG budget the city will be better able to respond to the changing needs of the community.

- a. **PAL Center Expansion:** The PAL Center is located in qualified LMI census tract and provides essential youth and family support services including teen mentoring, youth sports, clothing and hygiene products for needy families as well as most recently operating an emergency food pantry which serves over 250 families each week. The PAL center expansion project is being made possible by congressionally directed spending dollars as well as ARPA and voter approved bonding.

The city of Auburn has received a memo from Woodard & Curran, project manager for the PAL center expansion citing previously unknown site conditions recently made known by on-site geological explorations. This letter dated November 16, 2023 detailed the identified solutions for the soil stabilization as well as an estimated budget of \$575,000- \$650,000.

- b. **Blight & Health Hazard:** The city has identified an existing multi-unit building that has been cited as a health hazard requiring remediation by the Department of Environmental Protection. The existing income-qualified tenants will need assistance finding and attaining new housing before the building can be razed and the site decontaminated per DEP requirements. Per federal and city policy, the removal of these housing units will require a plan and investment to create a new 1-for-1 replacement of a matching amount of affordable units within the city.
- c. **Winter Oaks Affordable Housing Development:** In October 2023 the City Council approved a plan and grant application to develop a sizable portion of city owned property into a mixed income housing development with a priority focus on creating homeownership opportunities for qualified LMI residents. In order to begin this work, and under the guidance of HUD CPD Notice 2023-10, the city intends to contract for the essential master planning services needed to begin surveying and engineering this development.
- d. **Lead Hazard Control & Home Rehab Performance:** Current performance of the Lead Hazard Control grant and Home Rehab programs has left underutilized funds. These programs have received substantial applications. Of the 92 applications started for single-family rehab, only 10 have successfully qualified. For the 42 multi-unit investor/landlord applications in which a majority of the tenants need to income qualify only 8 have successfully qualified. These rates are driven in part by inflated construction costs but are dramatically exacerbated by federally established maximum rent rates required for all units rehabbed.
- e. **Pedestrian Safety projects:** The current pedestrian safety project being completed on Library Ave had an original budget of \$990,000. The current contract price for the completion of the project was only \$708,000 with additional funds being utilized for project delivery costs. The remaining unencumbered funds for this activity are in excess of \$200,000, which can now be reallocated to the newly identified needs.

## **NEW ACTIVITIES:**

Funds from the existing under-utilized programs, which have been struggled to perform under the current housing market rental rate as well as a dramatic increase in contractor scarcity and material cost increase, will be reallocated to meet the growing needs of the community detailed below:

- \$200,000 in Blight Remediation will be made possible by reallocating funds from the existing underutilized neighborhood challenge and public infrastructure budget. This project will cover costs associated with the federally required relocation of income-qualifying tenants from premises currently under a remediation action by the Department of Environmental Protection. After the successful relocation the remaining funds will be used as a s city match to demolish and abate environmental concerns on the site.
- \$500,000 in Public Improvements for the PAL Center Expansion. Considering the recent documented site and soil conditions there is now a budget shortfall in excess of \$500,000 for the completion of this project. The addition of available CDBG funds will serve to make possible the expansion of the future public services that are housed within the center and improve the impact of federal funds on qualified LMI populations served.
- \$150,000 in Affordable housing development funds will make possible the completion of an environmental review and master plan development for the proposed 100 new mixed income neighborhood being developed for the city-owned property known as “Winter Oaks.” This first step is essential to not only meet the city’s requirement to replace the unhealthy housing being removed from another site in the city, but also to advance existing efforts and funding sources being utilized to develop new affordable housing within the city.

**Budget Detail:**

<b>ACTIVITIES</b>	<b>PY23 Budget</b>	<b>Amendment</b>	<b>DELTA</b>
<b>PLANNING AND ADMINISTRATION</b>	<b>\$106,762.86</b>	<b>\$106,762.86</b>	<b>\$0.00</b>
PROGRAM ADMINISTRATION	\$85,162.86	\$85,162.86	
GOODS AND SERVICES	<b>\$17,000.00</b>	<b>\$17,000.00</b>	
<b>ECONOMIC DEVELOPMENT</b>	<b>\$50,000.00</b>	<b>\$0.00</b>	<b>-\$50,000.00</b>
<b>AFFORDABLE HOUSING</b>	<b>\$579,045.08</b>	<b>\$217,045.08</b>	<b>-\$362,000.00</b>
Critical Repair LOAN PROGRAM	\$400,000.00	\$50,000.00	-\$350,000.00
LMI LEAD Match Grants	\$150,000.00		-\$150,000.00
LEAD TESTING/CLEARANCE/TRAINING	\$15,000.00	\$3,000.00	-\$12,000.00
Project Delivery Costs	\$14,045.08	\$14,045.08	
Winter Oaks Affordable Housing Development		\$150,000.00	\$150,000.00
<b>PUBLIC IMPROVEMENTS</b>	<b>\$1,040,000.00</b>	<b>\$1,462,000.00</b>	<b>\$422,000.00</b>
Pedestrian Safety Projects	\$990,000.00	\$762,000.00	-\$228,000.00
Neighborhood Challenge Grants	\$35,000.00		-\$35,000.00
Spot/Blight Remediation	\$15,000.00	\$200,000.00	\$185,000.00
PAL Center Development		\$500,000.00	\$500,000.00
<b>PUBLIC SERVICES</b>	<b>\$80,032.00</b>	<b>\$80,032.00</b>	<b>\$0.00</b>
Public Service Coordinator (50%)	\$15,032.00	\$15,032.00	
Recreation Scholarships	\$20,000.00	\$20,000.00	
Safe Voices	\$20,000.00	\$20,000.00	
SeniorsPlus	\$25,000.00	\$25,000.00	
<b>Contingency</b>	<b>\$10,000.00</b>	<b>\$0.00</b>	<b>-\$10,000.00</b>
<b>TOTAL EXPENDITURES</b>	<b>\$1,865,839.95</b>	<b>\$1,865,839.95</b>	<b>\$0.00</b>
<b>CDBG Allocation</b>	<b>\$534,778.00</b>	<b>\$534,778.00</b>	
<b>CDBG Program Income</b>	<b>\$200,000.00</b>	<b>\$200,000.00</b>	
<b>CDBG Funds Rolled Forward</b>	<b>\$1,251,738.86</b>	<b>\$1,251,738.86</b>	
Administrative CAP 20% Allocation and Program Income	<b>\$ 146,955.60</b>	<b>\$ 146,955.60</b>	
Public Services CAP 15% Allocation and Program Income	<b>\$ 113,516.70</b>	<b>\$ 113,516.70</b>	
Previous Year activity To-Be-Drawn Current Year	\$109,200.00	\$109,200.00	
<b>TOTAL FUNDS AVAILABLE TO BUDGET</b>	<b>\$1,877,316.86</b>	<b>\$1,877,316.86</b>	



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Order:** 157-12042023

**Author:** Mark Conrad, School Business Manager

**Subject:** Approval to Establish a New Curriculum Development Reserve Fund for the purpose of funding Curriculum Development materials, equipment, software, and professional development.

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**Information:** By statute, each year school administrative units must calculate excess fund balance funds, defined as unallocated fund balance funds in excess of 9% of the operating budget, and spend those down to no more than 9% over a three-year period. Based on the audited unassigned FY 2022 fund balance, the Auburn School Department has \$1,286,919 in excess funds which must be spent down over the next three years.

Based on a recommendation from the School Finance Committee, the School Committee has approved use of these excess funds for three purposes: 1) up to \$500,000 for additional needs at the new High School, including but not limited to dug-outs and landscaping; 2) up to \$500,000 for High School technology, and 3) to establish a Curriculum Development Reserve Fund for the purpose of funding Curriculum Development materials, equipment, software, and professional development, and transfer the remaining \$286,919 in excess fund balance funds into the Curriculum Development Reserve Fund.

The Auburn School Department has made significant investments in new curriculum over the last three years, using federal ESSER grant funds, with significant improvements in student outcomes in literacy and math as a result. The new Curriculum Development Reserve Fund will enable the Auburn School Department to maintain its investment in updated curriculum in future years after the federal ESSER funds end in September 2023. Specifically, the initial transfer of funds into this Reserve Account will be used to strengthen the investment in literacy curriculum and instruction based on anticipated costs in FY 2026. The attached memo provides specific information in this regard.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Approve

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**Previous Meetings and History:** School Committee Approval on November 15, 2023

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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:**

# Auburn School Department

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## Memo

To: Cornelia Brown, PhD Superintendent of Schools

From: Sue Dorris, EdD Assistant Superintendent of Academic Affairs

Date: November 13, 2023

Re: Recommendation for the Establishment of a Capital Reserve Account for Curriculum

I am writing to recommend the establishment of a Capital Reserve Account for Curriculum in the amount of \$286,000. This allocation is crucial to support the ongoing success and expansion of the Savvas literacy program, which has demonstrated significant positive outcomes over the past two years.

**Background:** The Savvas literacy program has proven to be instrumental in enhancing the reading skills of our students. We need to update this program and purchase new materials in 2026 at an anticipated cost of \$286,000. Funds will be allocated as follows:

- 1. Updated Teacher and Student Materials:** A portion of the funds will be utilized to acquire updated materials for both teachers and students, ensuring that the curriculum remains current and aligned with educational standards.
- 2. Digital Licenses:** Investment in digital licenses will provide students with access to interactive and engaging digital resources, fostering a dynamic and adaptive learning environment.
- 3. Professional Development:** Allocating funds for professional

development will enable our educators to stay abreast of the latest instructional techniques and methodologies associated with the Savvas literacy program.

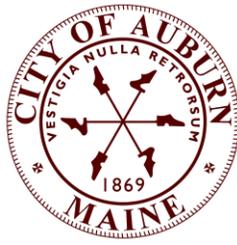
4. **Program Evaluation:** A portion of the budget will be dedicated to ongoing program evaluation, allowing us to assess the effectiveness of the curriculum and make data-driven decisions for continuous improvement.

**Results:** The results of implementing the Savvas literacy program have been overwhelmingly positive. Notable achievements include a substantial increase in reading scores, as evidenced by the Fall Universal Screening assessment. The percentage of students scoring at a proficient level has risen by 33 percentage points, from 47% in 2020 to an impressive 80% in 2022.

**Why Continue:** I recommend the continuation of the Savvas literacy program due to the following compelling reasons:

1. **Increased Reading Scores:** The program has consistently demonstrated its ability to elevate reading proficiency among students.
2. **Student Engagement:** Teachers report higher levels of student engagement, indicating that the program is resonating well with our student body.
3. **Equity Across Schools:** The program promotes equity by providing all schools with access to a rigorous, research-based reading and language arts curriculum grounded in the science of reading.

Considering these accomplishments and the favorable influence on student performance, it is imperative to create a Capital Reserve Account for Curriculum. This is crucial not only for the ongoing success of the Savvas program but also to address ongoing curricular and programmatic requirements in subjects such as math, science, social studies, and other content areas. Your support in this regard is vital for the sustained progress of our students in their academic endeavors. I appreciate your consideration of this recommendation.



**ORDER 157-12042023**

# City Council Order

**IN CITY COUNCIL**

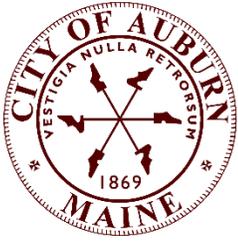
**ORDERED**, that the City Council hereby authorizes the School Committee to establish a Curriculum Development Reserve Fund for the purpose of funding curriculum development materials, equipment, software and professional development.

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Order:** 158-12042023

**Author:** Liz Allen, Director of Communications & Community Engagement

**Subject:** Renaming of City Facilities – Officer Norman Philbrick Square

---

**Information:** The Mayor’s Ad-Hoc Committee on the Naming of City Facilities voted in favor of recommending to council the naming of the city-owned parcel at the corner of Court Street and Great Falls Plaza (where the “Bud Form” sculpture is situated) as “**Officer Norman Philbrick Square**” (or “Philbrick Square”) in honor of fallen Auburn Police Officer Norman Philbrick, who was killed in the line of duty.

Auburn Police Officer Norman Philbrick died in the line of duty on July 7, 1949. Fire crews from our sister city of Lewiston were called in to assist with a large fire. While Officer Philbrick was directing traffic, two fire trucks rounded the intersection at the same time, crushing him to death.

The force of the impact was so great that Officer Philbrick’s duty weapon was bent to nearly a ninety-degree angle. Officer Philbrick’s weapon is displayed at the Auburn Police Department as a reminder of the ultimate sacrifice he gave to the citizens of our city.

Officer Philbrick had served with the Auburn PD for two years. He was survived by his wife and two daughters. The city honored another fallen APD officer, Rodney "Rocky" Bonney, by naming a park in his memory. It is fitting that the city should also recognize Officer Philbrick's ultimate sacrifice. It would be very meaningful to his family members, to our community, and to the men and women of the Auburn Police Department.

---

**City Budgetary Impacts:** Funding needed for granite signage

**Staff Recommended Action:** As staff liaison to this committee, I wholeheartedly recommend naming this parcel in honor and in memory of Officer Norman Philbrick.

**Previous Meetings and History:** Ad-Hoc Committee meetings held September 19, 2023 & November 29, 2023.

---

**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:**



## MEETING MINUTES

### **November 29, 2023, meeting of the Mayor's Ad Hoc Committee on the Naming of City Facilities**

**Present: Jason Levesque, Richard Whiting, Joe Morin, Liz Allen**

**PHILBRICK SQUARE:** Committee voted in favor of recommending to council the naming of the city-owned parcel at the corner of Court Street and Great Falls Plaza (where "Bud Form" sculpture is situated) as "Officer Norman Philbrick Square" in honor of fallen Auburn Police Officer Norman Philbrick, who was killed in the line of duty.

Liz submitted a concept drawing/rendering for simple granite memorial (attached to these minutes).

Motion by Councilor Morin. Second by Councilor Whiting. All in favor.

**MUSTANG ALLEY:** Committee voted in favor of recommending to council the naming of the (currently unnamed) access road in front of Norway Savings Bank Arena (that connects to TJ Maxx plaza) in honor of CMCC: "**Mustang Alley.**"

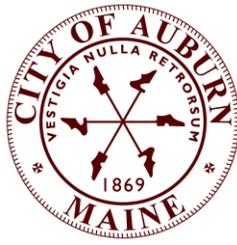
Liz submitted a concept drawing/rendering for the street sign (attached to these minutes). Actual placement will be at the discretion of Auburn Public Works and in accordance with city ordinance and the MUTCD (Manual on Uniform Traffic Control Devices).

Motion by Councilor Whiting. Second by Councilor Morin. All in favor.

**UPPER & LOWER PETTENGILL SOFTBALL FIELDS:** The committee discussed and voted in favor of recommending to council the renaming of the Pettengill Park softball fields as follows:

The upper softball field would be renamed as the "Joseph Walker Memorial Field" ("Walker Field"). And the lower softball field would be renamed as the "Tricia Asselin Memorial Field" ("Asselin Field").

Motion by Councilor Morin. Second by Councilor Whiting. All in favor.



**ORDER 158-12042023**

# City Council Order

## IN CITY COUNCIL

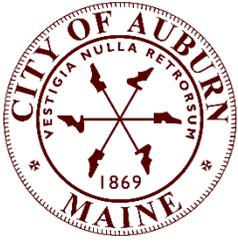
**Ordered,** that the City Council hereby authorizes the naming of the city-owned parcel at the corner of Court Street and Great Falls Plaza (where the “Bud Form” sculpture is situated) as “Officer Norman Philbrick Square” (or “Philbrick Square”) in honor of fallen Auburn Police Officer Norman Philbrick, who was killed in the line of duty.

---

**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 4, 2023

**Order:** 159-12042023

**Author:** Liz Allen, Director of Communications & Community Engagement

**Subject:** Renaming of City Facilities – “Mustang Alley”

---

**Information:** The Mayor’s Ad-Hoc Committee on the Naming of City Facilities voted in favor of recommending to council the naming of the (currently unnamed) access road in front of Norway Savings Bank Arena (that connects to TJ Maxx plaza) “**Mustang Alley**” in honor of the Central Maine Community College Mustangs.

The student athletes of the CMCC athletic program bring great pride to our community, with their commitment to excellence in their respective sports, and their dedication to helping others and strengthening our community. The Mustangs represent one of the most respected athletic departments in New England, and the committee feels that this naming opportunity will be a great way to recognize the Mustangs and all they bring to our city

---

**City Budgetary Impacts:** Minimal.

---

**Staff Recommended Action:** Staff liaison to the committee recommends approval.

---

**Previous Meetings and History:** Ad-Hoc Committee meetings held August 14, 2023, September 19, 2023 & November 29, 2023.

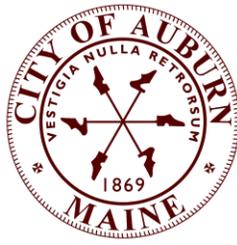
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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:**



**ORDER 159-12042023**

# City Council Order

**IN CITY COUNCIL**

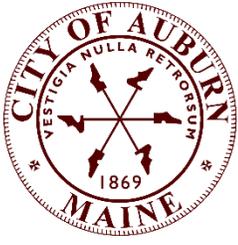
**Ordered,** that the City Council hereby authorizes the naming of the (currently unnamed) access road in front of Norway Savings Bank Arena (that connects to TJ Maxx plaza) “Mustang Alley” in honor of the Central Maine Community College Mustangs.

---

**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 4, 2023

**Order:** 160-12042023

**Author:** Liz Allen, Director of Communications & Community Engagement

**Subject:** Renaming of City Facilities – “Joseph ‘Joe’ Walker Memorial Field” & “Tricia Asselin Memorial Field”

---

**Information:** The committee discussed and voted in favor of recommending to council the renaming of the Pettengill Park softball fields in honor of two Auburn residents who were killed in the recent tragedy in Lewiston.

The committee recommends renaming the upper softball field as the “**Joseph ‘Joe’ Walker Memorial Field**” (“**Walker Field**”), and the lower softball field as the “**Tricia Asselin Memorial Field**” (“**Asselin Field**”).

Both Walker and Asselin were deeply involved in Auburn’s softball community, and to honor them with the renaming of fields that they both knew well and loved would be fitting. Our sincere hope would be that this gesture would not only bring comfort to their families, but also establish a lasting memorial to their legacies.

---

**City Budgetary Impacts:** Park signage.

---

**Staff Recommended Action:** Staff liaison to the committee recommends approval.

---

**Previous Meetings and History:** Ad-Hoc Committee meeting held November 29, 2023.

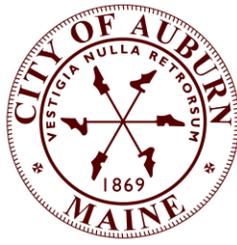
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**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:**



**ORDER 160-12042023**

# City Council Order

**IN CITY COUNCIL**

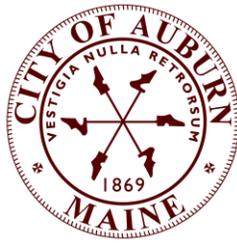
**Ordered,** that the City Council hereby authorizes the renaming of the upper Pettengill Park softball field to the Joseph 'Joe' Walker Memorial Field" ("Walker Field"), in honor of Joe who was killed in the recent tragedy in Lewiston.

---

**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 161-12042023**

# City Council Order

**IN CITY COUNCIL**

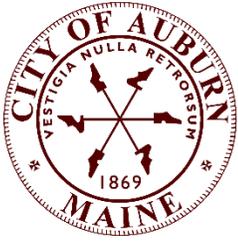
**Ordered,** that the City Council hereby authorizes the renaming of the lower Pettengill Park softball field as the “Tricia Asselin Memorial Field” (“Asselin Field”), in honor of Tricia who was killed in the recent tragedy in Lewiston.

---

**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 4, 2023

**Order:** 162-12042023

**Author:** Eric J. Cousens/John Blais, Planning and Permitting Director & Deputy

**Subject:** 87 Mill Street Garage Removal and Replacement for Riverside Trail Access – Comprehensive Plan Implementation Funding.

---

**Information:** In 2012 Rolly's (R&K Properties LLC) acquired a piece of Parcel 221-074 from the City of Auburn to construct an addition to the restaurant in exchange for giving the City a piece of Parcel 221-076 that would allow for the future construction of a trail along the Little Androscoggin River that connects from South Main Street to Anniversary Park(see attached property map). Part of that agreement was to demolish the rear portion of the garage that now sits on the land acquired by the City. The garage was built in two sections and the demolition of the rear portion is technically possible, but we have determined through contractors estimates that it will cost significantly more than demolishing the entire structure and replacing the portion retained by R&K Properties LLC. Removal and repair of the rear wall was promised to the property owner and has taken some time to work out the details. The existing building has been used primarily for community storage and personal storage and the owner has prioritized community storage of seasonal decorations and the Marshall Popcorn Truck.

We are ready to remove the structure and the property owner is open to replacement of a structure of a similar size to match the existing front portion of the building in the approximately same location. We have demolition cost estimates that are dependent on timing during the off season this fall/winter for \$30,000. We are working on finalizing an updated budget and building specification for the replacement structure and expect to have agreements with the owner and budget pricing soon. Completion of this project is required to complete previous agreements with the owner and is the most cost-effective way to create access for the trail and eliminate the deteriorating rear portion of the structure. We have CDBG and demolition funding to complete the demolition already appropriated. We need the Council to approve expending available Comprehensive Plan implementation funds for the replacement structure in order to move this forward.

Staff has prepared estimates and reviewed the preliminary design with the landowner (Ken Blais) and will balance the desire to minimize costs with the goals of creating an attractive, flexible use structure that can continue to meet the private and community needs that the existing structure has served.

City Budgetary Impacts: Demolition (\$30,000)and Replacement Costs (\$160,767.50).

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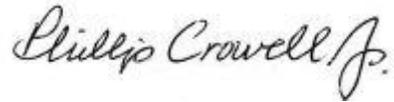
**Staff Recommended Action:** Staff recommends that the Council discuss the proposal and vote to considering allocating funds – (Comprehensive Plan Implementation Funding) up to \$160,767.50 for the replacement structure for R&K Properties LLC (PID 221-074).

---

Previous Meetings and History: 2012 Property swap approval, Council Workshop November 20<sup>th</sup>, 2023

---

City Manager Comments:

A handwritten signature in black ink that reads "Phillip Crowell Jr." in a cursive script.

I concur with the recommendation. Signature:

---

Attachments: Map, Property Swap approval 2012, Comprehensive plan excerpts, Sketch Phase Estimate

87 Mill Street Property Map – Demolition and replacement of garage



Red Box/X indicates garage location. In 2012 Rolly's (R&K Properties LLC) acquired a piece of Parcel 221-074 from the City of Auburn to construct an addition to the restaurant in exchange for giving the City a piece of Parcel 221-076 that would allow for the future construction of a trail along the Little Androscoggin River that connects from South Main Street to Anniversary Park. Part of that agreement was to demolish the rear portion of the garage that now sits on the land acquired by the City. The garage was built in two sections and the demolition of the rear portion is technically possible, but we have determined through contractors estimates that it will cost significantly more than demolishing the entire structure and replacing the portion owned by R&K Properties LLC.

## Comprehensive Plan Excerpts

### 2021 Recreation Chapter Strategies:

**Strategy E.1.2.b:** Support the connection of local recreational facilities along the Androscoggin River with riverfront facilities in other communities, such as the Androscoggin Riverlands and Lewiston.

**Strategy E.1.2.c:** Identify and develop new land and water access points that create connectivity with the Androscoggin and Little Androscoggin Rivers and surrounding recreational opportunities. Utilize public and private resources to mitigate financial, recreational, and cultural impacts.

### New Auburn Master Plan Strategies

**Recreation Objective B:** Encourage LA Trails' efforts to create a trail system, where feasible, within the "greenbelt" linking the open spaces to the sidewalk network and major destinations such as schools and the business district (see Map 2, page 20).

- i. Support efforts to develop a trail connection between the Barker Mill Trail and Moulton/West Pitch Park through the establishment of a pedestrian bridge across the Little Androscoggin River.

