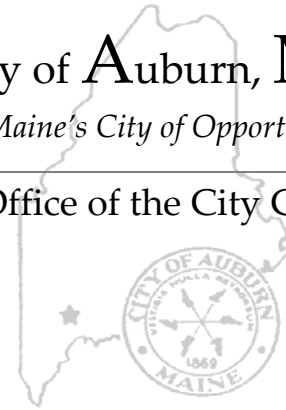


City of Auburn, Maine

"Maine's City of Opportunity"

Office of the City Clerk



Council Meeting Agenda Packet

March 17, 2008

This packet contains the City Council Agenda and supporting documents. The items in this packet are bookmarked in Adobe Acrobat .pdf format. You may need to click on the Bookmark tab on the left to open the Bookmark window. If you do not see a Bookmark tab on the left, you may need to select the Show/Hide Navigation Pane button in your icon toolbar above or update your version of the Adobe Reader. You can download the free Adobe Reader application at www.adobe.com.



City Council Meeting and Workshop March 17, 2008

Agenda

5:00 p.m. Dinner

5:30 p.m. Workshop

Presentation of City/School Budgets

7:00 p.m. City Council Meeting

Pledge of Allegiance

* **Consent Items** – All items listed with an asterisk (*) are considered as routine and will be approved in one motion. There will be no separate discussion of these items unless a Councilor or citizen so requests. If requested, the item will be removed from the consent agenda and considered in the order it appears on the agenda.

Minutes

*031708-00 Minutes of March 3, 2008 Council Meeting

Reports

▪ Mayor

Business Appreciation Program - Community Credit Union – Donna Steckino, CEO

City Councilors

- **Michael Farrell:** Water Dist., L/A Jt. City Council Planning, Audit and Procurement
- **Bob Hayes:** Railroad, Library, Audit and Procurement
- **Dan Herrick:** MMWAC, Auburn Housing
- **Bruce Bickford:** A-L Airport, ABDC, L/A Joint City Council Planning, AVCOG
- **Ray Berube:** LAEGC, Planning Board, L/A Joint City/School
- **Bob Mennealy:** Sewer District, University of Maine L-A,
- **Ron Potvin:** School Committee, 9-1-1, LATC, L/A Joint City/School

▪ City Manager

Finance Report – Month of February
Appointments to Budget Committee

Communications and Recognitions

*031708-00 Communication from Auburn School Department Re: Waive fee for Day Care Licenses

031708-00 Presentation by Frank Normand – Future Fuel Technology

Open Session – Members of the public are invited to speak to the Council about any issue directly related to City business which is *not* on this agenda

Unfinished Business

New Business

031708-01 Resolve – Amendment to the 2007-08 Action Plan of the Community Development and HOME Investment Partnerships Program

031708-02 Ordinance – Amendment to Chapter 29, Article 7, Site Plan, Special Exception and Subdivision Review (1st Reading)

031708-03 Resolve – Disposition of Tax Acquired Property on Garfield Road (Tax Parcel 216-062)

031708-04 Public Hearing – Brownfields Assessment Grant

031708-05 Appointment to the Lewiston/Auburn Railroad Board until April 2011

Open Session - Members of the public are invited to speak to the Council about any issue directly related to City business which is *not* on this agenda

Future Agenda/Workshop Items

ADJOURNMENT

Executives Sessions: On occasion, the City Council discusses matters which are required or allowed by State law to be considered in executive session. Executive sessions are not open to the public. The matters that are discussed in executive session are required to be kept confidential until they become a matter of public discussion. In order to go into executive session, a Councilor must make a motion in public. The motion must be recorded, and 3/5 of the members of the Council must vote to go into executive session. An executive session is not required to be scheduled in advance as an agenda item, although when it is known at the time that the agenda is finalized, it will be listed on the agenda.

The only topics which may be discussed in executive session are those that fall within one of the categories set forth in Title 1 M.R.S.A. Section 405. Those applicable to municipal government are:

1. Discussion of personnel issues
2. Discussion or consideration of the condition, acquisition, or the use of real or personal property or economic development if premature disclosure of the information would prejudice the competitive or bargaining position of the body or agency.
3. Discussion of labor contracts and proposals and meetings between a public agency and its negotiators.