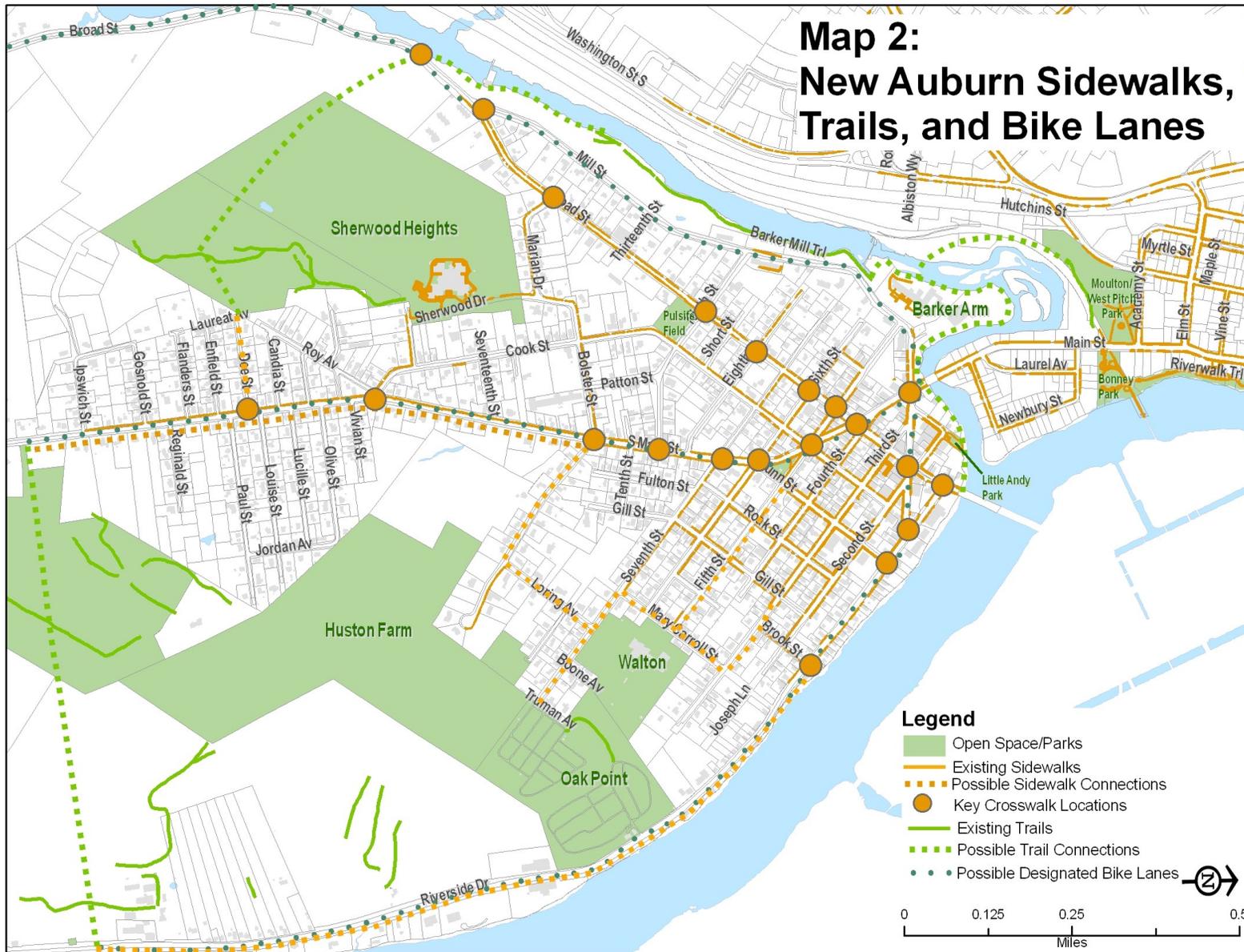
**Recreation Objective 1.C:** Support organizations such as the Androscoggin Land Trust and LA Trails in their efforts to develop and maintain boat launches and other riverfront recreational amenities.

**Page 23 New Auburn Master Plan Table 3:** Priority Recreation/Conservation Connections (Map 2, page 20)

Barker Mill Trail along Little Androscoggin River Broad Street/Sherwood Forest connection

**A Second Street riverfront corridor from Mill St./Main St. to Broad St.**

An east/west trail corridor connection between Riverside Dr. and So Main St. Barker Mill Trail connection to Moulton/West Pitch Park



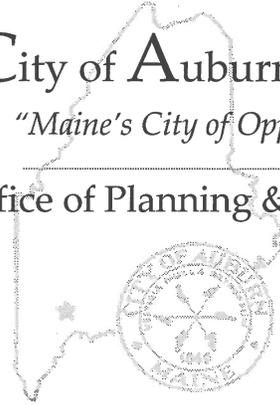
# City of Auburn, Maine

"Maine's City of Opportunity"

## Office of Planning & Permitting

July 26, 2012

Ken Blais  
R&K Properties, LLC  
87 Mill Street  
Auburn Maine 04210



Re: **87 Mill Street, Auburn Maine 04210 / Property ID # 221-076, 221-075 and a portion of 221-074 / Zoning Conformance Letter**

Dear Mr. Blais:

I am writing in regard to the property located at 87 Mill Street, Auburn Maine 04210 (PID # 221-076). The subject property is located within the General Business (GB) zoning district and is occupied by an existing building and business, namely Rolly's Diner. City records indicate that the abutting lot (PID 221-075) is held in common ownership with 87 Mill Street (PID#221-076). As we have discussed the owner of the above mentioned properties intends to acquire a portion of the abutting parcel (PID#221-074) best described as a 25' wide strip of land along the western side of the property as shown on the attached map. With that acquisition and the combination of the three parcels noted above, the City will consider the parcels as one lot for zoning and permitting purposes.

The GB zoning district requires the following for setbacks:

- a. *Rear.* There shall be behind every building a rear yard having a minimum depth of 35 feet or 35 percent of the average depth of the lot, whichever is less.
- b. *Side.* There shall be a distance of five feet between any side property line, plus the side yard setback shall be increased one foot for every two feet or part thereof increase in street frontage over 60 feet to a maximum of 25 feet for side yard setback.
- c. *Front.* There shall be in front of every building a front yard having a minimum depth of 25 feet or 25 percent of the average depth of the lot, whichever is less. No front yard need to be any deeper than the average depth off front yards on the lots next thereto on either side. A vacant lot or a lot occupied by a building with a front yard more than 25 feet shall be considered as having a front yard of 25 feet.

To determine the front setback for the parcel, we need to look at the *lots next thereto on either side*. The land to the west between the parcel in question and the Little Androscoggin River is a Public Easement and not a lot for the purposes of this determination. The first lot to the

northwest along Main Street is 374 Main Street (PID#221-073) which is occupied by a building with a zero (0) front setback. The first lot to the southeast along Main Street/South Main Street is 80 Mill Street (PID#221-078) which is occupied by a building with a zero (0) setback along South Main Street. Therefore, the average depths of *lots next thereto on either side* is zero (0) and the front setback requirement for the combined parcels to be known as 87 Mill Street will be zero (0). Any new structures or additions on that parcel will be allowed a zero (0) front setback along Main Street.

The side setback for this parcel will be 25' and will be met on the 25' strip of land that the owner of the above mentioned property intends to acquire.

Should you have any questions regarding this matter please don't hesitate to contact me at 333-6601 Extension 1154.

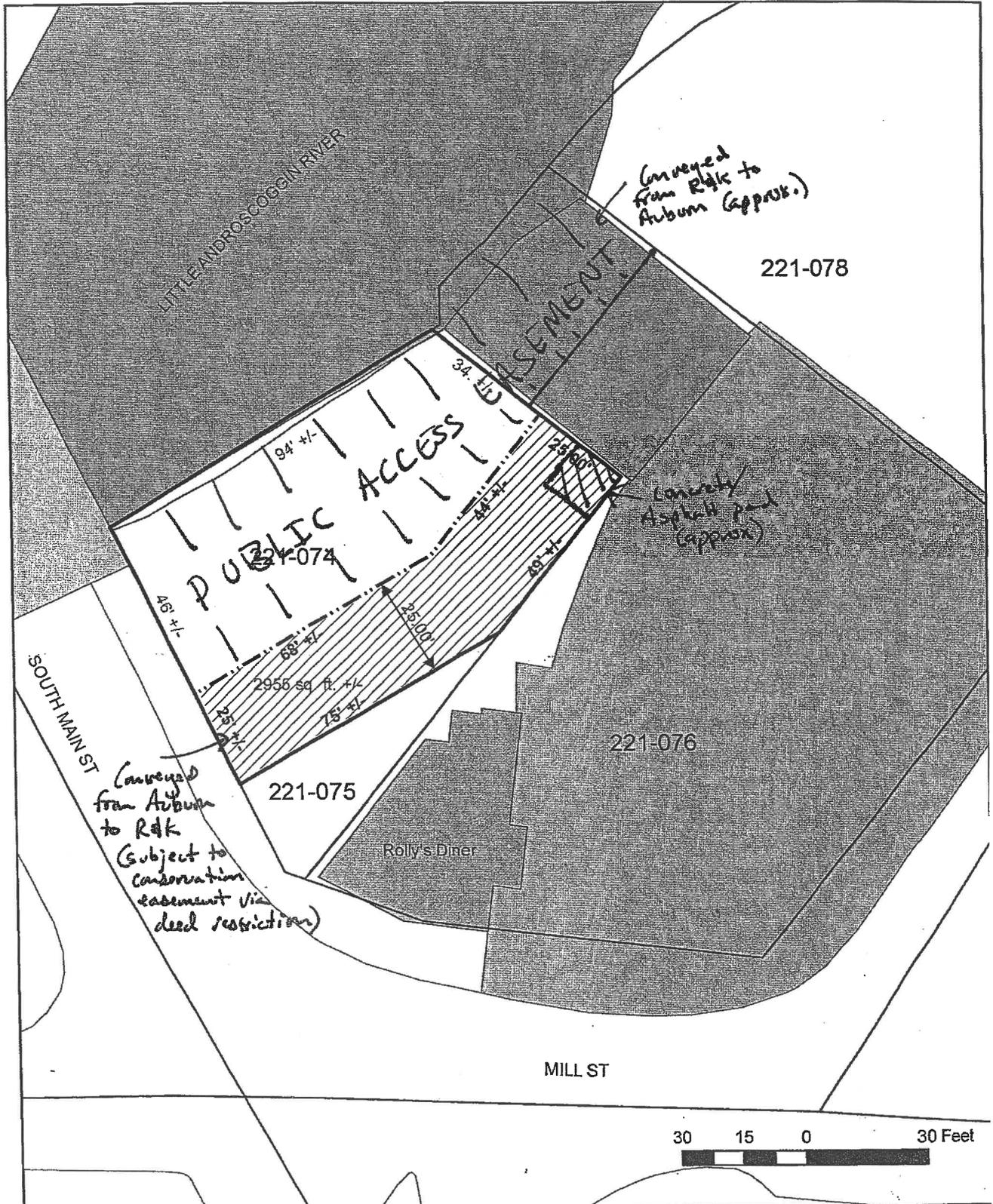
Sincerely,

A handwritten signature in black ink, appearing to read "Eric Cousens". The signature is fluid and cursive, written in a dark ink on a white background.

Eric J. Cousens  
Director of Planning and Permitting

Cc: Planning Department Property File

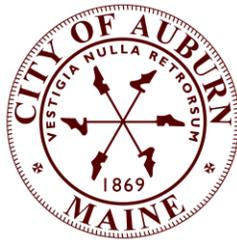
# Proposed Conveyance to R & K Properties LLC



Sketch Phase Estimate- Rollys Garage (28 X 24)		
Div 2 Demolition	\$	30,000.00
Div 3 Cast-In-Place	\$	12,000.00
Div 3 Interior Flatwork	\$	5,600.00
Div 3 Outside Flat Work	\$	1,500.00
Div 6 Rough Carpentry - Material	\$	44,000.00
Div 6 Carpentry Install -	\$	35,000.00
Div 7 Waterproofing /Fire Stopping	\$	1,950.00
Div 7 Roofing	\$	24,000.00
Div 8 Doors and Hardware	\$	14,500.00
Div 8 Wood/steel frame windows	\$	6,200.00
Div 26 Electrical	\$	8,500.00
Div 31 32 33 Site Contractors	\$	9,000.00
	Cost	\$ 150,250.00
	7% contingency	\$ 10,517.50
	Total Budget	\$ 160,767.50



Not included in budget  
\$223.59 SF



**ORDER 162-12042023**

# City Council Order

**IN CITY COUNCIL**

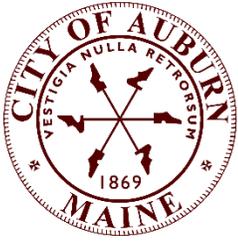
**ORDERED**, that Use of Comprehensive Plan Implementation Funding by the Permitting & Planning Department, for the replacement of garage at R&K Properties LLC (PID 221-074), as recommended by the staff estimates, professional opinion and approved by the Auburn City Council not to exceed \$160,767.50 (dollars).

---

**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 4, 2023

**Order:** 163-12042023

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

**Development Subject:** TIF #31 – Academy St Housing. Public Hearing.

---

**Information:**

The Academy Street Housing Tax Increment Financing District & Development Program (#31) will enable the construction of a new 3-story apartment building providing 53 market rate units, both one and two bedrooms in a class A, low amenity complex. As part of these improvements, the developer will add 22 new on-street parking spaces, which will include ADA-compliant spaces. To make this possible, the developer will provide approximately 5 feet of private property to accommodate diagonal parking spaces. After construction, the developer will provide an easement to the City for public parking. To ensure compliance with ADA regulations, significant excavation and grade work will be done. Improvements to sidewalks will also require significant excavation and grade work to provide a safe and walkable path that includes ADA-specific accommodations. The sidewalk, parking, and street improvements to meet regulations set by the Department of Transportation.

---

**City Budgetary Impacts:**

The City intends to establish a new Tax Increment Financing District for the purpose of capturing tax revenues from new assessed value generated by investments made on these parcels. The captured revenue will be spent in a manner which limits impacts on the city budget for planned infrastructure improvements and services as outlined within the Project Cost budget included.

---

**Staff Recommended Action:**

Approval of Order as presented.

---

**Previous Meetings and History:**

n/a

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**City Manager Comments:**

I concur with the recommendation. Signature:

---

**Attachments:**

TIF#31 Application



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



---

The legislature finds a need for new development in areas of municipalities and plantations to: (A) Provide new employment opportunities; (B) Improve and broaden the tax base; and (C) Improve the general economy of the State. The municipal tax increment financing (TIF) program, established under 30-A M.R.S.A. Chapter 206 §5221-5235, is designed to assist municipalities and plantations to develop a program for improving a district of the municipality or plantation: (A) To provide impetus for industrial, commercial, transit-oriented or arts district development, or any combination; (B) To increase employment opportunities; and (C) To provide the facilities outlined in the development program adopted by the legislative body of the municipality or plantation. The TIF Statute provides that before final designation of a tax increment financing district, the Department of Economic and Community Development (DECD) commissioner shall review the proposed district and development program to ensure compliance with statutory requirements.

---

Before designating a development district within the boundaries of a municipality or plantation, or adopting a development program for a designated development district, the municipal or plantation legislative body or the municipal or plantation legislative body's designee must:

- a) Hold at least one public hearing,
  - b) Publish notice of the hearing at least 10 days before the date of the hearing in a newspaper of general circulation within the municipality or plantation,
  - c) At the hearing, the legislative body of a municipality or plantation must consider:
    - i. Whether the proposed district or development program will contribute to the economic growth or well-being of the municipality or plantation or to the betterment of the health, welfare or safety of the municipal or plantation inhabitants,
    - ii. Any claim by an interested party that the proposed district or development program will result in a substantial detriment to that party's existing business in the municipality or plantation and produces substantial evidence to that effect.
- 

Mail completed application, with tabs separating exhibits, to:

DECD/Office of Business Development (MTIF)

111 Sewall Street

Augusta, ME 04330

**(e-mailed applications are not accepted)**

**Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.**



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Municipalities wishing to create a municipal tax increment financing district to fund development programs must apply to DECD using the following application including all attachments noted below, in the order listed:**

1. Table of Contents
2. Completed DECD MTIF Application, provided by DECD  
*Refer to “Checklist for Municipal Tax Increment Financing (MTIF) Application” to ensure application completeness*
3. Exhibit A: Statutory Thresholds and Requirements form, provided by DECD
4. Exhibit B: Assessor’s Certificate of Original Assessed Value
5. Exhibit C: Map of District Location within Municipality
6. Exhibit D: Map of District Boundaries
7. Exhibit E: Annual Revenue Spreadsheet
8. Exhibit F: Annual Tax Shift Spreadsheet
9. Exhibit G: Copy of 10-Day notice of public hearing, including name and date of publication
10. Exhibit H: Minutes of Public Hearing, attested to with dated signature
11. Exhibit I: Record of District designation and Development Plan adoption by municipal legislative body

**If applicable,**

1. Exhibit J: Project Costs Spreadsheet  
*Refer to MTIF Application, “Checklist For MTIF Application” for required information*
2. Exhibit K: For Downtown TIF application, include a comprehensive Downtown Redevelopment Plan with the completed Downtown Redevelopment Plan Criteria Checklist and verification of municipal legislative body approval
3. Exhibit L: For Transit-Oriented Development District, include a map clearly identifying transit facilities plus areas and corridors respective of §5222 (20), (22) & (23)
4. Exhibit M: If an amendment and not already provided, a copy of any executed credit enhancements agreements.
5. Exhibit N: Copy of any municipality/plantation TIF policy



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



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EXHIBIT N -	MUNICIPALITY TIF POLICY .....	28

\*\*see “Checklist for Municipal Tax Increment Financing (MTIF) Application” for instructions [to automatically update the Table of Contents](#).



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



## Section 1- Cover Letter and Application Cover Sheet

1. **Name of municipal tax increment financing (TIF) district and development program:** #31 Academy St Housing
2. **This is an original application. If an amendment, what amendment number?** Choose a number.
3. **Is this a Downtown designated TIF?** No.  
**If yes, provide the following information regarding the *Downtown Redevelopment Plan*:**
  - a. **Name:** Click here to enter text
  - b. **Date approved by municipal legislative body:** Click to enter a date. (Include verification of this approval with Exhibit I)

**The Downtown Redevelopment Plan must contain the components outlined in the DECD “Downtown Redevelopment Plan Criteria Checklist”**

4. **Is this development district considered a/an [check the appropriate box(es)]?**  
 Industrial     Commercial     Transit-oriented     Arts

**If this is a transit-oriented development designation, a map is required identifying transit facilities plus areas and corridors pursuant to MRS 30-A §5222(20), (22) & (23). (Exhibit L)**

5. **Municipality name:** City of Auburn
6. **Municipality address:** 60 Court St Auburn, ME 04210
7. **Municipality county:** Androscoggin
8. **Municipal telephone number:** 207-333-6601
9. **Municipal official’s name:** Phillip L Crowell
10. **Municipal official’s title:** City Manager
11. **Municipal official’s e-mail address:** PCrowell@auburnmaine.gov
12. **If different from #9 above, contact person/consultant:** Alyssa Tibbetts
13. **Municipal contact/consultant phone number:** 207-775-7271
14. **Municipality contact/consultant e-mail address:** atibbetts@jensenbaird.com
15. **Municipality’s assessor’s name:** Karen Scammon
16. **Municipality’s assessor’s e-mail address:** KScammon@auburnmaine.gov

The municipal official named below, certifies he/she has the authority to submit this Application to DECD and further certifies all the information contained in this Application, and its attachments, are true and correct to the best of his/her knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print municipal official’s name & title



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## Section 2 - Purpose/Basis Original/Amended Application

1. **Provide a brief, “headline” sentence explaining purpose/basis of this application.**

The proposed development plan includes a new 3-story apartment building providing 53 market rate units, both one and two bedrooms in a class A, low amenity complex.

2. **If needed, provide additional information related to the purpose/basis of this application. If this is an amendment, provide a brief, concise overview of the purpose of the original application and each amendment submitted to date.**

Auburn Town Center Apartments, LLC is planning to build 53 one and two-bedroom units and public shared improvements. As part of these improvements, the developer will add 22 new on-street parking spaces, which will include ADA-compliant spaces. To make this possible, the developer will provide approximately 5 feet of private property to accommodate diagonal parking spaces. After construction, the developer will provide an easement to the City for public parking. To ensure compliance with ADA regulations, significant excavation and grade work will be done. Improvements to sidewalks will also require significant excavation and grade work to provide a safe and walkable path that includes ADA-specific accommodations. The sidewalk, parking, and street improvements will meet regulations set by the Department of Transportation.

The site is currently a city owned vacant parcel located at 261 Main Street and 15 Academy Street, on the northerly side of Academy Street, in Auburn, Maine. The site is gravel and grass surfaced in the central and westerly portions, transitioning to wooded area to the east. Existing grades range from approximately elevation 189 to 166 feet. The development plans include a new on-grade, 3-story, L-shaped apartment building measuring about 274 by 104 feet in greatest plan dimensions. Finish floor elevation of the proposed building will be tiered to follow the site terrain. The site has been a vacant lot for ± 50 years. When completed, the project should provide 53 market rate units, both one and two bedrooms in a class A, low amenity complex. Overall, the project requires both on and off-site improvements to accommodate traffic and utility installation. These improvements will improve the ambiance and function of the greater neighborhood and aligns with existing City plans for pedestrian and vehicle safety improvements as well as core elements of the City’s strategic plan.

Under this Development Program, the City will capture the increased assessed value of taxable real property over the original assessed value of the District and retain the tax revenues generated by the captured assessed value for designated economic development purposes. The calculation of TIF Revenues (as defined below) is more specifically described below in Section VI – Financial Plan. In the Assessor’s Certificate attached as Exhibit B hereto, the Assessor has certified the original assessed value of the District.

By adopting this Development Program, the City is creating a TIF district that will: (1) maintain existing tax revenues; (2) enjoy enhanced future tax revenues generated by new development within the District; and (3) shelter the captured assessed value from impacting the overall State valuation for the City of Auburn, thereby minimizing: (a) potential decreases in the City’s State school subsidy and State revenue sharing, and (b) potential increases in the City’s county tax assessments and local school district contributions.

Further, approval of this Development Program and the designation of the District will have a neutral impact on



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the existing tax base; only the increased assessed value over the original assessed value within the District will be captured. In addition, at the end of the District and Development Program, the City expects to emerge with a substantial amount of new taxable property value to add to its municipal tax base.

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the "TIF Statute"). Subsequent to a City Council vote designating the District and adopting this Development Program, evidenced by Exhibit I hereto, the designation of the District and adoption of this Development Program are effective upon approval by the DECD.



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## Section 3 - Company/Developer Information

### A. Business General Information

[include whenever a company/developer is part of a TIF district proposal (regardless of whether a CEA is offered)]:

1. **Business name:** Auburn Town Center Apartments, LLC
2. **Business address:** PO Box 293, Auburn, ME 04212
3. **Business phone number:** 207-518-1155
4. **Business contact person:** Matt Leonard
5. **Business contact person e-mail address:** [mattleonard@gmail.com](mailto:mattleonard@gmail.com)
6. **Principal place of business:** Maine
7. **Company structure (e.g. corporation, sub-chapter S, etc.):** Limited Liability Corporation
8. **Place of incorporation:** Maine
9. **Name of Officer(s):** Chairman of the Board, and President, Dr. Daniel Steece
10. **Name of principal owner(s) name:** Highgate Development LLC
  
11. **Address:** 799 Washington St. N., Auburn, ME 04
12. **Brief project description:** 53 new 1- & 2-bedroom apartments
13. **Total amount of project new investment by company/ developer:** \$ \$10,000,000
14. **Will there be a credit enhancement agreement with this business?** Yes. If so, complete the rest of this section and Section 4.

### B. Disclosure, only in cases where a CEA is offered to the above business:

#### 1. Check the public purpose(s) that will be met by the business using this incentive:

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> job creation  | <input type="checkbox"/> job retention                   | <input type="checkbox"/> capital investment                       |
| <input type="checkbox"/> training investment                                     | <input checked="" type="checkbox"/> tax base improvement | <input checked="" type="checkbox"/> public facilities improvement |
| <input type="checkbox"/> other (list): <a href="#">Click here to enter text.</a> |  |   |

#### 2. Check the specific item(s) for which TIF revenues will be used by the business:

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> real estate purchase                                    | <input type="checkbox"/> machinery & equipment purchase | <input type="checkbox"/> training costs |
| <input checked="" type="checkbox"/> debt reduction                               |   |   |
| <input type="checkbox"/> other (list): <a href="#">Click here to enter text.</a> |   |   |



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## Section 4 - Employment Goals/Data

Company Goals for Job Creation and Job Retention. (If a developer, check box , and skip to Section 5)

A. Job Creation Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical			
2. Administrative/Clerical Support			
3. Sales & Service			
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation			
Total			Leave blank
B. Job Retention Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical			
2. Administrative/Clerical Support			
3. Sales & Service			
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation			
Total			Leave blank
*See <a href="#">Occupational Cluster Descriptions</a> for more information.			

### INSTRUCTIONS

**A. Job Creation Goals.** Please list the number, type and wage level of jobs created as a result of the economic development incentive. NOTE: For this form, “full-time” employment means 30 hours or more; “part-time” employment means less than 30 hours. “Wage level” means the average annual wage paid for jobs created within an occupational cluster, e.g. either their annual salary, or their hourly wage times their annual hours. Also, “type” means “occupational cluster” which refers to the 12 categories listed in the “Occupational Cluster Descriptions.” Please include the number of your employees (both full-time and part-time) working within the category that most closely reflects their job duties.

**B. Job Retention Goals.** Please list the number, type and wage level of jobs retained as a result of the economic development incentive. Part B should be completed using same definitions in Part A.



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## Section 5 - Development Program

### Public Project(s)

1. **Will there be any public facilities, improvements, or programs financed in whole or in part by the development program?**  
Yes. See Exhibit J.

### Private Project(s)

2. **Will there be any commercial facilities, arts districts, improvements or projects to be financed in whole or in part by the development program:** Yes. If yes, provide a brief, clear description: Developers intend to construct a new 53 unit apartment building.

### Program Duration

3. **Duration of development district (may not exceed 30 years):**
  - a. **District term: Original application:** 30.  
**If an amendment, adding how many years?** Choose a number **totaling how many years?** Choose a number.
  - b. **Start date of** April 1, 2024 **with fiscal year beginning** July 1, 2024 *(captured assessed value as of April 1, 2024).*  
**[Must begin with tax year in which development district designation is effective pursuant to MRS 30-A §5226, or the subsequent tax year (MRS Title 30-A §5224 (2)(H))]**
  - c. **End date of** March 31, 2054 **with fiscal year ending** June 30, 2054.



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**Original Assessed Value**

4. Provide the taxable assessed value of the development district as of the March 31<sup>st</sup> of the tax year preceding the property tax year in which the district was designated by the legislative body.

		OAV of Real Property	OAV of Personal Property	As of (complete year)	Total acres	
Original district		\$0.00	\$0.00	3/31/2023		1.330
Amendment: (If applicable, with any property added/removed)	#1	-			-	
		+		3/31/____	+	
	#2	-			-	
		+		3/31/____	+	
	#3	-			-	
		+		3/31/____	+	
	#4	-			-	
		+		3/31/____	+	
	#5	-			-	
		+		3/31/____	+	
	#6	-			-	
		+		3/31/____	+	
	#7	-			-	
		+		3/31/____	+	
	#8	-			-	
		+		3/31/____	+	
	#9	-			-	
		+		3/31/____	+	
	#10	-			-	
		+		3/31/____	+	
<b>Total</b>	N/A			N/A		

\*\*\*Municipal Assessor must certify above original assessed value(s) (Exhibit B).



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## Section 6 - Financial Plan

### Increased Assessed Value Information

1. **Total estimated cost for the development program: \$ 2,622,506** (Should match "total" from Exhibit J)
2. **Municipality will capture 100 of real property only increased assessed value for each year of the district term, to apply to the development program.** [Click here to enter text, if needed.](#)
3. **If #2 above's captured assessed value is less than 100%, besides the district's original assessed value, what percentage of increased assessed value will be deposited into the General Fund, or if an unorganized territory, to Education and Services fund?** [Click here to enter % to be deposited in General Fund/Education & Services fund.](#)

### Public Indebtedness

4. **Will there be public indebtedness?** Yes, to be determined.
  - a. **If yes, what is the projected amount of public indebtedness to be incurred?** The City will not incur any indebtedness at this time; however, the City may elect to do so at a future date at the discretion of its City Council.
  - b. **If an amendment, have any bonds been issued to date pertaining to the approved projects of this district?** Choose an item. If yes, provide the status, such as years left on bond and amount of outstanding debt. [Click here to enter text.](#)

### Anticipated Revenues

5. **Describe sources of anticipated revenues for public projects (clearly and briefly stated):** The source of the revenue to be used to pay the costs of the public projects set forth in this Development Program is the Tax Increment on the increased Assessed Value of the District. Tax increment means all property taxes assessed by the City, in excess of any state, county or special district tax, upon the increased assessed value of all real property in the District. Increased assessed value means the valuation amount by which the current assessed value of the District exceeds the taxable original assessed value of the real property in the District. Current assessed value means the taxable assessed value of the real property in the District certified by the municipal assessor as of April 1st of each year that the District remains in effect. Property taxes means any and all ad valorem property taxes levied, charged or assessed against real property by the City. Original assessed value means the taxable assessed value of real property in the District as of March 31, 2023 (April 1, 2022). All property tax on the original assessed value shall continue to be deposited into the City's general fund.
6. **Describe sources of anticipated revenues for private projects (clearly and briefly stated):** A portion of the Tax Increment from the District as described above will be used to finance a portion of the construction of the Company's new rental residential development to be located within the District. The percentage of the Tax Increment will be paid to the Company under the terms of a Credit Enhancement Agreement as set forth below.

### Credit Enhancement Agreement (CEA)

7. **Describe terms and conditions of any agreements, contracts or other obligations related to the development program (e.g. CEAs). Ensure to clearly state the reimbursement percentage, along with, if applicable, any local triggers/caps.**
  - a. **Will CEAs be offered as part of this development program?** Yes.
  - b. **List name(s) of company/developer to be offered a CEA:** Auburn Town Center Apartments LLC
    - i. **Provide the CEA reimbursement percentage, term, conditions for each listed company/developer:** 50% for up to 25 years not to exceed \$1,000,000



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- c. **Is this an omnibus application?** No.  
**If an omnibus, provide clear reimbursement percentage(s) and term(s)/condition(s):** [Click here to enter text.](#)
- d. **Does the municipality have a TIF policy?** Yes. Include a copy in Exhibit N.

If this is an amendment, and if applicable, include a copy of all executed CEAs as Exhibit M.



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**Development Program Fund and Tax Increment Revenues**

**Read below. Authorized municipal official must initial in provided spaces, acknowledging understanding of the below information:**

If a municipality/plantation has designated captured assessed value, the municipality/plantation shall:

A. Establish a development program fund that consists of the following:

1. A project cost account that is pledged to and charged with the payment of project costs that are outlined in the financial plan and are paid in a manner other than as described in subparagraph (2); and
2. In instances of municipal/plantation indebtedness, a development sinking fund account that is pledged to and charged with the payment of the interest and principal as the interest and principal fall due and the necessary charges of paying interest and principal on any notes, bonds or other evidences of indebtedness that were issued to fund or refund the cost of the development program fund;

B. Annually set aside all tax increment revenues on captured assessed values and deposit all such revenues to the appropriate development program fund account established under paragraph A in the following order of priority:

1. To the development sinking fund account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual debt service on bonds and notes issued under section 5231 and the financial plan; and
2. To the project cost account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual project costs to be paid from the account;

C. Make transfers between development program fund accounts established under paragraph A as required, provided that the transfers do not result in a balance in the development sinking fund account that is insufficient to cover the annual obligations of that account; and

D. Annually return to the municipal or plantation general fund any tax increment revenues remaining in the development sinking fund account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development sinking fund account after taking into account any transfers made under paragraph C. The municipality/plantation, at any time during the term of the district, by vote of the municipal or plantation officers, may return to the municipal/plantation general fund any tax increment revenues remaining in the project cost account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development project cost account after taking into account any transfer made under paragraph C. In either case, the corresponding amount of local valuation may not be included as part of the captured assessed value as specified by the municipality or plantation.

X \_\_\_\_\_  
Initial & date

At the end of the district TIF term, all taxable real and/or personal property value captured in the district will be added to the general tax rolls.

X \_\_\_\_\_  
Initial & date



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**Relocation of Person(s)/Business(es)**

8. No persons will be displaced as a result of the development activities proposed within the District

**Transportation Improvements**

9. As part of this development, the developer will construct approximately 22 new public parking spaces along Academy Street. Except for these improvements, the existing transportation facilities of the City will be adequate to accommodate the development activities within the District.

**Environmental Controls**

10. The improvements made under this Development Program will meet or exceed all federal and state environmental regulations and will comply with all applicable land use requirements of the city.

**District Operation**

11. **After the planned capital improvements are completed, provide a brief statement of the proposed operation of the development district pertaining to:**
- a. **Public capital improvements:** The day-to-day operations of the District will not require substantial efforts by the City, other than staffing and programming primarily conducted by the City Manager's office and the Business and Community Development Office.
  - b. **Private capital improvements:** The private improvements contemplated to occur within the District are expected to be funded by the developer, in part through the reimbursement of tax increment revenue pursuant to a credit enhancement agreement. Other than the credit enhancement agreement, the City will not be responsible for the funding or operation of private capital improvements within the District



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## Section 7 - Notice and Hearing

- Date of public notice (must be minimally 10 days before the public hearing):** [Click to enter a date.](#)  
For Exhibit G, provide a legible copy of the newspaper page showing the public hearing , newspaper name and date of publication.
- Date of public hearing:** December 4, 2023  
For Exhibit H, provide a copy of the public hearing minutes, attested to with dated signature.
- Date municipal or plantation legislative body approved original district designation:** [Click to enter a date.](#)  
**Date municipal or plantation legislative body adopted original development program:** [Click to enter a date.](#)  
**If an amendment, is it to the:**
  - district. Provide date municipal or plantation legislative body approved:** [Click to enter a date.](#)
  - development program. Provide date municipal or plantation legislative body approved:** [Click to enter a date.](#)
  - district and development program. Provide date municipal or plantation legislative body approved:** [Click to enter a date.](#)[date.](#)  
For Exhibit I, provide verification of district designation and adoption of development program by municipal legislative body including vote tally.
- Is a municipal official authorized to make technical revisions to this District application/development program to facilitate the process for review and approval by DECD, as long as such revisions are not inconsistent with the basic structure and intent of the development program?** Yes. See Exhibit I



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## Exhibit A - Statutory Requirements & Thresholds

\*\*round to second decimal place

SECTION A.   Acreage Caps		
1. Total <b>municipal</b> acreage		41,430
2. Acreage of <b>proposed</b> Municipal TIF District (if amendment, proposed updated total acreage)		1.33
3. <b>Downtown-designation</b> <sup>1</sup> acres in proposed Municipal TIF district		0
4. <b>Transit-Oriented Development</b> <sup>2</sup> acres in proposed Municipal TIF district		0
5. <b>Total acreage</b> [=A2-A3-A4] of proposed Municipal TIF district counted toward 2% limit		1.33
6. <b>Percentage</b> [=A5÷A1] of total acreage in proposed Municipal TIF district (CANNOT EXCEED 2%)		0.003
7. <b>Total acreage</b> of all <u>existing/proposed</u> Municipal TIF districts in municipality <b>including</b> Municipal Affordable Housing Development districts: <sup>3</sup> See attached list.	Existing	667.18
	Proposed	1.33
	Total	668.51
<b>30-A § 5223(3) EXEMPTIONS<sup>4</sup></b>		
8. Acreage of an <u>existing/proposed</u> <b>Downtown</b> Municipal TIF district		247.55
9. Acreage of all <u>existing/proposed</u> <b>Transit-Oriented Development</b> Municipal TIF districts:		0
10. Acreage of all <u>existing/proposed</u> <b>Community Wind Power</b> Municipal TIF districts:		0
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> <sup>5</sup> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such acreage also factored in Exemptions 8-10 above:		0
12. <b>Total acreage</b> [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit		420.96
13. <b>Percentage of total acreage</b> [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%)		1.016%
14. <b>Real property</b> in proposed Municipal TIF District that is:	ACRES	% [=Acres÷A2]
a. A blighted area		
b. In need of rehabilitation, redevelopment or conservation		
c. Suitable for commercial or arts district uses	1.33	100
<b>TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)</b>		100%

<sup>1</sup> Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

<sup>2</sup> For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

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

<sup>4</sup> Downtown/TOD overlap nets single acreage/valuation caps exemption.

<sup>5</sup> PTZ districts approved through December 31, 2008.



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SECTION B.   Valuation Cap		
1. <b>Total TAXABLE</b> municipal valuation—as of April 1, 2023	\$2,253,171,176	
2. <b>Taxable Original Assessed Value (OAV)</b> of proposed Municipal TIF District as of March 31 preceding municipal designation—same as April 1 prior to such March 31	\$0	
3. <b>Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality <b>excluding</b> Municipal Affordable Housing Development districts: See attached list.</b>	Existing	\$105,704,200
	Proposed	\$0
	Total	\$105,704,200
<b>30-A § 5223(3) EXEMPTIONS</b>		
4. <b>Taxable OAV</b> of an <u>existing/proposed</u> <b>Downtown</b> Municipal TIF district	\$80,002,900	
5. <b>Taxable OAV</b> of all <u>existing/proposed</u> <b>Transit-Oriented Development</b> Municipal TIF districts	0	
6. <b>Taxable OAV</b> of all <u>existing/proposed</u> <b>Community Wind Power</b> Municipal TIF districts	0	
7. <b>Taxable OAV</b> of all <u>existing/proposed</u> <b>Single Taxpayer/High Valuation</b> <sup>6</sup> Municipal TIF districts	0	
8. <b>Taxable OAV</b> in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such OAV also factored in Exemptions 4-7 above:	0	
9. <b>Total taxable OAV</b> [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit	\$25,701,300	
10. <b>Percentage of total taxable OAV</b> [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%)	1.14%	

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

<sup>6</sup> For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

**EXHIBIT A: Existing Active TIF Districts**

<b>District Number</b>	<b>District Name</b>	<b>OAV</b>	<b>Acreage</b>
6	Proctor & Gamble (Tambrands II)	\$ 520,900.00	84
10	Downtown Omnibus (pending amendment)	\$ 80,002,900.00	247.55
12	Auburn Industrial Park	\$ 334,200.00	144
13	Retail Development	\$ 5,425,400.00	29.67
14	Mall Revitalization	\$ 11,328,400.00	38.91
15	Mall Area Hotel	\$ 4,900.00	1.5
16	Webster School (affordable housing)	\$ -	1.4
19	Hartt Transportation Center	\$ 1,278,600.00	43
20	62 Spring Street	\$ 474,300.00	0.81
21	477 Minot Avenue (affordable housing)	\$ -	3.83
22	Hampshire Street (affordable housing)	\$ -	1.01
23	Memory Care	\$ 327,100.00	8.61
24	Gracelawn	\$ 262,600.00	2.92
25	FutureGuard	\$ 3,838,700.00	26.2
26	North River Road Apartments	\$ 60,300.00	3.32
27	Stable Ridge	\$ 235,500.00	13.19
28	Agren Appliance	\$ 1,051,500.00	11.64
29	186 Main Street (pending approval)	\$ 40,000.00	0.16
30	Diamond Point Storage (pending approval)	\$ 518,900.00	5.46
	<b>TOTAL</b>	<b>\$ 105,704,200.00</b>	<b>667.18</b>



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**Exhibit B - Assessor's Certificate**

EXHIBIT B: Assessor's Certificate

**CITY OF AUBURN  
CERTIFICATE OF ASSESSOR**

The undersigned assessor of the City of Auburn, Maine, does hereby certify pursuant to the provisions of Title 30-A M.R.S.A. Section 5227 that the assessed value of the taxable real property within the boundaries of the Auburn Municipal Tax Increment Financing District #31, the Academy Street Housing Development District, as described in the Development Program for the District and as identified in more detail below, was \$0 as of March 31, 2023 (April 1, 2022).

Map/Lot	Address	Acres	Original Assessed Value
230-132	15 Academy Street	1.11	\$0
231-004	261 Main Street	0.22	\$0
	<b>TOTAL</b>	<b>1.33</b>	<b>\$0</b>

This Certificate has been executed as of this \_\_\_\_ day of November, 2023.

\_\_\_\_\_  
Karen Scammon, Municipal Assessor



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Municipal Tax Increment Financing  
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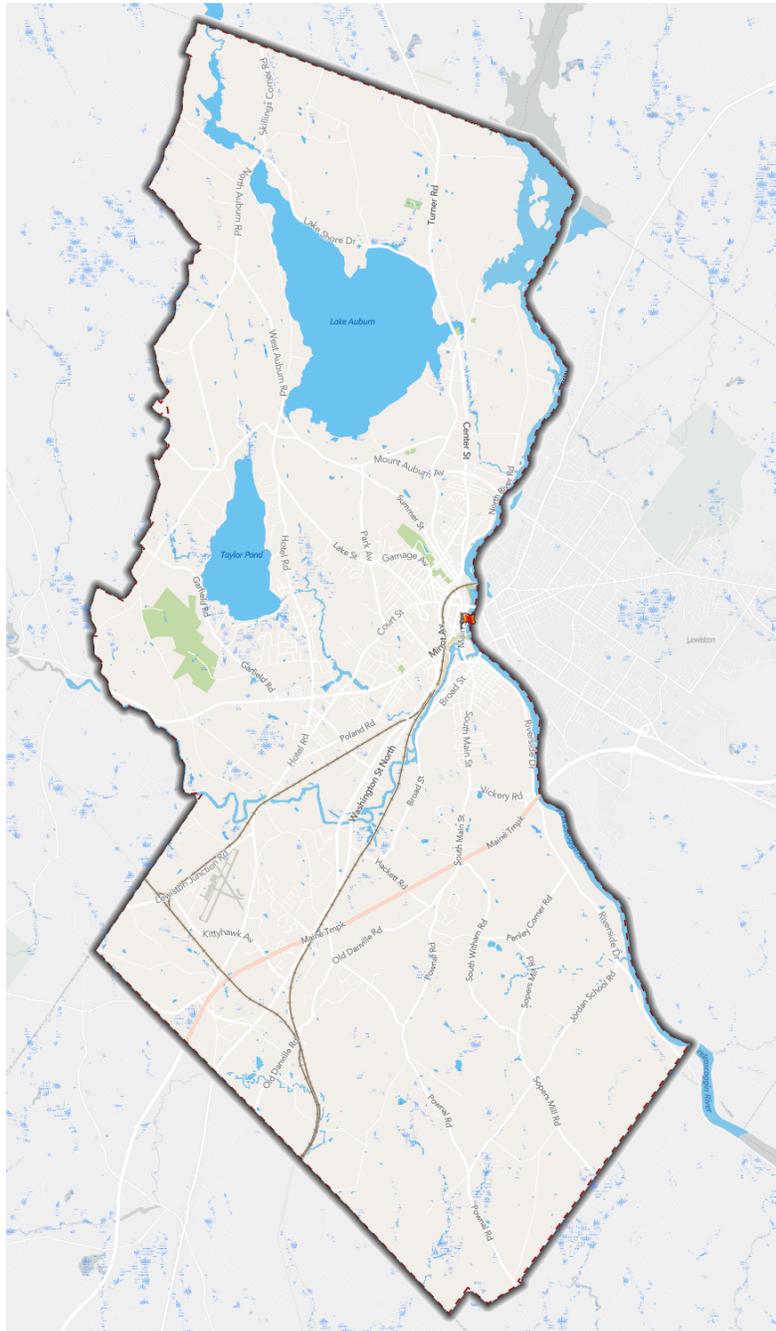


**Exhibit C - Map of District Location within Municipality**



City of Auburn, Maine  
Business & Community Development  
Glen Holmes, Director  
60 Court Street | Auburn, Maine 04210  
www.auburnmaine.gov | 207.333.6601

**TIF #31 – Exhibit C**  
**Map of District Location within Municipality**





Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Exhibit D - Map of District Boundaries**





**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



**Exhibit E - Annual Revenue Spreadsheet**

**EXHIBIT E : Annual Revenue Spreadsheet** TIF Name: **TIF #31 - Academy St Housing**

TIF Year	Tax Year April 1,	Fiscal Year End June 30,	Original Assessed Value (OAV)	Increased Assessed Value (IAV)	Captured Assessed Value (CAV) %	MIL Rate	Tax Revenue on OAV	Tax Revenue on IAV	Tax Revenue on CAV	CEA Payments to Developer %	Net Revenue on CAV to Development
1	2024	2025	\$0.00		100.0%	\$22.75	\$0.00			50.0%	
2	2025	2026	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
3	2026	2027	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
4	2027	2028	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
5	2028	2029	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
6	2029	2030	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
7	2030	2031	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
8	2031	2032	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
9	2032	2033	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
10	2033	2034	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
11	2034	2035	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
12	2035	2036	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
13	2036	2037	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
14	2037	2038	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
15	2038	2039	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
16	2039	2040	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
17	2040	2041	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
18	2041	2042	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
19	2042	2043	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
20	2043	2044	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
21	2044	2045	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
22	2045	2046	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
23	2046	2047	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$45,215.63	\$45,215.63
24	2047	2048	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25	\$5,256.25	\$85,175.00
25	2048	2049	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25		\$90,431.25
26	2049	2050	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25		\$90,431.25
27	2050	2051	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25		\$90,431.25
28	2051	2052	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25		\$90,431.25
29	2052	2053	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25		\$90,431.25
30	2053	2054	\$0.00	\$3,975,000	\$3,975,000	\$22.75	\$0.00	\$90,431.25	\$90,431.25		\$90,431.25
<b>30 Year TIF Totals=</b>							<b>\$0.00</b>	<b>\$2,622,506.25</b>	<b>\$2,622,506.25</b>	<b>\$1,000,000.00</b>	<b>\$1,622,506.25</b>
<b>Annual Average=</b>									<b>\$87,416.88</b>	<b>\$45,215.63</b>	<b>\$54,083.54</b>

**Assumptions:**  
 The OAV of the District consists of the parcel(s) identified within the Certificate of Assessor (Exhibit B) and a map of the District can be found in Exhibit C-D.  
 The IAV are estimates only based on the preliminary development plan. Actual IAV figures in each year may vary and as a result the projections are subject to change.  
 The City intends to capture: 100.0% of both real & personal property within the district.  
 The Mil Rate is \$22.75 and is based on the current rate at time of application. This rate may change each year and as a result projections are subject to change.  
 The Development Program authorizes the city to enter into a credit enhancement agreement for reimbursement up to 50.0%  
 The Development Program established a cap of total cumulative reimbursement of no more than \$1,000,000.00  
 This table contains projections that are subject to a number of risks and uncertainties that could cause the actual values to differ materially from any projections relied upon herein and the actual values are likely to vary especially in later years.



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Exhibit F - Annual Tax Shift Spreadsheet**

**EXHIBIT F : Annual Tax Shift Spreadsheet**      **TIF Name: TIF #31 - Academy St Housing**

TIF Year	Tax Year April 1,	Fiscal Year End June 30,	Education Shift (Avoided Loss) State MIL Rate	Revenue Sharing Shift (Avoided Loss)	County Tax Shift (Avoided Increase)	Total Tax Shift	Net Revenue from CAV to Gen Fund (w/out TIF)
1	2024	2025	\$6.97				
2	2025	2026	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
3	2026	2027	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
4	2027	2028	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
5	2028	2029	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
6	2029	2030	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
7	2030	2031	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
8	2031	2032	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
9	2032	2033	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
10	2033	2034	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
11	2034	2035	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
12	2035	2036	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
13	2036	2037	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
14	2037	2038	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
15	2038	2039	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
16	2039	2040	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
17	2040	2041	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
18	2041	2042	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
19	2042	2043	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
20	2043	2044	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
21	2044	2045	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
22	2045	2046	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
23	2046	2047	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
24	2047	2048	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
25	2048	2049	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
26	2049	2050	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
27	2050	2051	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
28	2051	2052	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
29	2052	2053	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
30	2053	2054	\$27,705.75	\$6,060.73	\$4,097.36	\$37,863.84	\$52,567.41
<b>30 Year TIF Totals=</b>			<b>\$803,473.72</b>	<b>\$175,761.16</b>	<b>\$118,823.46</b>	<b>\$1,098,051.37</b>	<b>\$1,524,454.88</b>
<b>Annual Average=</b>			<b>\$26,782.46</b>	<b>\$5,858.71</b>	<b>\$3,960.78</b>	<b>\$36,601.71</b>	<b>\$50,815.16</b>

**Assumptions:**

The tax shifts resulting from sheltering of valuation from the state school funding formula are based on the state EPS funding model at the most recent MIL rate published. The estimated MIL rate indicated above is applied to a district's state valuation to determine the amount of local property taxes to be raised for education. By sheltering valuation through a TIF, the City avoids having to raise an amount equal to the valuation sheltered. The education rate used to calculate the education tax shift is based on the most recent adjusted mill rate of the Auburn Public School District.

The tax shifts resulting from the sheltering of valuation from the state revenue sharing formula are based on the most recent data available from Maine Revenue Services for the most recent fiscal year as published by the Office of the State Treasurer.

The tax shifts resulting from the sheltering of valuation from the County tax assessment are based on the actual Androscoggin County tax assessments for the most recent five years.

The OAV of the District consists of three parcels as identified on the Certificate of Assessor (Exhibit B) and Map of the District (Exhibit C and D)

The increased assessed values are estimates only and based on preliminary development plans for the property in the District as of the date of designation of the District. The actual Increased Assessed Value figures in each year may vary and, as a result, the projections are subject to change.

These tax shift estimates are based on a captured assessed value of 100.0% of the estimated IAV.

The projected tax revenue is based on the estimate of increased assessed value multiplied by a MIL rate of \$22.75

This table contains projections that are subject to a number of risks and uncertainties that could cause the actual values to differ materially from any projections relied upon herein and the actual values are likely to vary especially in later years.



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



**Exhibit G - 10-Day Notice of Public Hearing**

**CITY OF AUBURN  
NOTICE OF PUBLIC HEARING**

The Auburn City Council hereby provides notice that it will hold a public hearing at 7:00 p.m. on December 4th, 2023 in the Council Chambers of Auburn City Hall, 60 Court Street, Auburn, Maine, for purposes of receiving public comments on the designation of the proposed new Municipal Tax Increment Financing District #31 the “Academy St Housing” Development District, and the adoption of a Development Program for said new District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed new District will consist of 1.33 acres, which includes two parcels located at the intersection of Academy Street and Main Street, identified on the City’s tax maps as Map 230-132 and 231-004. The proposed new District and Development Program will enable the City to capture tax revenues from new assessed value generated by investments made on these properties within the District related to the construction of a new multi-unit housing facility by Auburn Town Center Apartments LLC and use the captured tax revenue for public improvements, programs, and facilities as set forth in the Development Program.

The City proposes to offer the developer of this project a reimbursement of 50% of the property taxes paid by the developer on the new assessed property value in the District resulting from the project over a period of up to 25 years, not to exceed \$1,000,000 total. This reimbursement will enable the developer to construct traffic and utility improvements made necessary by the development. In addition, the City proposes to allocate the remainder of the tax increment revenues generated from the commercial development activities within the District to municipal projects such as road improvements, municipal infrastructure, transportation, public safety, and economic development, as well as other costs of public improvements and projects as identified in the Development Program for the District as may be approved and permitted pursuant to Section 5225 of Title 30-A of the Maine Revised Statutes, as amended. The City’s use of tax increment revenues may also be used to pay debt service on bonds issued to finance said public projects.

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



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Exhibit H - Minutes of Public Hearing**



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Exhibit I - Record of District Designation and Development Plan Adoption**

**ORDER OF THE AUBURN CITY COUNCIL**  
**December 4, 2023**

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from Auburn Town Center Apartments, LLC for the commercial development of certain property within its T4.2 zoning district located at the intersection of Main Street and Academy Street; and

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

WHEREAS, the City has held a public hearing on the proposed Academy Street Housing Municipal Development and Tax Increment Financing District #31 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

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

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

NOW THEREFORE, the City Council hereby Orders as follows:

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

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

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the District and the Development Program on any existing

EXHIBIT I: RECORD OF DISTRICT DESIGNATION AND DEVELOPMENT PLAN ADOPTION

business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby designates the City of Auburn Municipal Development and Tax Increment Financing District #31 (the “Academy Street Housing Development District”) as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the Academy Street Housing Development District in the form presented to the City Council.

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

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

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

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

This Order shall take effect immediately upon adoption.



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Exhibit J - Public Project Costs**

EXHIBIT J: Public Project Costs

	<b>Project</b>	<b>Maximum Percentage of CAV</b>	<b>Cost Estimate*</b>	<b>Statutory Citation</b>
1	<u>Administrative &amp; Professional Services Costs:</u> Costs of prorated portion of salaries of City staff for time associated with creation and administration of District, and fund costs of professional services associated with creation and administration of District. Costs related to the administration and facilitation of management and monitoring of this TIF, not to exceed the indicated percentage of the revenue generated from captured assessed value of the development district. <sup>3</sup>	5.0%	\$131,125	30-A M.R.S. §5225(1)(A)(4); (1)(A)(5); (1)(A)(7)
2	<u>Economic Development Programs:</u> Costs of the City's economic development programs, including, but not limited to, marketing costs, prorated portions of staff salaries devoted to supporting and administering TIF programming, and other related operating expenses for the City's Economic Development Department. Costs related to the economic development programs, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district. <sup>2, 3</sup>	5.0%	\$131,125	30-A M.R.S. § 5225(1)(C)(1); (1)(C)(3);
3	<u>Road Improvements within our outside the district:</u> Design, construction, engineering, other associated costs of road construction, sidewalk and pedestrian crossing safety improvements on roads located within the District or outside the District but directly related to or made necessary by the District, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district. <sup>3</sup>	10.0%	\$262,251	30-A M.R.S. § 5225(1)(A)(1); (1)(B)(1)
4	<u>Public Safety Facility within the city:</u> Costs related to the construction or operation of a public safety facility in the City, the need for which is related to general economic development within the City, not to exceed 15% of the revenue generated from the captured assessed value of the development district. <sup>1, 3</sup>	15.0%	\$393,376	30-A M.R.S. § 5225 (1)(C)(9)

EXHIBIT J: Public Project Costs

5	<p><u>Public Infrastructure within or outside the district:</u> Eligible recreational trail-related development district capital costs include but are not limited to new or existing trails, including bridges that are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses, signs, crosswalks, signals and warning systems and other related improvements, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.</p>	10.0%	\$262,251	30-A M.R.S. §5225(1)(A)(2)
6	<p><u>Housing Development within the city:</u> Costs associated with the development and operation of housing, including, but not limited to, authorized project costs for improvements as described in section 5249 even if such improvements are not made within an affordable housing development district as defined in section 5246, subsection 2, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.</p>	15.0%	\$393,376	30-A M.R.S. § 5225 (1)(A)(9); 30-A M.R.S. § 5249 (1)(A)(5); (1)(A)(7)
7	<p><u>Capital Costs within the district:</u> Costs of improvements made within the district related to the acquisition or construction of land, structures, fixtures or equipment, or the demolition, alteration, remodeling, repair or reconstruction of buildings, structures and fixtures for public, recreational trail, commercial or transit use including, but not limited to site preparation, finishing work, real property assembly costs and other capital costs or debt service related to such improvements such as licensing, permitting, planning, engineering and architectural and legal expenses, and credit enhancement agreement payments, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.<sup>3</sup></p>	40.0%	\$1,049,003	30-A M.R.S. § 5225 (1)(C)(9); (1)(B)(1)
		<b>100.0%</b>	<b>\$2,622,506</b>	

\*These are estimates only. The City may allocate revenues generated by the district across approved project cost categories as needed.

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

<sup>1</sup> The use of TIF revenue for this project cost has also been authorized in the following TIF Districts within the City: #27, #26, #25, and #6.

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

<sup>3</sup> The use of TIF revenue for this project cost has also been authorized in the City’s TIF District #28.

All of the foregoing project cost categories have also been authorized in the City’s TIF District #29 and #30 (pending approval).



Department of Economic and Community Development  
Municipal Tax Increment Financing  
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**Exhibit K - Comprehensive Downtown Redevelopment Plan**

N/A



Department of Economic and Community Development  
Municipal Tax Increment Financing  
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**Exhibit L - Transit-Oriented Development District Map**

N/A



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Exhibit M - Credit Enhancement Agreement(s)**

**CREDIT ENHANCEMENT AGREEMENT**

**between**

**THE CITY OF AUBURN, MAINE**

**and**

**AUBURN TOWN CENTER APARTMENTS, LLC**

**DATE: \_\_\_\_\_, 2023**

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**THIS CREDIT ENHANCEMENT AGREEMENT** dated as of \_\_\_\_\_, 2023, between the City of Auburn, Maine (the “City”), a municipal corporation and political subdivision of the State of Maine, and Auburn Town Center Apartments, LLC (the “Developer”), a Maine limited liability company with a principal place of business located at 799 Washington Street, Auburn, ME 04210.

**WITNESSETH THAT**

**WHEREAS**, the Developer owns property located on 261 Main Street and 15 Academy Street in Auburn, Maine (the “Property”), and intends to construct a new 53 unit market-rate apartment building on the Property (the “Project”); and

**WHEREAS**, the City designated the Academy Street Housing Tax Increment Financing Development District #31 (the “District”) pursuant to Chapter 206, subchapter 3 of Title 30-A of the Maine Revised Statutes, by vote at a City Council Meeting held on \_\_\_\_\_ (the “Vote”), and

**WHEREAS**, the City received the approval of the District and the Development Program by the Maine Department of Economic and Community Development dated \_\_\_\_\_; and

**WHEREAS**, the City authorized the execution and delivery of a credit enhancement agreement as described in the Development Program pursuant to an Order of the City Council, adopted on \_\_\_\_\_; and

**WHEREAS**, the City and the Developer desire and intend that this Credit Enhancement Agreement be and constitute the credit enhancement agreement contemplated and described in the Development Program; and

**WHEREAS**, the estimated cost of off-site improvements required in connection with the development of the Property is estimated to be approximately \$10,000,000; and

**WHEREAS**, the cost to construct the Project and maintain the commercial activity and employment opportunities in the City of Auburn requires financial assistance from the City to ensure completion of the Project; and

**WHEREAS**, completion of the Project will contribute to the economic growth and well-being of the City, and enable public facilities and improvements to the betterment of the health, welfare and safety of its inhabitants; and

**WHEREAS**, the City has decided to induce the Developer to undertake the Project through the use of this Agreement.

**NOW, THEREFORE**, in consideration of the foregoing and in consideration of the mutual promises and covenants set forth herein, the parties hereby agree as follows:

## **ARTICLE I**

### **DEFINITIONS**

#### **Section 1.1. Definitions.**

The terms defined in this Article I shall, for all purposes of this Agreement, have the meanings herein specified, unless the context clearly requires otherwise:

“Act” means chapter 206 of Title 30-A of the Maine Revised Statutes and regulations adopted thereunder, as amended from time to time.

“Agreement” shall mean this Credit Enhancement Agreement between the City and the Developer dated as of the date set forth above, as such may be amended from time to time.

“CEA Year(s)” shall have the meaning given such term in Section 2.3(a) hereof.

“City” shall have the meaning given such term in the first paragraph hereto.

“City Project Cost Subaccount” means that portion of the Project Cost Account of the Development Program Fund set aside for the City uses as described in the Financial Plan Section of the Development Program and established and maintained pursuant to Article II hereof.

“City Payments” means for each CEA Year the Developer Percentage of the Increased Assessed Value payable in accordance with the terms of this Agreement.

“Commissioner” means the Commissioner of the Maine Department of Economic and Community Development.

“Current Assessed Value” means the then current assessed value of real property within the District as determined by the City Tax Assessor as of April 1 of each Tax Year during the term of this Agreement.

“Department” means the Maine Department of Economic and Community Development.

“Developer” shall have the meaning given such term in the first paragraph hereto.

“Developer Percentage” means fifty percent (50%) of the Increased Assessed Value in each Tax Year on which Property Tax payments are made by the City to the Developer as City Payments under the terms of this Agreement, subject to the limitations set forth herein.

“Developer Project Cost Subaccount” means that portion of the Project Cost Account of the Development Program Fund set aside for the Developer as described in the Financial Plan Section of the Development Program and established and maintained pursuant to Article II hereof

“Developer Property” or “Property” means the total of 1.33 acres that comprises the District, consisting of three parcels identified on the City’s tax maps as Map 230, Lot 132 and Map 231, Lot 4.

“Development Program” means the development program and financial plan for the District adopted by the City, as amended.

“Development Program Fund” means the Academy Street Housing Municipal Development and Tax Increment Financing Development Program Fund described in the Financial Plan section of the Development Program and established and maintained pursuant to Article II hereof and 30-A M.R.S.A § 5227(3)(A).

“District” shall have the meaning given such term in the first recital hereto, which is more specifically comprised of approximately 1.33 acres of real property and identified in Exhibits B, C and D to the Development Program and any future improvements to such real property.

“Financial Plan” means the financial plan described in the “Financial Plan” Section of the Development Program.

“Fiscal Year” means July 1 to June 30 each year or such other fiscal year as the City may from time to time establish.

“Increased Assessed Value” means, for each CEA Year, the amount by which the Current Assessed Value for such year exceeds the Original Assessed Value. If the Current Assessed Value is less than or equal to the Original Assessed Value in any given Tax Year, there is no Increased Assessed Value in the corresponding CEA Year.

“Incremental Property Tax Payments” means all real property tax payments related to the Increased Assessed Value, inclusive of interest thereon and the net proceeds of the redemption or sale of property sold as a result of foreclosure of the lien to the extent of the amount of such lien and interest thereon, in each case to the extent attributable to such levy.

“Original Assessed Value” means \$0, the taxable assessed value of the real property within the District as of March 31, 2023 (April 1, 2022).

“Project Cost Account” means that portion of the Development Program Fund for the District as defined in the Financial Plan Section of the Development Program and established and maintained according to Title 30-A M.R.S.A. § 5227(3)(A)(1) and Article II hereof.

“Property Tax” means any and all *ad valorem* property taxes levied, charged or assessed against real property located in the District by the City, or on its behalf.

“State” means the State of Maine.

“Tax Increment Revenues” means that portion of all real property taxes assessed and paid within the District to the City in any Tax Year, excluding any state, or special district tax, including any scheduled payments thereof, interest thereon and the net proceeds of the redemption or sale of property sold as a result of foreclosure of the lien to the extent of the amount of such lien and interest thereon, in each case to the extent attributable to such levy.

“Tax Payment Date” means the date(s) on which property taxes levied by the City are due and payable from the owners of property located within the City.

“Tax Year” shall have the meaning given such term in 30-A M.R.S.A. §5222(18), as amended, to wit: April 1 to March 31. Each Tax Year corresponds to a particular Fiscal Year. Each CEA Year occurs during a Fiscal Year.

### **Section 1.2. Interpretation and Construction.**

In this Agreement, unless the context otherwise requires:

- (a) The terms “hereby,” “hereof,” “hereto,” “herein,” “hereunder” and any similar terms, as used in this Agreement, refer to this Agreement, and the term “hereafter” means after, and the term “heretofore” means before, the date of delivery of this Agreement.
- (b) Words importing a particular gender mean and include correlative words of every other gender and words importing the singular number mean and include the plural number and vice versa.
- (c) Words importing persons mean and include firms, associations, partnerships (including limited partnerships), trusts, corporations and other legal entities, including public or governmental bodies, as well as any natural persons.
- (d) Any headings preceding the texts of the several Articles and Sections of this Agreement, and any table of contents or marginal notes appended to copies hereof, shall be solely for convenience of reference and shall not constitute a part of this Agreement, nor shall they affect its meaning, construction or effect.
- (e) All approvals, consents and acceptances required to be given or made by any signatory hereto shall not be withheld unreasonably.
- (f) All notices to be given hereunder shall be given in writing and, unless a certain number of days is specified, within a reasonable time.
- (g) If any clause, provision or Section of this Agreement shall be ruled invalid by any court of competent jurisdiction, the invalidity of such clause, provision or Section shall not affect any of the remaining provisions hereof.

## **ARTICLE II DEVELOPMENT PROGRAM FUND AND FUNDING REQUIREMENTS**

**Section 2.1. Creation of Development Program Fund.**

The City shall create and establish a segregated fund in the name of the City designated as “The Academy Street Housing Municipal Development and Tax Increment Financing District Fund” (hereinafter the “Development Program Fund”) pursuant to, and in accordance with the terms and conditions of, the Development Program and 30-A M.R.S.A. § 5227(3). The Development Program Fund shall consist of the Project Cost Account that is pledged to and charged with the payment of project costs as outlined in the Financial Plan of the Development Program and as provided in 30-A M.R.S.A. § 5227(3)(A)(1). The Development Program Fund is pledged to and charged with the payment of costs in the manner and priority provided in 30-A M.R.S.A. § 5227(3)(B). The Project Cost Account shall also contain two subaccounts designated as the “Developer Project Cost Subaccount” and the “City Project Cost Subaccount.”

**Section 2.2. Liens.**

The City shall not create any liens, encumbrances or other interests of any nature whatsoever, nor shall it hypothecate the Developer Project Cost Subaccount described in Section 2.1 hereof or any funds therein, other than the interest in favor of the Developer and/or the Trustee hereunder in and to the amounts on deposit.

**Section 2.3. Retention of Increment; Deposits into Development Program Fund.**

(a) Commencing with the Tax Year beginning April 1, 2024, and for a period not to exceed twenty-five (25) years, ending March 31, 2049 (each a “CEA Year” and collectively the “CEA Years” herein), the City shall retain at least the Developer Percentage of the Increased Assessed Value within the District for the benefit of the Developer as set forth herein.

(b) For each of the CEA Years, the City shall deposit into the Developer Project Cost Subaccount an amount equal to the Developer Percentage of each Incremental Property Tax Payment paid on Increased Assessed Value, up to a cumulative amount of \$1,000,000. Such deposits shall be made by the City within 10 business days after the Property Tax due date at the time in effect; currently due semi-annually on each September 15 and March 15. In the event any such payment allocable to the Developer Percentage of Incremental Property Tax Payments is not timely paid to the City, the City shall deposit such payment (plus any allocable interest) within 10 business days of receipt of such payment.

(c) Notwithstanding anything to the contrary contained herein, all allocations to the Developer Project Cost Subaccount and payments to the Trustee for deposit therein shall cease at the conclusion of the term of this Agreement identified in Section 2.3(a) hereof subject to extension as identified in Section 6.1(a) hereof.

**Section 2.4. Use of Monies in Development Program Fund.**

All monies in the Development Program Fund that are allocable to and/or deposited in the Developer Project Cost Subaccount shall in all cases be used and applied to fund fully the City’s

payment obligations to Developer described in Articles II and III hereof. All monies required to be deposited in the Developer Project Cost Subaccount shall be used by the Developer for construction of the Project.

**Section 2.5. Monies Held in Trust.**

Except as otherwise provided in this Agreement, all monies required to be deposited with or paid into the Developer's Project Cost Sub-Account of the Development Program Fund are to fund payments to the Developer under the provisions hereof and the provisions of the Development Program for the benefit of the Developer in accordance with the provisions of this Agreement.

**Section 2.6. Investments.**

Monies in the Developer's Project Cost Sub-Account may be invested and reinvested in Qualified Investments as determined by the City. The City shall have discretion regarding the investment of such monies, provided such monies are invested in Qualified Investments. As and when any amounts so invested are needed for disbursements, the City shall cause a sufficient amount of such investments to be sold or otherwise converted into cash to the credit of such account. The City shall have the sole and exclusive right to designate the investments to be sold and to direct the sale or conversion to cash of investments made with monies in the Developer's Project Cost Sub-Account of the Development Program Fund.

**Section 2.7. Reporting Obligations.**

Developer covenants and agrees to provide the City promptly upon request with all documentation reasonably required by the City to confirm the costs and completion of the projects set forth in Section 2.4.

**ARTICLE III  
PAYMENT OBLIGATIONS**

**Section 3.1. Company Payments.**

(a) The City agrees to pay Developer all amounts then on deposit in the Company Project Cost Subaccount, on or before thirty (30) days following the Tax Payment Date.

(b) Notwithstanding anything to the contrary contained herein, if, with respect to any Tax Payment Date, any portion of the property taxes assessed against real property located in the District remain unpaid, because of a valuation dispute or otherwise, the City shall be under no obligation to pay Developer's share of the disputed portion of the Tax Increment Revenues to Developer. In such a circumstance, the property taxes actually paid with respect to such Tax Payment Date shall be applied to taxes due on account of Original Assessed Value and, next to Sinking Fund Account as applicable, to the taxes due on account of the allocation of TIF Revenues for the City Project Cost Subaccount, and next to the taxes due in account of the allocation of TIF revenues for the Company Project Cost Subaccount.

**Section 3.2. Failure to Make Payment.**

(a) In the event the City should fail to, or be unable to, make any of the payments at the time and in the amount required under the foregoing provisions of this Article III including in the event that the amount deposited into Development Program Fund is insufficient to reimburse Developer for the full amount due to Developer under this Agreement the City shall be in breach of the terms hereof, and the amount or installment so unpaid shall continue as a limited obligation of the City, under the terms and conditions hereinafter set forth, until the amount unpaid shall have been fully paid. The Developer shall have the right to initiate and maintain an action to specifically enforce the City's obligations hereunder, subject to the limitations of Section 3.3 below.

**Section 3.3. Limited Obligation.**

The City's obligations of payment hereunder shall be limited obligations of the City payable solely from Tax Increment Revenues pledged therefor under this Agreement. The City's obligations hereunder shall not constitute a general debt or a general obligation or charge against or pledge of the faith and credit or taxing power of the City, the State of Maine, or of any municipality or political subdivision thereof, but shall be payable solely from that portion of Tax Increment Revenues payable to Developer hereunder, whether or not actually deposited into Company Project Cost Subaccount in the Development Program Fund. This Agreement shall not directly, indirectly or contingently obligate the City, the State of Maine, or any other City or political subdivision to levy or to pledge any form of taxation whatever therefor or to make any appropriation for their payment, excepting the pledge of the Tax Increment Revenues established under this Agreement.

**ARTICLE IV  
FURTHER INSTRUMENTS AND BOOKS AND RECORDS**

**Section 4.1. Further Instruments and City Costs.**

The City shall, upon the reasonable request of Developer, from time to time execute and deliver such further instruments and take such further action as may be reasonable and as may be required to carry out the provisions of this Agreement; provided, however, that no such instruments or actions shall pledge the credit of the City; and provided further that the cost of executing and delivering such further instruments (including the reasonable and related costs of counsel to the City with respect thereto) shall be borne exclusively by Developer.

**Section 4.2. Access to Books and Records.**

(a) All non-confidential books, records and documents in the possession of the City relating to the District, the Development Program, this Agreement and the monies, revenues and receipts on deposit or required to be deposited into Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by Developer, its agents and employees.

(b) All non-confidential books, records, lease agreements and documents in the possession of Developer relating to the District, the Development Program, this Agreement and the monies, revenues and receipts used from the Development Program Fund shall at all reasonable times and upon reasonable notice be open to inspection by City, its agents and employees.

## **ARTICLE V DEFAULTS AND REMEDIES**

### **Section 5.1. Events of Default.**

Each of the following events shall constitute and be referred to in this Agreement as an “Event of Default”:

- (a) Any failure by the City to pay any amounts due to Developer when the same shall become due and payable;
- (b) Any failure by the City to make deposits into Development Program Fund, including the Company Project Cost Subaccount, as and when due;
- (c) Any failure by the City or Developer to observe and perform in all material respects any covenant, condition, agreement or provision contained herein on the part of the City or Developer to be observed or performed, which failure is not cured within thirty (30) days following written notice thereof;
- (d) If a decree or order of a court or agency or supervisory authority having jurisdiction in the premises of the appointment of a conservator or receiver or liquidator of, any insolvency, readjustment of debt, marshaling of assets and liabilities or similar proceedings, or for the winding up or liquidation of the Developer’s affairs shall have been entered against the Developer or the Developer shall have consented to the appointment of a conservator or receiver or liquidator in any such proceedings of or relating to the Developer or of or relating to all or substantially all of its property, including without limitation the filing of a voluntary petition in bankruptcy by the Developer or the failure by the Developer to have an involuntary petition in bankruptcy dismissed within a period of ninety (90) consecutive days following its filing or in the event an order for release has been entered under the Bankruptcy Code with respect to the Developer;
- (e) If any secured lender of Developer accelerates the indebtedness owed to it;
- (f) If any written representation or warranty given to the City by Developer is knowingly incorrect or incomplete in any material respect, other than statements made about or in agreements with the City that were later changed by mutual consent; and
- (g) If Developer fails to maintain adequate surety bonding during construction at the levels and terms as may be required from time to time by the Developer’s secured lenders and/or

Developer allows mechanics' liens to encumber the Project for a period of more than sixty (60) days.

**Section 5.2. Remedies on Default.**

Subject to the provisions contained in Section 8.9, whenever any Event of Default described in Section 5.1 hereof shall have occurred and be continuing, the nondefaulting party, following the expiration of any applicable cure period, shall have all rights and remedies available to it at law or in equity, including the rights and remedies available to a secured party under the laws of the State of Maine, and may take whatever action as may be necessary or desirable to collect the amount then due and thereafter to become due, to specifically enforce the performance or observance of any obligations, agreements or covenants of the nondefaulting party under this Agreement and any documents, instruments and agreements contemplated hereby or to enforce any rights or remedies available hereunder.

**Section 5.3. Remedies Cumulative.**

Subject to the provisions of Section 8.9 below concerning dispute resolution, no remedy herein conferred upon or reserved to any party is intended to be exclusive of any other available remedy or remedies but each and every such remedy shall be cumulative and shall be in addition to every other remedy given under this Agreement or now or hereafter existing at law, in equity or by statute. Delay or omission to exercise any right or power accruing upon any Events of Default to insist upon the strict performance of any of the covenants and agreements herein set forth or to exercise any rights or remedies upon the occurrence of an Event of Default shall not impair any such right or power or be considered or taken as a waiver or relinquishment for the future of the right to insist upon and to enforce, from time to time and as often as may be deemed expedient, by injunction or other appropriate legal or equitable remedy, strict compliance by the parties hereto with all of the covenants and conditions hereof, or of the rights to exercise any such rights or remedies, if such Events of Default be continued or repeated.

**ARTICLE VI  
EFFECTIVE DATE, TERM AND TERMINATION**

**Section 6.1. Effective Date and Term.**

This Agreement shall become effective upon its execution and delivery by the parties hereto and shall remain in full force from the date hereof and shall expire upon the performance of all obligations on the part of the City and the Developer hereunder or upon any earlier termination as provided in this Agreement.

Upon receipt of such approval, this Agreement shall remain in full force from April 1, 2024 and shall expire March 31, 2036 or sooner upon the payment of all amounts due to Developer hereunder and the performance of all obligations on the part of the City hereunder, unless even sooner terminated pursuant to any other applicable provision of this Agreement.

**Section 6.2. Cancellation and Expiration of Term.**

At the acceleration, termination or other expiration of this Agreement in accordance with the provisions of this Agreement, the City and Developer shall each execute and deliver such documents and take or cause to be taken such actions as may be necessary to evidence the termination of this Agreement.

## **ARTICLE VII ASSIGNMENT AND PLEDGE OF DEVELOPER'S INTEREST**

### **Section 7.1. Pledge and/or Assignment.**

The City hereby acknowledges that Developer may pledge, assign and grant a security interest in its right, title and interest in, to and under this Agreement as collateral for financing by a bank or financial institution to Developer for the Project, although no obligation is hereby imposed on Developer to make such assignment or pledge. Recognizing this possibility, the City does hereby consent and agree to the pledge and assignment of and the grant of a security interest in all Developer's right, title and interest in, to and under this Agreement and in, and to the payments to be made to Developer hereunder, to third parties as collateral or security for indebtedness or otherwise, on one or more occasions during the term hereof. The City agrees upon request to execute and deliver any assignments, pledge agreements, consents or other confirmations required by the prospective pledgee or assignee or secured party, including without limitation recognition of the pledgee or assignee or secured party as the holder of all right, title and interest herein and as the payee of amounts due and payable hereunder and any and all such other documentation as shall confirm to such pledgee or assignee or secured party the position of such assignee or pledgee or secured party and the irrevocable and binding nature of this Agreement, and provide to the pledgee or assignee such rights and/or remedies as the parties may reasonably deem necessary for establishment, perfection and protection of its interest herein. Developer shall be responsible for the City's necessary and reasonable costs of counsel with respect to any such pledge or assignment.

### **Section 7.2. Transfer**

Except as specified in Sections 7.1 and 8.1 hereof, Developer shall not transfer or assign any portion of its rights in, to and under this Agreement without the prior written consent of the City, which consent shall not be unreasonably withheld, conditioned or delayed.

## **ARTICLE VIII MISCELLANEOUS**

### **Section 8.1. Successors.**

In the event of the dissolution, merger or consolidation of the City or Developer, the covenants, stipulations, promises and agreements set forth herein, by or on behalf of or for the benefit of such party shall bind or inure to the benefit of the successors and assigns thereof from

time to time and any entity, officer, board, commission, agency or instrumentality to whom or to which any power or duty of such party shall be transferred.

**Section 8.2. Parties-in-Interest.**

Except as herein otherwise specifically provided, nothing in this Agreement expressed or implied is intended or shall be construed to confer upon any person, firm or corporation other than the City and Developer any right, remedy or claim under or by reason of this Agreement, it being intended that this Agreement shall be for the sole and exclusive benefit of the City and Developer.

**Section 8.3. Severability.**

In case any one or more of the provisions of this Agreement shall, for any reason, be held to be illegal or invalid, such illegality or invalidity shall not affect any other provision of this Agreement and this Agreement shall be construed and enforced as if such illegal or invalid provision had not been contained herein.

**Section 8.4. No Personal Liability.**

(a) No covenant, stipulation, obligation or agreement of the City contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future elected or appointed official, officer, agent, servant or employee of the City in his or her individual capacity, and neither the City Council nor any official, officer, employee or agent of the City shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

(b) No covenant, stipulation, obligation or agreement of the Developer contained herein shall be deemed to be a covenant, stipulation or obligation of any present or future officer, agent, servant or employee of the Developer in his or her individual capacity, and no officer, employee or agent of the Developer shall be liable personally with respect to this Agreement or be subject to any personal liability or accountability by reason hereof.

**Section 8.5. Counterparts.**

This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be an original, but such counterparts shall together constitute but one and the same Agreement.

**Section 8.6. Governing Law.**

The laws of the State of Maine shall govern the construction and enforcement of this Agreement.

**Section 8.7. Amendments.**

This Agreement may be amended only with the concurring written consent of both of the parties hereto.

**Section 8.8. Integration.**

This Agreement completely and fully supersedes all other prior or contemporaneous understandings or agreements, both written and oral, between the City and Developer relating to the specific subject matter of this Agreement and the transactions contemplated hereby.

**Section 8.9. Dispute Resolution.**

In the event of a dispute regarding this Agreement or the transactions contemplated by it, the parties hereto will use all reasonable efforts to resolve the dispute on an amicable basis. If the dispute is not resolved on that basis within sixty (60) days after one party first brings the dispute to the attention of the other party, then either party may refer the dispute for resolution by one arbitrator mutually agreed to by the parties, and judgment on the award rendered by the arbitrator may be entered in any Maine state court having jurisdiction. Any such arbitration will take place in Auburn, Maine or such other location as mutually agreed by the parties. The parties acknowledge that arbitration shall be the sole mechanism for dispute resolution under this Agreement. Provided however, that in the event the parties are unable to agree, within a reasonable period, on the selection of an arbitrator, either party may file suit to resolve the dispute in any court having jurisdiction within the State of Maine. This arbitration clause shall not bar the City's assessment or collection of property taxes in accordance with law, including by judicial proceedings, including tax lien thereof.

**Section 8.10. Records.**

The City shall maintain a record demonstrating its calculation of the Increased Assessed Value and Tax Increment Revenues within the District as it relates to deposits to the Development Program Fund pursuant to Article II and payments to the Developer under Article III of this Agreement, and shall provide Developer with a copy of the same upon request.

**Section 8.11. Notices.**

All notices, certificates, requests, requisitions or other communications by the City or Developer pursuant to this Agreement shall be in writing and shall be sufficiently given and shall be deemed given when mailed by first class mail, postage prepaid, addressed as follows:

If to the City:

Phillip Crowell  
City Manager  
City of Auburn  
60 Court Street  
Auburn, ME 04210

With a copy to:

Alyssa C. Tibbetts, Esq.  
Jensen Baird Gardner Henry  
10 Free Street  
P.O. Box 4510  
Portland, Maine 04112

If to Developer:

Matt Leonard  
Auburn Town Center Apartments, LLC  
PO Box 293  
Auburn, ME 04212

With a copy to:

Either of the parties may, by notice given to the other, designate any further or different addresses to which subsequent notices, certificates, requests or other communications shall be sent hereunder.

[SIGNATURE PAGE TO FOLLOW]

**IN WITNESS WHEREOF**, the City and Developer have caused this Agreement to be executed in their respective corporate names and their respective corporate seals to be hereunto affixed and attested by the duly authorized officers, all as of the date first above written.

WITNESS:

CITY OF AUBURN

\_\_\_\_\_

By: \_\_\_\_\_

Name: Phillip L. Crowell, Jr.

Its City Manager Duly Authorized by the City Council on \_\_\_\_\_

WITNESS:

AUBURN TOWN CENTER APARTMENTS, LLC

\_\_\_\_\_

By: \_\_\_\_\_

Name:

Its:

DRAFT



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Exhibit N - Municipality TIF Policy**

**CITY OF AUBURN  
TAX INCREMENT FINANCING  
&  
CREDIT ENHANCEMENT  
POLICY  
AND  
GUIDELINES**

The following are the City of Auburn Tax Increment Financing (TIF) Policy and Credit Enhancement Agreement Application Guidelines.

**I. Purpose and Introduction**

TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy), and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a greater portion of County taxes. Specific municipal shelter benefits for the term of the TIF include: No reduction in State aid for education, no decrease in municipal revenue sharing, and no increase in County taxes (assuming 100% capture).

A Tax Increment Financing District is a tool available to the City of Auburn to promote economic development. TIF enables the City to revitalize and redevelop designated areas and build community and economic growth through public-private partnerships. The TIF District allows the City to capture some or all of the incremental real and/or personal property tax revenues derived from new development or expansion of an existing development and provides a means of financing the economic and community development goals of Auburn as set forth in the Development Program of the District adopted by the City Council and as authorized by state law. The captured tax revenues from a TIF District can be used to finance municipal investments and City infrastructure projects; and can also be used to provide incentive or financing to a private development in the form of an associated Credit Enhancement Agreement (CEA), as authorized by the Development Program of the District and state law.

These guidelines are to provide guidance and outline standards for the development of TIF's and CEA's in the City when utilizing TIF Districts and TIF revenue for the City's development and redevelopment efforts. Notwithstanding compliance with any or all of these guidelines, the creation of a TIF District or authorization of a Credit Enhancement Agreement is a policy decision of the City of Auburn to be evaluated by the City on a case-by-case basis. Adopting this policy or any TIF District does not create a right or entitlement to assistance by any applicant.

## **II. Eligibility for Assistance**

Economic development projects may be eligible for Tax Increment Financing assistance from the City when they meet the following standards:

- Would not occur without City assistance.
- Create or retain employment opportunities.
- Significantly expand the City's tax base by a minimum of \$1,000,000.
- Diversify the economy and tax base of the City
- Conform to the quality and types of development the City seeks as outlined in the Comprehensive Plan, Strategic Plan, Downtown Revitalization Plan, Economic Development Action Plan, and Zoning Ordinances.
- Demonstrate a public benefit, such as expanding public infrastructure to service areas beyond the project or creating job opportunities or affordable housing.
- Public benefits from development must outweigh any possible adverse impacts on existing businesses or residents of the City.

The City provides TIF assistance through a Credit Enhancement Agreement that provides developers with reimbursement of a percentage of the property tax revenue paid on the increased assessed value (or incremental value) of their property. Tax revenue on the incremental value returned to the developers under a Credit Enhancement Agreement will not exceed an average of 75% of the incremental taxes over the life of the particular tax increment financing district or the Credit Enhancement Agreement. Further, the City Council may establish a cap on the total incremental taxes to be reimbursed to a developer under a CEA on an annual and/or cumulative basis. The applicant is required to submit all documentation required by the City in consideration of a Credit Enhancement Agreement. A Public Hearing shall be held to receive public comment on a completed CEA application at least ten days prior to a meeting at which the CEA is being considered for approval by the City Council.

## **III. Application Process**

The City has established an Application for Tax Increment Financing & Credit Enhancement Agreement. Applications (whether initiated by the City or requested by a developer or business) will be reviewed by the Business and Community Development Department Staff and considered by the City Manager. Applications for a new TIF District or an amendment to an existing TIF District are subject to final approval by the City Council and the Maine Department of Economic and Community Development (DECD). The specific terms of TIF assistance through a CEA will be negotiated between the City and the applicant on a case-by-case basis. The City Manager or the City Manager's designee will negotiate for the City, and all recommendations for TIF assistance shall be based on the merits of the project and compliance with these guidelines. Based on City Council direction and approval, Business and Community Development staff will coordinate all activities regarding applications and will prepare materials as needed. The Director of Business and Community Development will assist the developer through the process. They will monitor ongoing investments in the development project if TIF assistance is granted.

All applicants for TIF assistance must pay a \$500 non-refundable application fee at the time of submission. All applicants are required to reimburse the City of Auburn for all legal and administrative costs incurred as a result of the TIF proposal, including the cost of preparing all materials necessary to establish a new TIF District, amend an existing TIF District and draft the Credit Enhancement Agreement. If a Credit Enhancement Agreement is approved, an annual fee equal to 2% of the incremental tax reallocated back to the project will be assessed.

#### **IV. Waiver of Provisions**

The City of Auburn reserves the right under certain conditions to waive the provisions of the policy. The decision to do so shall be made by applying the following guidelines to ensure that the project remains within the general parameters of the Auburn Comprehensive Plan and community development vision(s). Criteria to be considered with granting a waiver are:

- Consistency with the Auburn Comprehensive Plan
- Consistency with the Downtown Revitalization Plan
- Consistency with the City's Economic Development Plan
- Consistency with the Development Plan of the TIF District
- Consistency with other local, State, and Federal laws/rules
- Evidence of need, and
- Capacity to carry out the project

#### **V. Mandatory Guidelines**

In all instances, applicants for tax increment financing and Credit Enhancement Agreements must demonstrate that the City's participation is economically needed to undertake the project. Such justification is demonstrated by:

- Need to offset infrastructure costs unique to the site
- Need to offset economic advantages available if it should develop a project or expand operations outside of Auburn
- Lack of sufficient funding sources to meet the entire capital investments needed to undertake the project
- The project creates significant new tax value throughout the Downtown District and other areas the City Council deems necessary
- The developer is financially capable of undertaking the project
- The developer is compliant with all statutory and regulatory guidelines of the City of Auburn and the State of Maine

## **VI. Guidelines that Determine the Level of Municipal Participation**

Although the applicants' project need not meet each of the following criteria, the following will be used to determine the City of Auburn's participation level.

- Assists an established business in Auburn, retaining existing employment opportunities
- Creates long-term permanent and quality employment opportunities
- Contributes to the revitalization of the Downtown District or other areas in need of development or redevelopment
- Improves a blighted building site in need of rehabilitation
- Creates public infrastructure facilities that have applications beyond the particular development, road improvements, parking, sidewalks, green space, etc.
- Supports or will support community projects, job training, internships, and programs that assist the under-employed and supports local contractors and suppliers.

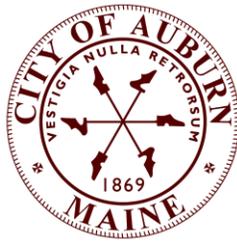
## **VII. Transfer of Ownership**

If the applicant transfers ownership of property in the TIF District subject to a CEA to which the applicant is a party, the applicant must notify the City Manager in writing prior to finalizing the transfer. The prospective new owner must agree, in writing, to accept the provisions of the agreement as presented to and approved by the City Council before the City will release any further TIF reimbursements under the CEA. Failure to provide notice of a transfer of ownership by the applicant or for the prospective new owner to accept the terms of the CEA before the transfer shall render the CEA invalid, and no further payments under it shall be authorized.

## **VIII. Annual Expenditure of TIF Revenues for Municipal Projects**

Each year the Director of Business and Community Development will review all proposed TIF Revenue expenditures as part of the City Budget process to ensure compliance with the existing TIFs.

Annual allocations of TIF revenues to fund existing Credit Enhancement Agreement commitments will be factored into the annual review of the use of the available TIF revenues and estimates of proposed Credit Enhancement Agreements will be calculated by the City Assessor and City Treasurer and provided to the City Manager for review and consideration.



# City Council Order

## IN CITY COUNCIL

December 4, 2023

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from Auburn Town Center Apartments, LLC for the commercial development of certain property within its T4.2 zoning district located at the intersection of Main Street and Academy Street; and

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

WHEREAS, the City has held a public hearing on the proposed Academy Street Housing Municipal Development and Tax Increment Financing District #31 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

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

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

NOW THEREFORE, the City Council hereby Orders as follows:

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

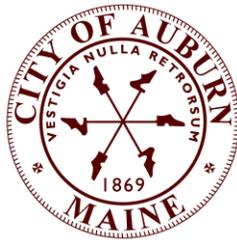
- (a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the

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

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

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



## City Council Order

economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

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

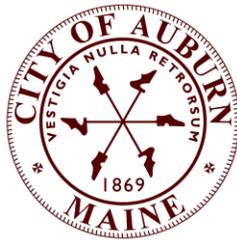
Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby designates the City of Auburn Municipal Development and Tax Increment Financing District #31 (the “Academy Street Housing Development District”) as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the Academy Street Housing Development District in the form presented to the City Council.

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

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

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District,



## City Council Order

or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

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

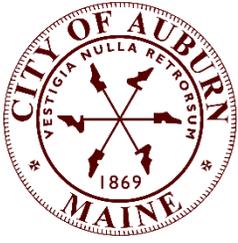
This Order shall take effect immediately upon adoption.

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Order:** 164-12042023

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

**Development Subject:** TIF #32 – Mount Auburn Housing. Public Hearing.

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**Information:**

The Mount Auburn Housing Tax Increment Financing District & Development Program (#32) will capture the value of two new multi-unit buildings totaling 101 residential apartments. The site will connect to existing City utilities, which will require improvements to roads, sidewalks and available utilities on or adjacent to the District.

---

**City Budgetary Impacts:**

The City intends to establish a new Tax Increment Financing District for the purpose of capturing tax revenues from new assessed value generated by investments made on these parcels. The captured revenue will be spent in a manner which limits impacts on the city budget for planned infrastructure improvements and services as outlined within the Project Cost budget included.

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**Staff Recommended Action:**

Approval of Order as presented.

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**Previous Meetings and History:**

n/a

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**City Manager Comments:**



I concur with the recommendation. Signature:

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**Attachments:**

TIF#32 Application



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



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The legislature finds a need for new development in areas of municipalities and plantations to: (A) Provide new employment opportunities; (B) Improve and broaden the tax base; and (C) Improve the general economy of the State. The municipal tax increment financing (TIF) program, established under 30-A M.R.S.A. Chapter 206 §5221-5235, is designed to assist municipalities and plantations to develop a program for improving a district of the municipality or plantation: (A) To provide impetus for industrial, commercial, transit-oriented or arts district development, or any combination; (B) To increase employment opportunities; and (C) To provide the facilities outlined in the development program adopted by the legislative body of the municipality or plantation. The TIF Statute provides that before final designation of a tax increment financing district, the Department of Economic and Community Development (DECD) commissioner shall review the proposed district and development program to ensure compliance with statutory requirements.

---

Before designating a development district within the boundaries of a municipality or plantation, or adopting a development program for a designated development district, the municipal or plantation legislative body or the municipal or plantation legislative body's designee must:

- a) Hold at least one public hearing,
  - b) Publish notice of the hearing at least 10 days before the date of the hearing in a newspaper of general circulation within the municipality or plantation,
  - c) At the hearing, the legislative body of a municipality or plantation must consider:
    - i. Whether the proposed district or development program will contribute to the economic growth or well-being of the municipality or plantation or to the betterment of the health, welfare or safety of the municipal or plantation inhabitants,
    - ii. Any claim by an interested party that the proposed district or development program will result in a substantial detriment to that party's existing business in the municipality or plantation and produces substantial evidence to that effect.
- 

Mail completed application, with tabs separating exhibits, to:

DECD/Office of Business Development (MTIF)

111 Sewall Street

Augusta, ME 04330

**(e-mailed applications are not accepted)**

**Refer to "CHECKLIST FOR MTIF APPLICATION" to ensure application completeness.**



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Municipalities wishing to create a municipal tax increment financing district to fund development programs must apply to DECD using the following application including all attachments noted below, in the order listed:**

1. Table of Contents
2. Completed DECD MTIF Application, provided by DECD  
*Refer to “Checklist for Municipal Tax Increment Financing (MTIF) Application” to ensure application completeness*
3. Exhibit A: Statutory Thresholds and Requirements form, provided by DECD
4. Exhibit B: Assessor’s Certificate of Original Assessed Value
5. Exhibit C: Map of District Location within Municipality
6. Exhibit D: Map of District Boundaries
7. Exhibit E: Annual Revenue Spreadsheet
8. Exhibit F: Annual Tax Shift Spreadsheet
9. Exhibit G: Copy of 10-Day notice of public hearing, including name and date of publication
10. Exhibit H: Minutes of Public Hearing, attested to with dated signature
11. Exhibit I: Record of District designation and Development Plan adoption by municipal legislative body

**If applicable,**

1. Exhibit J: Project Costs Spreadsheet  
*Refer to MTIF Application, “Checklist For MTIF Application” for required information*
2. Exhibit K: For Downtown TIF application, include a comprehensive Downtown Redevelopment Plan with the completed Downtown Redevelopment Plan Criteria Checklist and verification of municipal legislative body approval
3. Exhibit L: For Transit-Oriented Development District, include a map clearly identifying transit facilities plus areas and corridors respective of §5222 (20), (22) & (23)
4. Exhibit M: If an amendment and not already provided, a copy of any executed credit enhancements agreements.
5. Exhibit N: Copy of any municipality/plantation TIF policy



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



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\*\*see “Checklist for Municipal Tax Increment Financing (MTIF) Application” for instructions [to automatically update the Table of Contents.](#)



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



## Section 1- Cover Letter and Application Cover Sheet

1. **Name of municipal tax increment financing (TIF) district and development program:** #32 Mount Auburn Housing
2. **This is an original application. If an amendment, what amendment number?** Choose a number.
3. **Is this a Downtown designated TIF?** No.  
**If yes, provide the following information regarding the *Downtown Redevelopment Plan*:**
  - a. **Name:** Click here to enter text
  - b. **Date approved by municipal legislative body:** Click to enter a date. (Include verification of this approval with Exhibit I)

**The Downtown Redevelopment Plan must contain the components outlined in the DECD “Downtown Redevelopment Plan Criteria Checklist”**

4. **Is this development district considered a/an [check the appropriate box(es)]?**  
 Industrial     Commercial     Transit-oriented     Arts

**If this is a transit-oriented development designation, a map is required identifying transit facilities plus areas and corridors pursuant to MRS 30-A §5222(20), (22) & (23). (Exhibit L)**

5. **Municipality name:** City of Auburn
6. **Municipality address:** 60 Court St Auburn, ME 04210
7. **Municipality county:** Androscoggin
8. **Municipal telephone number:** 207-333-6601 ext. 1159
9. **Municipal official’s name:** Phillip L. Crowell Jr.
10. **Municipal official’s title:** City Manager
11. **Municipal official’s e-mail address:** pcrowell@auburnmaine.gov
12. **If different from #9 above, contact person/consultant:** Alyssa Tibbetts
13. **Municipal contact/consultant phone number:** 207-775-7271
14. **Municipality contact/consultant e-mail address:** atibbetts@jensenbaird.com
15. **Municipality’s assessor’s name:** Karen Scammon
16. **Municipality’s assessor’s e-mail address:** KScammon@auburnmaine.gov

The municipal official named below, certifies he/she has the authority to submit this Application to DECD and further certifies all the information contained in this Application, and its attachments, are true and correct to the best of his/her knowledge.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print municipal official’s name & title



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



## Section 2 - Purpose/Basis Original/Amended Application

1. **Provide a brief, “headline” sentence explaining purpose/basis of this application.**

Mount Auburn Housing District will soon realize the construction of 2 multi-unit buildings totaling 101 apartments.

2. **If needed, provide additional information related to the purpose/basis of this application. If this is an amendment, provide a brief, concise overview of the purpose of the original application and each amendment submitted to date.**

This project will deliver 101 new residential units split between 2 new buildings. The site will connect to existing City utilities, which will require improvements to roads, sidewalks and available utilities on or adjacent to the District.

Under this Development Program, the City will capture the increased assessed value of taxable real property over the original assessed value of the District and retain the tax revenues generated by the captured assessed value for designated economic development purposes. The calculation of TIF Revenues (as defined below) is more specifically described below in Section VI – Financial Plan. In the Assessor’s Certificate attached as Exhibit B hereto, the Assessor has certified the original assessed value of the District.

By adopting this Development Program, the City is creating a TIF district that will: (1) maintain existing tax revenues; (2) enjoy enhanced future tax revenues generated by new development within the District; and (3) shelter the captured assessed value from impacting the overall State valuation for the City of Auburn, thereby minimizing: (a) potential decreases in the City’s State school subsidy and State revenue sharing, and (b) potential increases in the City’s county tax assessments and local school district contributions.

Further, approval of this Development Program and the designation of the District will have a neutral impact on the existing tax base; only the increased assessed value over the original assessed value within the District will be captured. In addition, at the end of the District and Development Program, the City expects to emerge with a substantial amount of new taxable property value to add to its municipal tax base.

This Development Program is structured and proposed pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended (the “TIF Statute”). Subsequent to a City Council vote designating the District and adopting this Development Program, evidenced by Exhibit I hereto, the designation of the District and adoption of this Development Program are effective upon approval by the DECD.



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



## Section 3 - Company/Developer Information

### A. Business General Information

[include whenever a company/developer is part of a TIF district proposal (regardless of whether a CEA is offered)]:

1. **Business name:** A.R. Building Company Inc.
2. **Business address:** 12 High St Riverwalk Unit #1 Westerly, RI 02891
3. **Business phone number:** Click here to enter text.
4. **Business contact person:** Emily Mitchell
5. **Business contact person e-mail address:** Click here to enter text.
6. **Principal place of business:** 12 High St Riverwalk Unit #1 Westerly, RI 02891
7. **Company structure (e.g. corporation, sub-chapter S, etc.):** Click here to enter text.
8. **Place of incorporation:** Rhodes Island
9. **Name of Officer(s):** Click here to enter text.
10. **Name of principal owner(s) name:**
  
11. **Address:** Click here to enter text.
12. **Brief project description:** Click here to enter text.
13. **Total amount of project new investment by company/developer:** \$ \$
14. **Will there be a credit enhancement agreement with this business?** No, none contemplated at this time. Formal amendment would be needed.

### B. Disclosure, only in cases where a CEA is offered to the above business:

**1. Check the public purpose(s) that will be met by the business using this incentive:**

- |   |   |  |
|---|---|--|
| <input type="checkbox"/> job creation                                   | <input type="checkbox"/> job retention        | <input type="checkbox"/> capital investment            |
| <input type="checkbox"/> training investment                            | <input type="checkbox"/> tax base improvement | <input type="checkbox"/> public facilities improvement |
| <input type="checkbox"/> other (list): <u>Click here to enter text.</u> |   |  |

**2. Check the specific item(s) for which TIF revenues will be used by the business:**

- |   |   |   |
|---|---|---|
| <input type="checkbox"/> real estate purchase                           | <input type="checkbox"/> machinery & equipment purchase | <input type="checkbox"/> training costs |
| <input type="checkbox"/> debt reduction                                 |   |   |
| <input type="checkbox"/> other (list): <u>Click here to enter text.</u> |   |   |



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



## Section 4 - Employment Goals/Data

Company Goals for Job Creation and Job Retention. (If a developer, check box , and skip to Section 5)

A. Job Creation Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical			
2. Administrative/Clerical Support			
3. Sales & Service			
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation			
Total			Leave blank
B. Job Retention Goals			
Occupational Cluster*	# of Full-time Positions	# of Part-time Positions	Annual Wage Level
1. Executive, Professional & Technical			
2. Administrative/Clerical Support			
3. Sales & Service			
4. Agriculture, Forestry & Fishing			
5. Maintenance, Construction, Production & Transportation			
Total			Leave blank
*See <a href="#">Occupational Cluster Descriptions</a> for more information.			

### INSTRUCTIONS

**A. Job Creation Goals.** Please list the number, type and wage level of jobs created as a result of the economic development incentive. NOTE: For this form, “full-time” employment means 30 hours or more; “part-time” employment means less than 30 hours. “Wage level” means the average annual wage paid for jobs created within an occupational cluster, e.g. either their annual salary, or their hourly wage times their annual hours. Also, “type” means “occupational cluster” which refers to the 12 categories listed in the “Occupational Cluster Descriptions.” Please include the number of your employees (both full-time and part-time) working within the category that most closely reflects their job duties.

**B. Job Retention Goals.** Please list the number, type and wage level of jobs retained as a result of the economic development incentive. Part B should be completed using same definitions in Part A.



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



## Section 5 - Development Program

### Public Project(s)

1. **Will there be any public facilities, improvements, or programs financed in whole or in part by the development program?**  
Yes. See Exhibit J.

### Private Project(s)

2. **Will there be any commercial facilities, arts districts, improvements or projects to be financed in whole or in part by the development program:** Yes. If yes, provide a brief, clear description: Developers intend to construct a new residential housing.

### Program Duration

3. **Duration of development district (may not exceed 30 years):**
  - a. **District term: Original application:** 30.  
**If an amendment, adding how many years?** Choose a number **totaling how many years?** Choose a number.
  - b. **Start date of** April 1, 2024 **with fiscal year beginning** July 1, 2024 (captured assessed value as of April 1, 2024).  
**[Must begin with tax year in which development district designation is effective pursuant to MRS 30-A §5226, or the subsequent tax year (MRS Title 30-A §5224 (2)(H))]**
  - c. **End date of** March 31, 2054 **with fiscal year ending** June 30, 2054.



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



**Original Assessed Value**

4. Provide the taxable assessed value of the development district as of the March 31<sup>st</sup> of the tax year preceding the property tax year in which the district was designated by the legislative body.

		OAV of Real Property	OAV of Personal Property	As of (complete year)	Total acres	
Original district		\$1,439,400.00	\$0.00	3/31/2023		29.120
Amendment: (If applicable, with any property added/removed)	#1	-			-	
		+		3/31/____	+	
	#2	-			-	
		+		3/31/____	+	
	#3	-			-	
		+		3/31/____	+	
	#4	-			-	
		+		3/31/____	+	
	#5	-			-	
		+		3/31/____	+	
	#6	-			-	
		+		3/31/____	+	
	#7	-			-	
		+		3/31/____	+	
	#8	-			-	
		+		3/31/____	+	
	#9	-			-	
		+		3/31/____	+	
	#10	-			-	
		+		3/31/____	+	
<b>Total</b>	N/A			N/A		

\*\*\*Municipal Assessor must certify above original assessed value(s) (Exhibit B).



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



## Section 6 - Financial Plan

### Increased Assessed Value Information

1. **Total estimated cost for the development program: \$ 4,948,125.00** (Should match “total” from Exhibit J)
2. **Municipality will capture 100 of real property only increased assessed value for each year of the district term, to apply to the development program.** [Click here to enter text, if needed.](#)
3. **If #2 above’s captured assessed value is less than 100%, besides the district’s original assessed value, what percentage of increased assessed value will be deposited into the General Fund, or if an unorganized territory, to Education and Services fund?** [Click here to enter % to be deposited in General Fund/Education & Services fund.](#)

### Public Indebtedness

4. **Will there be public indebtedness?** [Yes, to be determined.](#)
  - a. **If yes, what is the projected amount of public indebtedness to be incurred?** [The City will not incur any indebtedness at this time; however, the City may elect to do so at a future date at the discretion of its City Council.](#)
  - b. **If an amendment, have any bonds been issued to date pertaining to the approved projects of this district?** [Choose an item. If yes, provide the status, such as years left on bond and amount of outstanding debt. Click here to enter text.](#)

### Anticipated Revenues

5. **Describe sources of anticipated revenues for public projects (clearly and briefly stated):** [The source of the revenue to be used to pay the costs of the public projects set forth in this Development Program is the Tax Increment on the increased Assessed Value of the District. Tax increment means all property taxes assessed by the City, in excess of any state, county or special district tax, upon the increased assessed value of all real property in the District. Increased assessed value means the valuation amount by which the current assessed value of the District exceeds the taxable original assessed value of the real property in the District. Current assessed value means the taxable assessed value of the real property in the District certified by the municipal assessor as of April 1st of each year that the District remains in effect. Property taxes means any and all ad valorem property taxes levied, charged or assessed against real property by the City. Original assessed value means the taxable assessed value of real property in the District as of March 31, 2023 \(April 1, 2022\). All property tax on the original assessed value shall continue to be deposited into the City's general fund.](#)
6. **Describe sources of anticipated revenues for private projects (clearly and briefly stated):** [None.](#)

### Credit Enhancement Agreement (CEA)

7. **Describe terms and conditions of any agreements, contracts or other obligations related to the development program (e.g. CEAs). Ensure to clearly state the reimbursement percentage, along with, if applicable, any local triggers/caps.**
  - a. **Will CEAs be offered as part of this development program?** [No, a formal amendment to this Development Program will be necessary, after going through the Public Process.](#)
  - b. **List name(s) of company/developer to be offered a CEA:** [Click here to enter text.](#)
    - i. **Provide the CEA reimbursement percentage, term, conditions for each listed company/developer:** [Click here to enter text.](#)
  - c. **Is this an omnibus application?** [No.](#)  
**If an omnibus, provide clear reimbursement percentage(s) and term(s)/condition(s):** [Click here to enter text.](#)



**Department of Economic and Community Development  
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d. **Does the municipality have a TIF policy?** Yes. Include a copy in Exhibit N.

If this is an amendment, and if applicable, include a copy of all executed CEAs as Exhibit M.



**Department of Economic and Community Development  
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**Development Program Fund and Tax Increment Revenues**

**Read below. Authorized municipal official must initial in provided spaces, acknowledging understanding of the below information:**

If a municipality/plantation has designated captured assessed value, the municipality/plantation shall:

A. Establish a development program fund that consists of the following:

1. A project cost account that is pledged to and charged with the payment of project costs that are outlined in the financial plan and are paid in a manner other than as described in subparagraph (2); and
2. In instances of municipal/plantation indebtedness, a development sinking fund account that is pledged to and charged with the payment of the interest and principal as the interest and principal fall due and the necessary charges of paying interest and principal on any notes, bonds or other evidences of indebtedness that were issued to fund or refund the cost of the development program fund;

B. Annually set aside all tax increment revenues on captured assessed values and deposit all such revenues to the appropriate development program fund account established under paragraph A in the following order of priority:

1. To the development sinking fund account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual debt service on bonds and notes issued under section 5231 and the financial plan; and
2. To the project cost account, an amount sufficient, together with estimated future revenues to be deposited to the account and earnings on the amount, to satisfy all annual project costs to be paid from the account;

C. Make transfers between development program fund accounts established under paragraph A as required, provided that the transfers do not result in a balance in the development sinking fund account that is insufficient to cover the annual obligations of that account; and

D. Annually return to the municipal or plantation general fund any tax increment revenues remaining in the development sinking fund account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development sinking fund account after taking into account any transfers made under paragraph C. The municipality/plantation, at any time during the term of the district, by vote of the municipal or plantation officers, may return to the municipal/plantation general fund any tax increment revenues remaining in the project cost account established under paragraph A in excess of those estimated to be required to satisfy the obligations of the development project cost account after taking into account any transfer made under paragraph C. In either case, the corresponding amount of local valuation may not be included as part of the captured assessed value as specified by the municipality or plantation.

X \_\_\_\_\_  
Initial & date

At the end of the district TIF term, all taxable real and/or personal property value captured in the district will be added to the general tax rolls.

X \_\_\_\_\_  
Initial & date



Department of Economic and Community Development  
Municipal Tax Increment Financing  
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### Relocation of Person(s)/Business(es)

8. No persons will be displaced as a result of the development activities proposed within the District.

### Transportation Improvements

9. The existing transportation facilities of the City will be adequate to accommodate the development activities within the District.

### Environmental Controls

10. The improvements made under this Development Program will meet or exceed all federal and state environmental regulations and will comply with all applicable land use requirements of the city.

### District Operation

11. **After the planned capital improvements are completed, provide a brief statement of the proposed operation of the development district pertaining to:**
  - a. **Public capital improvements:** The City expects to construct improvements to ... Otherwise, the day-to-day operations of the District will not require substantial efforts by the City, other than staffing and programming primarily conducted by the City Manager's office and the Business and Community Development Office.
  - b. **Private capital improvements:** The private improvements contemplated to occur within the District are expected to be funded solely by the developer. The City will not be responsible for the funding or operation of private capital improvements within the District.



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## Section 7 - Notice and Hearing

- Date of public notice (must be minimally 10 days before the public hearing):** [Click to enter a date.](#)  
For Exhibit G, provide a legible copy of the newspaper page showing the public hearing , newspaper name and date of publication.
- Date of public hearing:** December 4, 2023  
For Exhibit H, provide a copy of the public hearing minutes, attested to with dated signature.
- Date municipal or plantation legislative body approved original district designation:** [Click to enter a date.](#)  
**Date municipal or plantation legislative body adopted original development program:** [Click to enter a date.](#)  
**If an amendment, is it to the:**
  - district. Provide date municipal or plantation legislative body approved:** [Click to enter a date.](#)
  - development program. Provide date municipal or plantation legislative body approved:** [Click to enter a date.](#)
  - district and development program. Provide date municipal or plantation legislative body approved:** [Click to enter a date.](#)[date.](#)  
For Exhibit I, provide verification of district designation and adoption of development program by municipal legislative body including vote tally.
- Is a municipal official authorized to make technical revisions to this District application/development program to facilitate the process for review and approval by DECD, as long as such revisions are not inconsistent with the basic structure and intent of the development program?** Yes. See Exhibit I



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Municipal Tax Increment Financing  
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## Exhibit A - Statutory Requirements & Thresholds

\*\*round to second decimal place

<b>SECTION A.   Acreage Caps</b>		
1. Total <b>municipal</b> acreage		41,430
2. Acreage of <b>proposed</b> Municipal TIF District (if amendment, proposed updated total acreage)		29.12
3. <b>Downtown-designation</b> <sup>1</sup> acres in proposed Municipal TIF district		0
4. <b>Transit-Oriented Development</b> <sup>2</sup> acres in proposed Municipal TIF district		0
5. <b>Total acreage</b> [=A2-A3-A4] of proposed Municipal TIF district counted toward 2% limit		29.12
6. <b>Percentage</b> [=A5÷A1] of total acreage in proposed Municipal TIF district (CANNOT EXCEED 2%)		0.07
7. <b>Total acreage</b> of all <u>existing/proposed</u> Municipal TIF districts in municipality <b>including</b> Municipal Affordable Housing Development districts: <sup>3</sup> See attached list.	Existing	668.51
	Proposed	29.12
	Total	697.63
<b>30-A § 5223(3) EXEMPTIONS<sup>4</sup></b>		
8. Acreage of an <u>existing/proposed</u> <b>Downtown</b> Municipal TIF district		247.55
9. Acreage of all <u>existing/proposed</u> <b>Transit-Oriented Development</b> Municipal TIF districts:		0
10. Acreage of all <u>existing/proposed</u> <b>Community Wind Power</b> Municipal TIF districts:		0
11. Acreage in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> <sup>5</sup> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such acreage also factored in Exemptions 8-10 above:		0
12. <b>Total acreage</b> [=A7-A8-A9-A10-A11] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit		450.08
13. <b>Percentage of total acreage</b> [=A12÷A1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%)		1.09%
14. <b>Real property</b> in proposed Municipal TIF District that is:	ACRES	% [=Acres÷A2]
a. A blighted area		
b. In need of rehabilitation, redevelopment or conservation		
c. Suitable for commercial or arts district uses	29.12	100%
<b>TOTAL (except for § 5223 (3) exemptions a., b. OR c. must be at least 25%)</b>		100%

<sup>1</sup> Before final designation, the Commissioner will seek advice from MDOACF and MDOT per 30-A § 5226(2).

<sup>2</sup> For Transit-Oriented Development (TOD) definitions see 30-A § 5222 sub-§§ 19-24.

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

<sup>4</sup> Downtown/TOD overlap nets single acreage/valuation caps exemption.

<sup>5</sup> PTZ districts approved through December 31, 2008.



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SECTION B.   Valuation Cap		
1. <b>Total TAXABLE</b> municipal valuation— as of April 1, 2023	\$2,253,171,176	
2. <b>Taxable Original Assessed Value (OAV)</b> of proposed Municipal TIF District as of March 31, 2023 (April 1, 2022)	\$1,439,400	
3. <b>Taxable OAV of all <u>existing/proposed</u> Municipal TIF districts in municipality <b>excluding</b> Municipal Affordable Housing Development districts: See attached list.</b>	Existing	\$105,704,200
	Proposed	\$1,439,400
	Total	\$107,704,200
<b>30-A § 5223(3) EXEMPTIONS</b>		
4. <b>Taxable OAV</b> of an <u>existing/proposed</u> <b>Downtown</b> Municipal TIF district	\$80,002,900	
5. <b>Taxable OAV</b> of all <u>existing/proposed</u> <b>Transit-Oriented Development</b> Municipal TIF districts	0	
6. <b>Taxable OAV</b> of all <u>existing/proposed</u> <b>Community Wind Power</b> Municipal TIF districts	0	
7. <b>Taxable OAV</b> of all <u>existing/proposed</u> <b>Single Taxpayer/High Valuation</b> <sup>6</sup> Municipal TIF districts	0	
8. <b>Taxable OAV</b> in all <u>existing/proposed</u> Municipal TIF districts <b>common to</b> Pine Tree Development Zones per 30-A § 5250-I (14)(A) <b>excluding</b> any such OAV also factored in Exemptions 4-7 above:	0	
9. <b>Total taxable OAV</b> [=B3-B4-B5-B6-B7-B8] of all <u>existing/proposed</u> Municipal TIF districts counted toward 5% limit	\$27,140,700	
10. <b>Percentage of total taxable OAV</b> [=B9÷B1] of all <u>existing/proposed</u> Municipal TIF districts (CANNOT EXCEED 5%)	1.21%	

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

<sup>6</sup> For this exemption see 30-A §5223(3)(C) sub-§§ 1-4.

**EXHIBIT A: Existing Active TIF Districts**

<b>District Number</b>	<b>District Name</b>	<b>OAV</b>	<b>Acreage</b>
6	Proctor & Gamble (Tambrands II)	\$ 520,900.00	84
10	Downtown Omnibus (pending amendment)	\$ 80,002,900.00	247.55
12	Auburn Industrial Park	\$ 334,200.00	144
13	Retail Development	\$ 5,425,400.00	29.67
14	Mall Revitalization	\$ 11,328,400.00	38.91
15	Mall Area Hotel	\$ 4,900.00	1.5
16	Webster School (affordable housing)	\$ -	1.4
19	Hartt Transportation Center	\$ 1,278,600.00	43
20	62 Spring Street	\$ 474,300.00	0.81
21	477 Minot Avenue (affordable housing)	\$ -	3.83
22	Hampshire Street (affordable housing)	\$ -	1.01
23	Memory Care	\$ 327,100.00	8.61
24	Gracelawn	\$ 262,600.00	2.92
25	FutureGuard	\$ 3,838,700.00	26.2
26	North River Road Apartments	\$ 60,300.00	3.32
27	Stable Ridge	\$ 235,500.00	13.19
28	Agren Applicance	\$ 1,051,500.00	11.64
29	186 Main Street (pending approval)	\$ 40,000.00	0.16
30	Diamond Point Storage (pending approval)	\$ 518,900.00	5.46
31	Academy Street Housing (pending approval)	\$0	1.33
	<b>TOTAL</b>	<b>\$ 105,704,200.00</b>	<b>668.51</b>



Department of Economic and Community Development  
Municipal Tax Increment Financing  
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**Exhibit B - Assessor's Certificate**

EXHIBIT B: Assessor's Certificate

**CITY OF AUBURN  
CERTIFICATE OF ASSESSOR**

The undersigned assessor of the City of Auburn, Maine, does hereby certify pursuant to the provisions of Title 30-A M.R.S.A. Section 5227 that the assessed value of the taxable real property within the boundaries of the Auburn Municipal Tax Increment Financing District #32, the Mount Auburn Housing Development District, as described in the Development Program for the District and as identified in more detail below, was \$1,439,400 as of March 31, 2023 (April 1, 2022).

Map/Lot	Address	Acres	Original Assessed Value
279-007	Mount Auburn Avenue	4.8	\$881,000
279-006-001	Mount Auburn Avenue	2.92	\$536,700
279-004	Summer Street	21.4	\$21,700
	<b>TOTAL</b>	<b>29.12</b>	<b>\$1,439,400</b>

This Certificate has been executed as of this \_\_\_\_ day of November, 2023.

\_\_\_\_\_  
Karen Scammon, Municipal Assessor



**Department of Economic and Community Development  
Municipal Tax Increment Financing  
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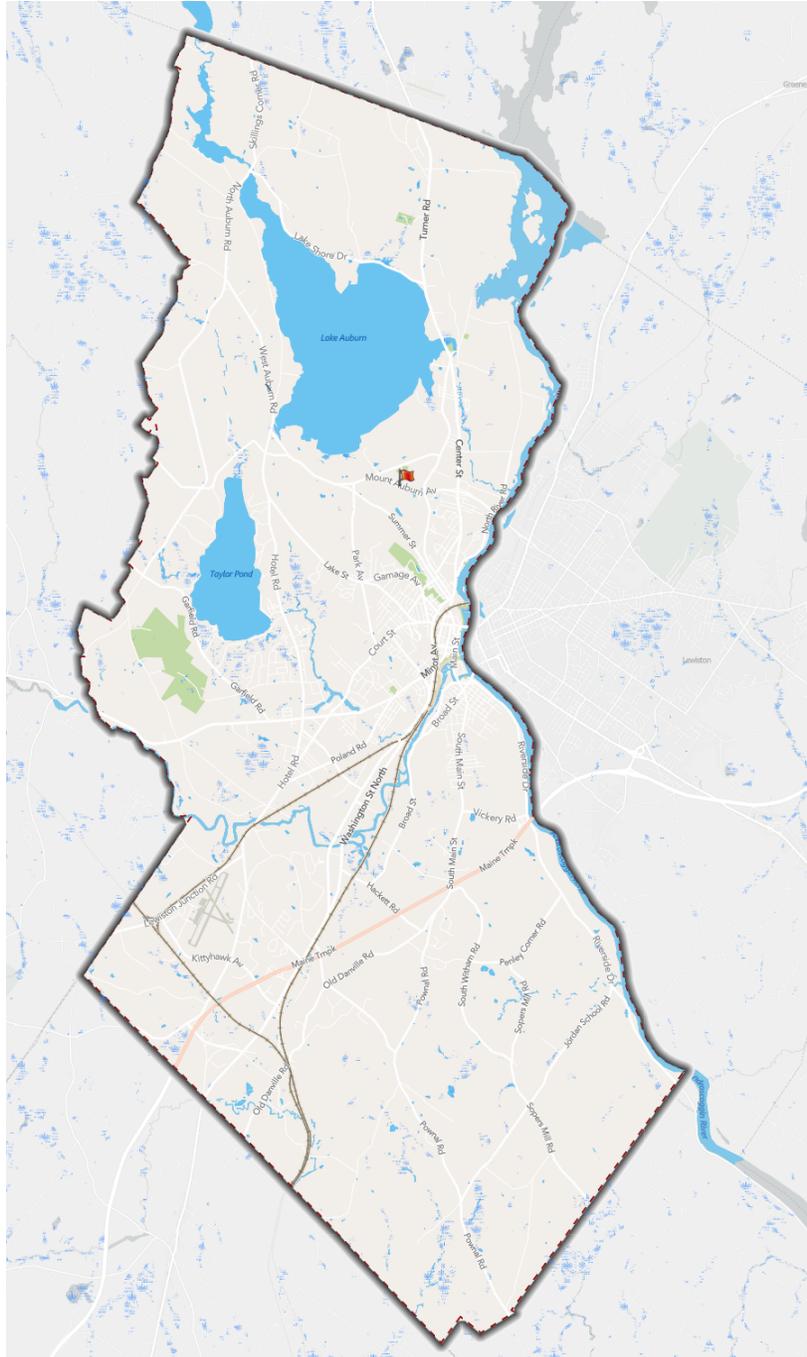


**Exhibit C - Map of District Location within Municipality**



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

**TIF #32 – Exhibit C**  
**Map of District Location within Municipality**



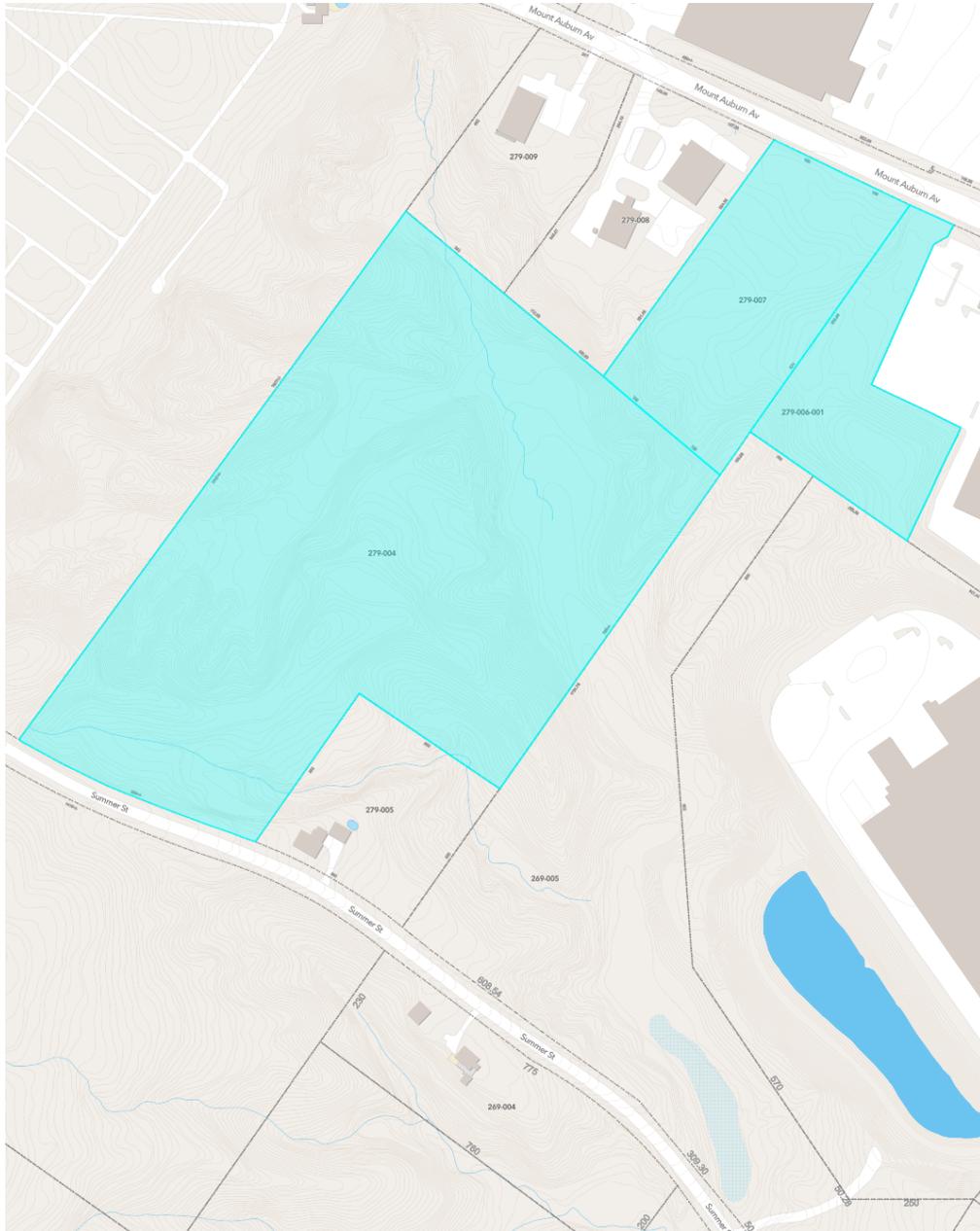


Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Exhibit D - Map of District Boundaries**

**TIF #32 – Exhibit D**  
**Map of District Boundaries**





Department of Economic and Community Development  
Municipal Tax Increment Financing  
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**Exhibit E - Annual Revenue Spreadsheet**

**EXHIBIT E : Annual Revenue Spreadsheet**

TIF Name: **TIF #32 -Mt Auburn Housing**

TIF Year	Tax Year April 1,	Fiscal Year End June 30,	Original Assessed Value (OAV)	Increased Assessed Value (IAV)	Captured Assessed Value (CAV) %	MIL Rate	Tax Revenue on OAV	Tax Revenue on IAV	Tax Revenue on CAV	CEA Payments to Developer %	Net Revenue on CAV to Development
1	2024	2025	\$1,439,400.00		100.0%	\$22.75	\$32,746.35			0.0%	
2	2025	2026	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
3	2026	2027	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
4	2027	2028	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
5	2028	2029	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
6	2029	2030	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
7	2030	2031	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
8	2031	2032	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
9	2032	2033	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
10	2033	2034	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
11	2034	2035	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
12	2035	2036	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
13	2036	2037	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
14	2037	2038	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
15	2038	2039	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
16	2039	2040	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
17	2040	2041	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
18	2041	2042	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
19	2042	2043	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
20	2043	2044	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
21	2044	2045	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
22	2045	2046	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
23	2046	2047	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
24	2047	2048	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
25	2048	2049	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
26	2049	2050	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
27	2050	2051	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
28	2051	2052	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
29	2052	2053	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
30	2053	2054	\$1,439,400.00	\$7,500,000	\$7,500,000	\$22.75	\$32,746.35	\$170,625.00	\$170,625.00	\$0.00	\$170,625.00
<b>30 Year TIF Totals=</b>							<b>\$982,390.50</b>	<b>\$4,948,125.00</b>	<b>\$4,948,125.00</b>	<b>\$0.00</b>	<b>\$4,948,125.00</b>
<b>Annual Average=</b>									<b>\$164,937.50</b>	<b>\$0.00</b>	<b>\$164,937.50</b>

**Assumptions:**

The OAV of the District consists of the parcel(s) identified within the Certificate of Assessor (Exhibit B) and a map of the District can be found in Exhibit C-D.

The IAV are estimates only based on the preliminary development plan. Actual IAV figures in each year may vary and as a result the projections are subject to change.

The City intends to capture: 100.0% of both real & personal property within the district.

The Mil Rate is \$22.75 and is based on the current rate at time of application. This rate may change each year and as a result projections are subject to change.

The Development Program authorizes the city to enter into a credit enhancement agreement for reimbursement up to 0.0%

The Development Program established a cap of total cumulative reimbursement of no more than \$0.00

This table contains projections that are subject to a number of risks and uncertainties that could cause the actual values to differ materially from any projections relied upon herein and the actual values are likely to vary especially in later years.



Department of Economic and Community Development  
Municipal Tax Increment Financing  
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**Exhibit F - Annual Tax Shift Spreadsheet**





**Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application**



**Exhibit G - 10-Day Notice of Public Hearing**

**CITY OF AUBURN  
NOTICE OF PUBLIC HEARING**

The Auburn City Council hereby provides notice that it will hold a public hearing at 7:00 p.m. on December 4, 2023 in the Council Chambers of Auburn City Hall, 60 Court Street, Auburn, Maine, for purposes of receiving public comments on the designation of the proposed new Municipal Tax Increment Financing District #32 the “Mount Auburn Housing” Development District, and the adoption of a Development Program for said new District pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

The proposed new District will consist of 29.12 acres, which includes three parcels located on Mount Auburn Avenue and Summer Street, identified on the City’s tax maps as Map 279, Lots 007, 006-001, and 004. The proposed new District and Development Program will enable the City to capture tax revenues from new assessed value generated by investments made on these properties within the District related to the construction of a new multi-unit housing facility by A.R. Building Company, Inc.

The City proposes to allocate all of the tax increment revenues generated from the commercial development activities within the District to municipal projects such as road improvements, municipal infrastructure, transportation, public safety, and economic development, as well as other costs of public improvements and projects as identified in the Development Program for the District as may be approved and permitted pursuant to Section 5225 of Title 30-A of the Maine Revised Statutes, as amended. The City’s use of tax increment revenues may also be used to pay debt service on bonds issued to finance said public projects.

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



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Exhibit H - Minutes of Public Hearing**



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Exhibit I - Record of District Designation and Development Plan Adoption**

**ORDER OF THE AUBURN CITY COUNCIL  
December 4, 2023**

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from A.R. Building Company, Inc. for the commercial development of certain property within its \_\_\_\_\_ zoning district located on Mount Auburn Avenue and Summer Street; and

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

WHEREAS, the City has held a public hearing on the proposed Mount Auburn Housing Municipal Development and Tax Increment Financing District #32 (the “District”) in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

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

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

NOW THEREFORE, the City Council hereby Orders as follows:

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

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

(b) The City Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the City, and any adverse economic effect of the District and the Development Program on any existing

## EXHIBIT I: RECORD OF DISTRICT DESIGNATION AND DEVELOPMENT PLAN ADOPTION

business in the City is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the City or to the betterment of the health, welfare or safety of the inhabitants of the City.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby designates the City of Auburn Municipal Development and Tax Increment Financing District #32 (the “Mount Auburn Housing Development District”) as presented to the City Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the Mount Auburn Housing Development District in the form presented to the City Council.

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

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

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

This Order shall take effect immediately upon adoption.



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Exhibit J - Public Project Costs**

EXHIBIT J: Public Project Costs

	<b>Project</b>	<b>Maximum Percentage of CAV</b>	<b>Cost Estimate*</b>	<b>Statutory Citation</b>
1	<u>Administrative &amp; Professional Services Costs:</u> Costs of prorated portion of salaries of City staff for time associated with creation and administration of District, and fund costs of professional services associated with creation and administration of District. Costs related to the administration and facilitation of management and monitoring of this TIF, not to exceed the indicated percentage of the revenue generated from captured assessed value of the development district. <sup>3</sup>	5.0%	\$247,406	30-A M.R.S. §5225(1)(A)(4); (1)(A)(5); (1)(A)(7)
2	<u>Economic Development Programs:</u> Costs of the City's economic development programs, including, but not limited to, marketing costs, prorated portions of staff salaries devoted to supporting and administering TIF programming, and other related operating expenses for the City's Economic Development Department. Costs related to the economic development programs, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district. <sup>2, 3</sup>	5.0%	\$247,406	30-A M.R.S. § 5225(1)(C)(1); (1)(C)(3);
3	<u>Road Improvements within our outside the district:</u> Design, construction, engineering, other associated costs of road construction, sidewalk and pedestrian crossing safety improvements on roads located within the District or outside the District but directly related to or made necessary by the District, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district. <sup>3</sup>	15.0%	\$742,219	30-A M.R.S. § 5225(1)(A)(1); (1)(B)(1)
4	<u>Public Safety Facility within the city:</u> Costs related to the construction or operation of a public safety facility in the City, the need for which is related to general economic development within the City, not to exceed 15% of the revenue generated from the captured assessed value of the development district. <sup>1, 3</sup>	15.0%	\$742,219	30-A M.R.S. § 5225 (1)(C)(9)

EXHIBIT J: Public Project Costs

5	<u>Public Infrastructure within or outside the district:</u> Eligible recreational trail-related development district capital costs include but are not limited to new or existing trails, including bridges that are part of the trail corridor, used all or in part for all-terrain vehicles, snowmobiles, hiking, bicycling, cross-country skiing or other related multiple uses, signs, crosswalks, signals and warning systems and other related improvements, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.	10.0%	\$494,813	30-A M.R.S. §5225(1)(A)(2)
6	<u>Housing Development within the city:</u> Costs associated with the development and operation of housing, including, but not limited to, authorized project costs for improvements as described in section 5249 even if such improvements are not made within an affordable housing development district as defined in section 5246, subsection 2, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.	25.0%	\$1,237,031	30-A M.R.S. § 5225 (1)(A)(9); 30-A M.R.S. § 5249 (1)(A)(5); (1)(A)(7)
7	<u>Economic Development related to Housing within the city:</u> Costs of improvements that are made outside the tax increment financing district but are directly related to or are made necessary by the establishment or operation of the district, including, but not limited to project costs for improvements as described in section 5249 in support of municipal economic development activities regardless of whether such costs are within an affordable housing development district as defined in section 5246, subsection 2, not to exceed the indicated percentage of the revenue generated from the captured assessed value of the development district.	15.0%	\$742,219	30-A M.R.S. § 5225 (1)(B)(4); 30-A M.R.S. § 5249 (1)(A)(8)
8	<u>Administrative Facilities:</u> Capital costs related to the construction or renovation of the City's central administrative office, the need for which is related to economic development within the City, up to 50% of such costs, not to exceed 15% of the captured assessed value within the District.	10.0%	\$494,813	30-A M.R.S. § 5225(1)(C)(12)
		<b>100.0%</b>	<b>\$4,948,125</b>	

\*These are estimates only. The City may allocate revenues generated by the district across approved project cost categories as needed.

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

<sup>1</sup> The use of TIF revenue for this project cost has also been authorized in the following TIF Districts within the City: #27, #26, #25, and #6.

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

## EXHIBIT J: Public Project Costs

<sup>3</sup> The use of TIF revenue for this project cost has also been authorized in the City's TIF District #28. All of the foregoing project cost categories have also been authorized in the City's TIF District #29, #30 and #31 (pending approval).



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Exhibit K - Comprehensive Downtown Redevelopment Plan**

N/A



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Exhibit L - Transit-Oriented Development District Map**

N/A



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Exhibit M - Credit Enhancement Agreement(s)**



Department of Economic and Community Development  
Municipal Tax Increment Financing  
Application



**Exhibit N - Municipality TIF Policy**

**CITY OF AUBURN  
TAX INCREMENT FINANCING  
&  
CREDIT ENHANCEMENT  
POLICY  
AND  
GUIDELINES**

The following are the City of Auburn Tax Increment Financing (TIF) Policy and Credit Enhancement Agreement Application Guidelines.

**I. Purpose and Introduction**

TIF allows municipalities to "shelter" new value resulting from private investment from the calculation of its State subsidies (education and revenue sharing) and County taxes. A municipality's total equalized assessed value is used to calculate General Purpose Aid to Education (subsidy), State Revenue Sharing (subsidy), and County taxes (expense). When a municipality's equalized assessed value increases, State Aid for Education decreases, municipal revenue sharing decreases, and the municipality pays a greater portion of County taxes. Specific municipal shelter benefits for the term of the TIF include: No reduction in State aid for education, no decrease in municipal revenue sharing, and no increase in County taxes (assuming 100% capture).

A Tax Increment Financing District is a tool available to the City of Auburn to promote economic development. TIF enables the City to revitalize and redevelop designated areas and build community and economic growth through public-private partnerships. The TIF District allows the City to capture some or all of the incremental real and/or personal property tax revenues derived from new development or expansion of an existing development and provides a means of financing the economic and community development goals of Auburn as set forth in the Development Program of the District adopted by the City Council and as authorized by state law. The captured tax revenues from a TIF District can be used to finance municipal investments and City infrastructure projects; and can also be used to provide incentive or financing to a private development in the form of an associated Credit Enhancement Agreement (CEA), as authorized by the Development Program of the District and state law.

These guidelines are to provide guidance and outline standards for the development of TIF's and CEA's in the City when utilizing TIF Districts and TIF revenue for the City's development and redevelopment efforts. Notwithstanding compliance with any or all of these guidelines, the creation of a TIF District or authorization of a Credit Enhancement Agreement is a policy decision of the City of Auburn to be evaluated by the City on a case-by-case basis. Adopting this policy or any TIF District does not create a right or entitlement to assistance by any applicant.

## **II. Eligibility for Assistance**

Economic development projects may be eligible for Tax Increment Financing assistance from the City when they meet the following standards:

- Would not occur without City assistance.
- Create or retain employment opportunities.
- Significantly expand the City's tax base by a minimum of \$1,000,000.
- Diversify the economy and tax base of the City
- Conform to the quality and types of development the City seeks as outlined in the Comprehensive Plan, Strategic Plan, Downtown Revitalization Plan, Economic Development Action Plan, and Zoning Ordinances.
- Demonstrate a public benefit, such as expanding public infrastructure to service areas beyond the project or creating job opportunities or affordable housing.
- Public benefits from development must outweigh any possible adverse impacts on existing businesses or residents of the City.

The City provides TIF assistance through a Credit Enhancement Agreement that provides developers with reimbursement of a percentage of the property tax revenue paid on the increased assessed value (or incremental value) of their property. Tax revenue on the incremental value returned to the developers under a Credit Enhancement Agreement will not exceed an average of 75% of the incremental taxes over the life of the particular tax increment financing district or the Credit Enhancement Agreement. Further, the City Council may establish a cap on the total incremental taxes to be reimbursed to a developer under a CEA on an annual and/or cumulative basis. The applicant is required to submit all documentation required by the City in consideration of a Credit Enhancement Agreement. A Public Hearing shall be held to receive public comment on a completed CEA application at least ten days prior to a meeting at which the CEA is being considered for approval by the City Council.

## **III. Application Process**

The City has established an Application for Tax Increment Financing & Credit Enhancement Agreement. Applications (whether initiated by the City or requested by a developer or business) will be reviewed by the Business and Community Development Department Staff and considered by the City Manager. Applications for a new TIF District or an amendment to an existing TIF District are subject to final approval by the City Council and the Maine Department of Economic and Community Development (DECD). The specific terms of TIF assistance through a CEA will be negotiated between the City and the applicant on a case-by-case basis. The City Manager or the City Manager's designee will negotiate for the City, and all recommendations for TIF assistance shall be based on the merits of the project and compliance with these guidelines. Based on City Council direction and approval, Business and Community Development staff will coordinate all activities regarding applications and will prepare materials as needed. The Director of Business and Community Development will assist the developer through the process. They will monitor ongoing investments in the development project if TIF assistance is granted.

All applicants for TIF assistance must pay a \$500 non-refundable application fee at the time of submission. All applicants are required to reimburse the City of Auburn for all legal and administrative costs incurred as a result of the TIF proposal, including the cost of preparing all materials necessary to establish a new TIF District, amend an existing TIF District and draft the Credit Enhancement Agreement. If a Credit Enhancement Agreement is approved, an annual fee equal to 2% of the incremental tax reallocated back to the project will be assessed.

#### **IV. Waiver of Provisions**

The City of Auburn reserves the right under certain conditions to waive the provisions of the policy. The decision to do so shall be made by applying the following guidelines to ensure that the project remains within the general parameters of the Auburn Comprehensive Plan and community development vision(s). Criteria to be considered with granting a waiver are:

- Consistency with the Auburn Comprehensive Plan
- Consistency with the Downtown Revitalization Plan
- Consistency with the City's Economic Development Plan
- Consistency with the Development Plan of the TIF District
- Consistency with other local, State, and Federal laws/rules
- Evidence of need, and
- Capacity to carry out the project

#### **V. Mandatory Guidelines**

In all instances, applicants for tax increment financing and Credit Enhancement Agreements must demonstrate that the City's participation is economically needed to undertake the project. Such justification is demonstrated by:

- Need to offset infrastructure costs unique to the site
- Need to offset economic advantages available if it should develop a project or expand operations outside of Auburn
- Lack of sufficient funding sources to meet the entire capital investments needed to undertake the project
- The project creates significant new tax value throughout the Downtown District and other areas the City Council deems necessary
- The developer is financially capable of undertaking the project
- The developer is compliant with all statutory and regulatory guidelines of the City of Auburn and the State of Maine

## **VI. Guidelines that Determine the Level of Municipal Participation**

Although the applicants' project need not meet each of the following criteria, the following will be used to determine the City of Auburn's participation level.

- Assists an established business in Auburn, retaining existing employment opportunities
- Creates long-term permanent and quality employment opportunities
- Contributes to the revitalization of the Downtown District or other areas in need of development or redevelopment
- Improves a blighted building site in need of rehabilitation
- Creates public infrastructure facilities that have applications beyond the particular development, road improvements, parking, sidewalks, green space, etc.
- Supports or will support community projects, job training, internships, and programs that assist the under-employed and supports local contractors and suppliers.

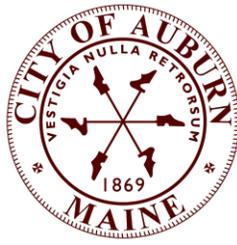
## **VII. Transfer of Ownership**

If the applicant transfers ownership of property in the TIF District subject to a CEA to which the applicant is a party, the applicant must notify the City Manager in writing prior to finalizing the transfer. The prospective new owner must agree, in writing, to accept the provisions of the agreement as presented to and approved by the City Council before the City will release any further TIF reimbursements under the CEA. Failure to provide notice of a transfer of ownership by the applicant or for the prospective new owner to accept the terms of the CEA before the transfer shall render the CEA invalid, and no further payments under it shall be authorized.

## **VIII. Annual Expenditure of TIF Revenues for Municipal Projects**

Each year the Director of Business and Community Development will review all proposed TIF Revenue expenditures as part of the City Budget process to ensure compliance with the existing TIFs.

Annual allocations of TIF revenues to fund existing Credit Enhancement Agreement commitments will be factored into the annual review of the use of the available TIF revenues and estimates of proposed Credit Enhancement Agreements will be calculated by the City Assessor and City Treasurer and provided to the City Manager for review and consideration.



# City Council Order

## IN CITY COUNCIL

**December 4, 2023**

WHEREAS, the City is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to adopt a Tax Increment Financing District and Development Program; and

WHEREAS, the City has received a proposal from A.R. Building Company, Inc. for the commercial development of certain property within its General Business & Rural Residential zoning districts located on Mount Auburn Avenue and Summer Street; and

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

WHEREAS, the City has held a public hearing on the proposed Mount Auburn Housing Municipal Development and Tax Increment Financing District #32 (the "District") in accordance with the requirements of 30-A MRSA §5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and,

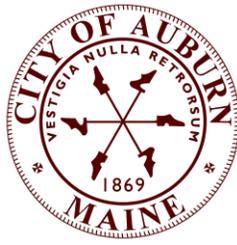
WHEREAS, the City desires to designate the proposed District and adopt the proposed Development Program as presented to the City Council this day and as has been on file in the City Clerk's Office at City Hall; and

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

NOW THEREFORE, the City Council hereby Orders as follows:

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

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the City and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and



## City Council Order

valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the City or to the betterment of the health, welfare or safety of the inhabitants of the City; and

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

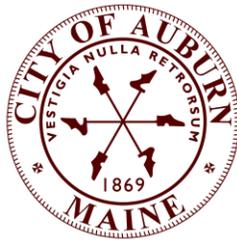
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Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the City Council hereby adopts the Development Program for the Mount Auburn Housing Development District in the form presented to the City Council.

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

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

Section 6. The City Manager be and hereby is authorized and directed, on behalf of the City of Auburn, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S.A. §5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The City Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion



## City Council Order

of tax increment revenues generated by the District and retained by the City as described in the Development Program, as the City Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

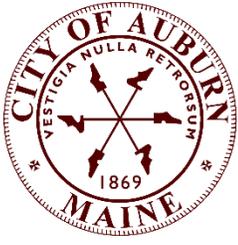
This Order shall take effect immediately upon adoption.

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Ordinance:** 28-12042023

**Author:** John Blais

**Subject:** First Reading on proposed (11) votes/text amendments applied to the Lake Auburn watershed.

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

Since December of 2021, several amendments to Chapter 60, Article XII, Division 4 Lake Auburn Watershed Overlay District have been proposed. These amendments include 1.) changes to the private subsurface wastewater disposal system design and site standards and inspection requirements; 2.) changes to agricultural and subsurface wastewater system buffer widths from Lake Auburn and its tributaries and streams; and 3.) prohibiting new non-hobby agricultural farms within the Lake Auburn Watershed Overlay District. These amendments were brought forward over time to improve the quality of Lake Auburn as Auburn and Lewiston's drinking water supply by updating subsurface wastewater disposal standards and environmental regulations to meet current best practices and modern science. A culmination of all amendments was proposed at the November 14, 2023 Planning Board meeting and had favorable recommendation from the Planning Board and recommended these go forward with the contingency that Rural Residential (1 acre minimum) zoning within the watershed be changed to Low-Density Country Residential (3 acres-minimum) and are now ready for review and vote by the city council.

These amendments have been collectively reviewed by outside subject matter experts to include former State of Maine Soil Scientist and State of Maine licensed Soil Scientist and Site Evaluator, David Rocque. University of Rhode Island, Director of the Onsite Wastewater Resource Center, Alissa Cox PhD. In addition, the Lake Auburn Water Quality Ad-Hoc Committee has reviewed and recommends the adoption of the zoning ordinance text amendments.

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**City Budgetary Impacts:** None.

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**Staff Recommended Action:** Staff recommends that the Council discuss the proposals and issue the first vote on adoption of text **ordinance changes described in version B.**

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**Previous Meeting History:**

**December 21, 2021:** city council directive to amend watershed boundary

**January 2, 2022:** council directs planning board to consider certain septic requirement text change

**January 3, 2022:** city council workshop to change boundary of watershed and change from AG to CDD  
**January 11, 2022:** planning board workshop on amending watershed boundary  
**February 8, 2022:** planning board public hearing on changing Gracelawn area from AGRP to GB and moving the CDD boundary to match the newly interpreted watershed boundary (favorable recommendation)  
**March 7, 2022:** city council first reading on amending 148 Gracelawn area from AGRP to GB  
**March 21, 2022:** city council second reading on amending a slightly reduced area in the Gracelawn area from AGRP to GB (passes)  
**April 12, 2022:** planning board workshop and public hearing on updating subsurface wastewater (SSWW) standards (favorable recommendation contingent upon RR to LDCR zone change)  
**April 19, 2022:** city council workshop on Lake Auburn watershed updates  
**May 2, 2022:** city council first reading on updating SSWW standards and increasing agricultural buffer strip (favorable vote). also asks board to consider reducing housing density in the watershed  
**May 3, 2022:** special planning board workshop to consider changing RR to LDCR in the watershed  
**August 9, 2022:** planning board workshop on FB Environmental Report  
**August 9, 2022:** City Clerk verifies signatures on petition to repeal watershed boundary  
**August 15, 2022:** city council workshop on RR to LDCR  
**September 6, 2022:** City council repeals Ordinance 08-03072022 (watershed boundary)  
**October 11, 2022:** planning board review text amendment to increase ag. buffer strips and update SSWW requirements (favorable recommendation)  
**January 17, 2023:** city council directs staff to initiate prohibition on new residences and animal farms in Lake Auburn watershed also in AGRP zone  
**January 17, 2023:** city council directs planning board to consider that no future SSWW systems be allowed within 300 feet of Lake Auburn  
**September 18, 2023:** DWP Potential Boundary wrote favorable letter for new line by Maine Drinking Water  
**September 26, 2023:** Oct 10, 2023, PB workshop, Oct. 16, 2023 CC workshop, Lake Auburn Water Quality Ad-Hoc Committee issues memo recommending AWSD and LWD forward new boundary to DWP, October 17, 2023, URI makes recommendation on peer review to staff, October 17, 2023. November 14, PB public hearing.  
**November 20, 2023:** Passage of first reading.

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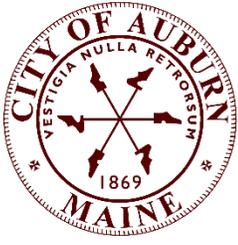
City Manager Comments:



I concur with the recommendation. Signature:

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Attachments: Proposed Ordinance changes Version B, planning board motion, planning board staff report (text amendments) DWP memo, LWD memo, Lewiston memo, City of Auburn Memo, Letter from Heather Hunter, Lewiston Administrator, Vote sheet language for CC.



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Order:** 165-12042023

**Author:** Sally Daggett, City Attorney

**Subject:** City Manager Contract

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**Information:**

The City Council met in executive session and assigned Councilors Walker and Staples to review the annual evaluation and any amendments to the City Manager's contract. The Council expressed general agreement on amendments to the contract for City Manager Phillip L. Crowell, Jr. with term to begin July 1, 2023 and end June 30, 2028. All terms and conditions are outlined in the contract. The new contract needs approval from the full Council.

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**City Budgetary Impacts:** As outlined in the contract.

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**Staff Recommended Action:** N/A

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**Previous Meetings and History:** Executive Session June 5, 2023, July 10, 2023, and August 21, 2023

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**City Attorney Comments:**

I have reviewed the contract as to form and recommend approval. Signature:

**Attachments:**

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## City of Auburn, Maine

Office of the City Manager

60 Court Street | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6601

### **City of Auburn Employment Contract**

This Agreement is made and entered into this 30<sup>th</sup> day of June, 2023 by and between the City of Auburn, a municipal corporation duly organized and existing under the laws of the State of Maine (hereinafter “the City”) by and through its City Council and Phillip L. Crowell, Jr., (herein referred to as the (“City Manager”).

The City Council desires to employ Phillip L. Crowell, Jr. as City Manager and Phillip L. Crowell, Jr. desires to accept employment as the City Manager of the City of Auburn. The parties desire to enter into this agreement to establish the terms and conditions of employment, as negotiated and agreed to by the parties.

Now, therefore in recognition of the foregoing and in consideration of the mutual promises and covenants hereinafter set forth, the parties agree as follows:

#### Section 1. Duties

The City hereby agreed to employ Phillip L. Crowell, Jr. as City Manager of the City of Auburn on July 1, 2020, to perform the functions and duties applicable to state statutes, including but not limited to 30-A MRSA ss 2636 and the City Charter, and Code of Ordinances as the same now exists or may be amended. The City Manager agrees to well and faithfully serve the City in said capacity and devote his time, attention and energies to the performance of his duties hereunder to the best of his ability.

#### Section 2. Term

The term of this agreement shall be for five years commencing on July 1, 2023 and shall continue until June 30, 2028. Upon the successful completion of an annual year-end performance evaluation, the agreement will be automatically extended an additional one (1) year after that date upon mutual agreement between the City Council and the City Manager unless terminated pursuant to this agreement or unless a specific term is provided for by a subsequent amendment to this agreement.

#### Section 3. Salary and Fringe Benefits

The City Manager will be compensated at an annual salary of \$155,218 to be paid weekly at \$2,985/week. Annual salary increases will be done in conjunction with the Council's annual performance evaluation of the City Manager. The normal work week is a minimum of 40 hours per week. The position is exempt from overtime and the City Manager is expected to attend Council meetings and workshops, budget meetings, and other meetings and community events which may be held during evenings, early mornings, weekends and holidays and to work the hours necessary to meet workload demands. The City Manager is also expected to be available for large scale emergencies or events that need the support of the City Manager's Office or of the Mayor and City Council. The City Manager will receive the normal benefits package as provided for full time, regular exempt Non-union employees except with the following:

Vacation- The City Manager will accrue 20 hours per month at the end of the month or 30 days per year. All previous balances of vacation time will carry over at the signing of this contract. The vacation accrues from year to year up to a maximum of 440 hours or 55 days, total.

Cell Phone Stipend- The City will contribute \$70.00 per month stipend toward the cost of the City Manager's personal cell phone in lieu of his participation in the City's cell phone contract.

Retirement- The employee is currently enrolled in the ICMA-RC (International City Managers Association Retirement Corporation) Executive 401 account. The City will contribute twenty percent (20%) into the account and will match the employee's contribution up to an additional 5% more.

The City Manager will receive other benefits offered to all non-union employees.

#### Section 4. Residency

The City Manager will be required to reside within the corporate boundaries of the City of Auburn throughout the duration of this agreement.

#### Section 5. CALEA Assessor

The City agrees to allow the City Manager, a CALEA Assessor, to conduct three (3) assessments per year with the City providing for 50% of time necessary for the assessment with paid time off and the City Manager will use accrued time off for the remaining absence.

#### Section 6. Performance Evaluation

The City Council should conduct an employment performance evaluation of the City Manager prior to the first six (6) month anniversary, and an annual evaluation at the first anniversary and every twelve (12) months thereafter. The City Manager may elect to have other periodic evaluations if he so chooses.

## Section 7. Professional Development

The City agrees to pay, within the budgetary constraints of the Manager's professional development budget, the necessary expenses for the Manager to continue his professional development, including but not limited to annual ICMA conferences, the Maine Municipal Association annual convention and other training programs, the Maine Town /City Management Association and other regional, statewide and national governmental groups or committees which the Manager serves as a member. The City Manager should be certified with the International City Manager's Association ("ICMA"), within 18 months of the effective date of this contract, unless otherwise approved by the City Council.

## Section 8. Automobile Allowance

The City shall pay to the Manager a monthly automobile allowance of \$300.00. This is intended to reimburse and cover the Manger for all City business travel required on the Manager's personal automobile and will be taxed according to applicable IRS guidelines.

## Section 9. Termination and Severance

The City Manager agrees to provide the City of Auburn with 60 days written notice of separation of employment. The City Manager will receive cash out for all allowable accrued time, and no severance pay. If employment is terminated for any reason other than legitimate disciplinary actions, the City Manager will be eligible for compensation equal to the amount of the term agreement or a severance equal to six months of salary whichever is greater and six months of health insurance coverage, and vacation and sick time cash out. Termination of the City Manager's employment by the City Council pursuant to the applicable section of the Auburn City Charter for just cause voids the City's obligation to pay severance under this section.

## Section 10. General Provisions

- A. The text herein, as well as any laws or ordinances reference herein, shall constitute the entire agreement between the parties.
- B. This agreement may only be amended or modified in writing
- C. The parties acknowledge and agree that this Agreement was freely negotiated and entered into, and that the event of a conflict between the provisions hereof and the provisions of any law or ordinance, the provisions of this Agreement shall prevail.
- D. If any provisions, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid or unenforceable by a court of competent jurisdiction, the remainder of this Agreement, or portion thereof, shall not be affected thereby, and shall remain in full force and effect.

- E. Except as expressly stated or otherwise provided for in this agreement, the City Manager shall be governed by the same customs, practices and policies governing all other employees of the City of Auburn.

Date: \_\_\_\_\_

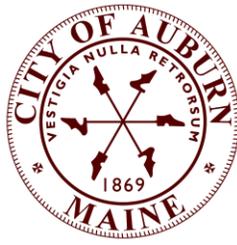
By: \_\_\_\_\_  
Dana Staples, City Councilor

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Leroy Walker, City Councilor

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Phillip L. Crowell, Jr.



**Order: 165-12042023**

# City Council Order

## IN CITY COUNCIL

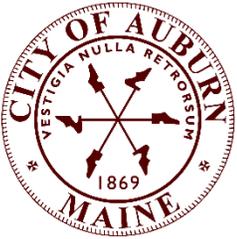
**BE IT ORDERED** that the employment agreement between the City and City Manager Philip L. Crowell, Jr. be adopted as set forth in the attached Employment Agreement.

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Order:** 166-12042023

**Author:** Phil Crowell, City Manager

**Subject:** PAL Center – Increase Allocation from American Rescue Plan Act (ARPA) Funds.

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**Information:** In 2011, Police recognized that upwards of 25% of the total calls for service were happening in the same ½ mile area of the City of Auburn’s most impoverished area of the city. The area was rife with vandalism and families had no sense of belonging. Police recognized that the “Broken Window Theory” applied to this neighborhood- don’t fix it and it will get worse.

After much consideration as to what could be done to mitigate the crimes against youth and crimes committed by youth under the age of 20, the City of Auburn provided the current building located at 24 Chestnut Street to the Police Activities League (PAL) - a 501c3 that has a Board of Directors who oversee the operations. After renovations were completed in 2013 – by volunteers and through fundraising, the PAL Center opened and began providing after-school programming. Since the opening, the center has grown to provide mentored after-school and summer programming to upwards of 100 children daily. The current building has far exceeded its capacity (43 people) to safely offer programming due to lack of space. During the Covid-19 pandemic, the center had to close its doors because of the limited space.

Construction costs for the project are \$9,000,000.00. The Auburn PAL has received the following funds towards the project:

- \$3,000,000.00 American Rescue Plan Act (ARPA) allocated by City Council on 4/4/2022
- \$3,000,000.00 Federal Community Project Funding sponsored by Senator Collins
- \$1,500,000.00 City of Auburn Capital Improvement Funds (FY2023)

Remaining unallocated ARPA funds total \$905,745.00. Presentation of status of all ARPA projects was made to City Council on November 20, 2023. After reviewing the projects, a recommendation was made to allocate the remaining funds towards the remaining unmet construction balance.

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**City Budgetary Impacts:** None

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**Staff Recommended Action:** Vote to allocate remaining undesignated ARPA funds (\$905,745.00) and increase the PAL Center allocation from \$3,000,000.00 to \$3,905,745.00.

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**Previous Meetings and History:** April 4, 2022, November 20, 2023

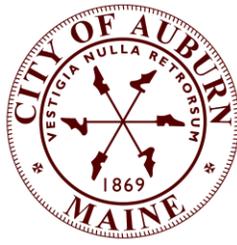
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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:**



**ORDER 166-12042023**

# City Council Order

## IN CITY COUNCIL

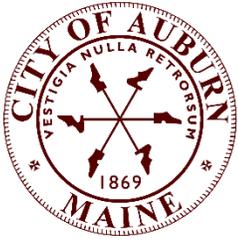
**ORDERED**, that the Auburn City Council hereby allocates \$905,745.00 of unallocated ARPA (American Rescue Plan Act) funds to the Police Activities League (PAL) for the construction of a new center for a total of \$3,905,745.00.

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 4, 2023

**Order:** 167-12042023

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

**Subject:** FY ending June 2022 – Undesignated Fund Balance

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**Information:** At the end of each fiscal year, the City of Auburn’s auditing firm completes its annual audit. They provide information regarding the fiscal state of the city. Annually, the City of Auburn has an Undesignated Fund (UDF) that represents the difference of assets and liabilities. The fund serves as the city’s cash flow throughout the year; therefore, the balance reported on June 30<sup>th</sup> of each year is the balance on that date only. Throughout the rest of the year, the balance is due more or less to cash flow needs. The City has a fund balance policy that recommends the UDF be at least 14% of the City’s total budget. Bonding companies review the UDF balance when rating the City’s financial status as it relates to the City’s bond rating and corresponding interest rates.

On November 20, 2023, the City’s auditing firm, Runyon, Kersteen and Ouellette presented their FY2022 findings to the Mayor and City Council. It was determined that the City’s UDF was approximately 16% (\$2,148,283.00) in excess of the recommended 14%.

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**City Budgetary Impacts:** Allocate \$1,823,255.00 Undesignated Fund Balance that is in excess of the recommended 14% as follows:

- \$594,255.00 Construction of PAL Center
  - \$500,000.00 Transfer to Worker’s Compensation Fund
  - \$500,000.00 Norway Savings Bank Arena Floor
  - \$100,000.00 Auburn Sewer District – Storm Water Separation Study
  - \$ 9,000.00 Edward Little High School “Project Graduation”
  - \$ 20,000.00 Androscoggin Land Trust
  - \$ 50,000.00 Relocation of Fountain
  - \$ 50,000.00 Food Insecurity Program at PAL Center
- 

**Staff Recommended Action:** Vote to allocate Undesignated Fund Balance that is in excess of the recommended 14% as stated above.

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**Previous Meetings and History:** November 20, 2023

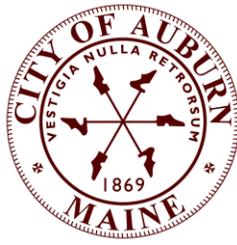
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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:**



**ORDER 167-12042023**

# City Council Order

## IN CITY COUNCIL

**ORDERED**, that the City Council allocate \$1,823,255.00 from the FY2022 Undesigned Fund Balance that is in excess of the recommended 14% as follows:

- \$594,255.00 Construction of PAL Center
- \$500,000.00 Transfer to Worker's Compensation Fund
- \$500,000.00 Norway Savings Bank Arena Floor
- \$100,000.00 Auburn Sewer District – Storm Water Separation Study
- \$ 9,000.00 Edward Little High School "Project Graduation"
- \$ 20,000.00 Androscoggin Land Trust
- \$ 50,000.00 Relocation of Fountain
- \$ 50,000.00 Food Insecurity Program at PAL Center

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

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

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



**City of Auburn  
City Council Information Sheet**

**Council Workshop or Meeting Date:** December 04, 2023

**Resolve:** 03-12042023

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

**Subject:** Resolve Calling upon the Auburn Water District and the Lake Auburn Watershed Protection Commission to collaborate with the Towns of Turner, Minot, Hebron, and Buckfield in the upper watershed to take similar actions as the City of Auburn to protect the drinking water of over 50,000 residents in Auburn, Lewiston, and Poland.

---

**Information:** The City has been working on text amendments to the Zoning Ordinance relating to the Lake Auburn Watershed Overlay District for several years, which amendments are evidenced by Ordinance #28-11202023; The ordinance amendments provide significant protections within the municipal boundaries of the City of Auburn. The study of water quality monitoring data collected by the Auburn Water District and the Lake Auburn Watershed Protection Commission has confirmed that significant nutrient inputs to the lake occur in tributaries that originate in upper watershed towns that do not have the same protections in place for the protection of the Lake Auburn Watershed.

This resolve calls upon the upon the Auburn Water District and the Lake Auburn Watershed Protection Commission to collaborate with the Towns of Turner, Minot, Hebron, and Buckfield in the upper watershed to take similar actions as the City of Auburn to protect the drinking water of over 50,000 residents in Auburn, Lewiston, and Poland.

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**City Budgetary Impacts:** None.

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**Staff Recommended Action:** Staff recommends that the Council vote to approve the Resolve.

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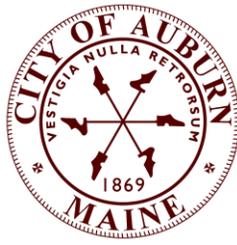
**Previous Meetings and History:**

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City Manager Comments:

I concur with the recommendation. Signature:

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# City Council Resolve

## IN CITY COUNCIL

**RESOLVE**, calling upon the Auburn Water District and the Lake Auburn Watershed Protection Commission to collaborate with the Towns of Turner, Minot, Hebron, and Buckfield in the upper watershed to take similar actions as the City of Auburn to protect the drinking water of over 50,000 residents in Auburn, Lewiston, and Poland.

**WHEREAS**, the Auburn Water District was granted a legislative Charter by Chapter 60 of the Private and Special Laws of 1923, as amended, and under the terms of its Charter, the said Auburn Water District was granted the power “to adopt by-laws, not inconsistent with the general laws of the state, to prevent pollution of the water of Lake Auburn and to preserve the purity of said water, and may prescribe penalties for the violation thereof, which said by-laws shall have the same force and effect as municipal ordinances”; and

**WHEREAS**, the said Auburn Water District was also granted under its Charter the “power and authority” to bring legal proceedings “to enjoin, prevent or restrain any persons, firms or corporations from polluting the water of Lake Auburn, provided such pollution shall tend to corrupt or impair the quality of the water of said Lake Auburn for domestic purposes, or render it injurious to health”; and

**WHEREAS**, pursuant to 22 M.R.S.A. §2647, “Any water utility...is authorized to take reasonable steps to protect a public water source from pollution”; and

**WHEREAS**, in an effort to strengthen Lake protections, the Auburn Water District formed the “Lake Auburn Water Quality Ad-Hoc Committee” and the said committee was tasked with reviewing and advising about the changes to the watershed related ordinances being made by the City of Auburn; and

**WHEREAS**, the committee supported the City of Auburn changes and further recommended the committee draft and execute an engagement with the Upper watershed towns to apply these critical watershed protections in the Towns of Turner, Minot, Hebron, and Buckfield; and

**WHEREAS**, pursuant to the By-laws for Protection of Lake Auburn and specifically Protection Level 4: Upper Watershed, the Trustees of the Auburn Water District established the entity or authority for the protection and control of the Lake Auburn Watershed, including those portions located in other municipalities, and shall provide technical assistance and enforcement assistance for watershed protection controls to homeowners and residents of the extended watershed area.

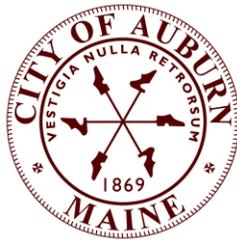
**WHEREAS**, the Auburn Water District and/or Lake Auburn Watershed Protection Commission is authorized to implement and enforce their By-Laws and restrictions by all appropriate means, including without limitation by bringing legal proceedings for the enforcement thereof.

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

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

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



## City Council Resolve

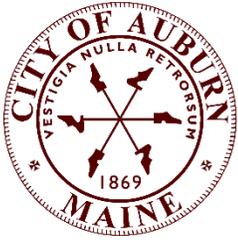
**Now, therefore, be it resolved** by the City Council of the City of Auburn that; We call upon the Auburn Water District and the Lake Auburn Watershed Protection Commissioners to begin discussions with the towns in the upper watershed to adopt these critical protections for Lake Auburn.

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

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**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 4, 2023

**Order:** 168-12042023

**Author:** Robert Chase, Fire Chief

**Subject:** Update to EMS Billing Rates

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**Information:**

The EMS current EMS billing rates took effect on January 1<sup>st</sup>, 2021. During recent legislative sessions several laws were passed which affect EMS billing.

The recommendation for the increase is due to the State of Maine’s act to protect consumers for surprise emergency medical bills or L.D. 2105. It states if you are **contracted** with an insurance company you will receive 200% of the Medicare allowed amount for the service. It also states if you are under the 200% you can not increase your rates more that 5% each year.

The department’s medical billing company, Medical Reimbursement Services (MRS), has suggested increases to Auburn Fire Department’s fee schedule to better align with these pieces of legislation:

Fee	Auburn Current	MRS Suggested 2023 Increase	MRS Suggested 2024 Increase	200% Medicare
Mileage	\$18.00	\$20.00	\$20.00	\$17.42
BLS	\$800.00	\$840.00	\$882.00	\$809.08
ALS - 1	\$1,000.00	\$1,100.00	\$1,100.00	\$960.78
ALS – 2	\$1,500.00	\$1,600.00	\$1,600.00	\$1,390.62
BLS Non Emergency	\$450	\$473	\$497	\$505.68
ALS Non Emergency	\$500	\$525	\$552	\$606.82
No Transports	\$225.00	\$300.00	\$300.00	N/A

***Increase in ALS intercept fee:***

A requirement of all ambulance services trying to provide the best care for their patients is to request a paramedic from another service to come and provide necessary care that is above the scope of practice of the responding ambulance. As a service that always staffs paramedic licensed providers on ambulances, and many times on fire apparatus, several services depend on the Auburn Fire Department’s ability to provide a paramedic when transporting to a local hospital. Auburn Fire Department paramedics meet an incoming

ambulance service, board the other service's ambulance, and take over patient care. Because ambulance billing is mostly based on transport, this practice, although necessary for best patient care, cannot be billed to the patient. Instead, to recoup some of the cost to the paramedic service, the service providing the paramedic will bill the receiving service a small fee. Currently, Auburn Fire charges \$100.00 for an ALS intercept. In 2022, Auburn Fire Department billed for this service 24 times. Between January 1, 2023, and November 2023, Auburn Fire Department has billed for this service 41 times. It has also been shown in a comparison between 14 other departments, Auburn Fire Department charges the lowest amount for an ALS intercept with the next highest department being \$250.00. Most departments in this comparison charge \$300.00 per intercept. It is requested that Auburn Fire Department increase the ALS intercept fee to \$300.00 to be aligned with other departments.

It is requested that the Auburn Fire Department increase their EMS care and transport fees with the first increase taking effect December 11, 2023 and the second increase taking effect April 1<sup>st</sup> 2024.

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**City Budgetary Impacts:** Estimated increase EMS revenue of \$10,000

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**Staff Recommended Action:** Staff recommends the City Council vote for passage of this Resolve.

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**Previous Meetings and History:**

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**City Manager Comments:**



I concur with the recommendation. Signature:

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**Attachments:** EMS Transport Rate Schedule as of December 11, 2023 (Proposed)  
EMS Transport Rate Schedule as of April 1, 2024 (Proposed)



## Auburn Fire Department

550 Minot Avenue | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6633

### City of Auburn EMS Transport Rate Schedule as of December 11, 2023:

<u>SERVICE</u>	<u>ALL INCLUSIVE RATE</u>
Basic Life Support (A0429)	\$840
Advanced Life Support (A0427)	\$1,100
Advance Life Support Level 2 (A0433)	\$1,600
Basic Life Support Non-Emergency	\$473
Advanced Life Support Non-Emergency	\$525
Specialty Care Transport (PIFT)	\$2,800
Loaded Miles (A0425)	\$20 per mile
Paramedic Intercept	\$300
On Scene (not transport)	\$300

Auburn utilizes Medical Reimbursement Services (MRS) in Windham, Maine as our billing service. If you have a question regarding an ambulance bill, please contact MRS at 1.800.734.6677.



# Auburn Fire Department

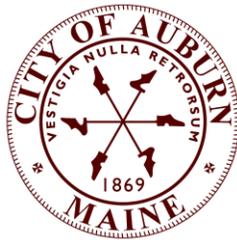
550 Minot Avenue | Auburn, Maine 04210

[www.auburnmaine.gov](http://www.auburnmaine.gov) | 207.333.6633

## City of Auburn EMS Transport Rate Schedule as of April 1, 2024:

<u>SERVICE</u>	<u>ALL INCLUSIVE RATE</u>
Basic Life Support (A0429)	\$882
Advanced Life Support (A0427)	\$1,100
Advance Life Support Level 2 (A0433)	\$1,600
Basic Life Support Non-Emergency	\$497
Advanced Life Support Non-Emergency	\$552
Specialty Care Transport (PIFT)	\$2,800
Loaded Miles (A0425)	\$20 per mile
Paramedic Intercept	\$300
On Scene	\$300

Auburn utilizes Medical Reimbursement Services (MRS) in Windham, Maine as our billing service. If you have a question regarding an ambulance bill, please contact MRS at 1.800.734.6677.



# City Council Order

## IN CITY COUNCIL

**Ordered,** that the City Council hereby approves the following increase to EMS care and transport fees with the first increase taking effect December 11, 2023 and the second increase taking effect April 1<sup>st</sup> 2024 as follows:

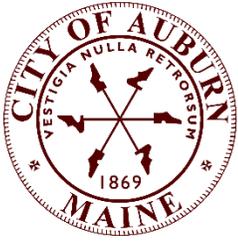
<b>Fee</b>	<b>Auburn Current</b>	<b>MRS Suggested 2023 Increase</b>	<b>MRS Suggested 2024 Increase</b>	<b>200% Medicare</b>
Mileage	\$18.00	\$20.00	\$20.00	\$17.42
BLS	\$800.00	\$840.00	\$882.00	\$809.08
ALS - 1	\$1,000.00	\$1,100.00	\$1,100.00	\$960.78
ALS – 2	\$1,500.00	\$1,600.00	\$1,600.00	\$1,390.62
BLS Non Emergency	\$450	\$473	\$497	\$505.68
ALS Non Emergency	\$500	\$525	\$552	\$606.82
No Transports	\$225.00	\$300.00	\$300.00	N/A

---

**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 4, 2023

**Order:** 169-12042023

**Author:** Jay Brenchick

**Subject:** Execution of the Sale of 186 Main Street by the City Manager

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**Information:** Great Falls Construction plans to build a mixed-use building, including 18 residential apartments, retail and restaurant space. The 23,116 SF facility that will be the home of a Mason's Brewing, an additional ~1,500SF commercial retail location along Main Street and 18 residential apartments ranging from studios to one and two bedrooms. This project has received approval from the City's Planning Board and a Traffic Movement Permit from the Maine Department of Transportation.

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**City Budgetary Impacts:**

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**Staff Recommended Action:**

Approval of Order as Presented

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**Previous Meetings and History:**

During the November 20, 2023 City Council Meeting Approved Tax Increment Financing (TIF) District #29, for the project at 186 Main Street.

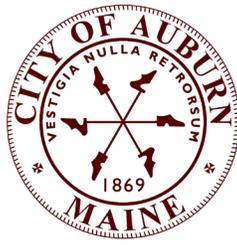
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**City Manager Comments:**

I concur with the recommendation. Signature:

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**Attachments:**



**ORDER 169-12042023**

# City Council Order

## IN CITY COUNCIL

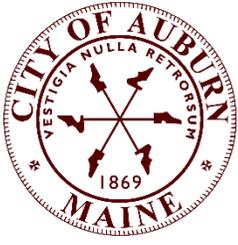
**ORDERED**, that the City Council hereby authorizes the City Manager to execute the sale of 186 Main Street, Parcel ID 231-020 (city-owned property), to Great Falls Construction, DBA JCS 18, LLC.

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

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**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 4, 2023

**Order:** 170-12042023

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

**Subject:** Companion Order to review ordinance amendments applied to the Lake Auburn watershed with feedback from the Maine Drinking Water Program.

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**Information:** The City submitted a copy of the proposed text amendments to the Maine Drinking Water Program for comment in advance of the Planning Board public hearing on them and in advance of the City Council first reading of the amendments, but it has not yet received any comments as of November 30, 2023. The attached order will set a timeline for review of any feedback from the Maine Drinking Water program or other sources to ensure the amendments are protecting the water quality of Lake Auburn as designed and intended.

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**City Budgetary Impacts:** None.

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**Staff Recommended Action:** Staff recommends that the Council vote to approve the attached Order.

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**Previous Meetings and History:**

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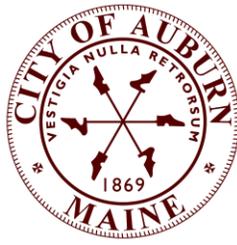
City Manager Comments:

*Phillip Crowell Jr.*

I concur with the recommendation. Signature:

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Attachments: Order.



Order: 170-12042023

# City Council Order

## IN CITY COUNCIL

### **Review of Zoning Ordinance Text Amendments Relating to Lake Auburn Watershed Overlay District evidenced by Ordinance #28-11202023**

**WHEREAS**, the City has been working on text amendments to the Zoning Ordinance relating to the Lake Auburn Watershed Overlay District for several years, which amendments are evidenced by Ordinance #28-11202023;

**WHEREAS**, the City submitted a copy of the proposed text amendments to the Maine Drinking Water Program for comment in advance of the Planning Board public hearing on them and in advance of the City Council first reading of the amendments, but it has not yet received any comments; and

**WHEREAS**, the City is interested in any comments that may be received by the Planning and Permitting Department or other City departments or officials relating to the efficacy of the text amendments once they become effective, be it from the Maine Drinking Water Program or otherwise;

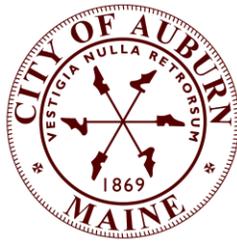
**NOW, THEREFORE, BE IT ORDERED** that if Ordinance #28-11202023 is adopted on December 4, 2023 and becomes effective in 5 days under the terms of the City Charter, the City Council shall review the amendments to the Zoning Ordinance evidenced by Ordinance #28-11202023 within six months, *i.e.*, on or before June 4, 2024, to determine whether any additional amendments to the Zoning Ordinance are necessary or desirable.

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

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

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



**ORDER 154-12042023**

# City Council Order

## IN CITY COUNCIL

**ORDERED**, that the City Council hereby appoints Stephen Roop to the Planning Board, full member, with a 1/1/2027 term expiration as nominated by the Appointment Committee.

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

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

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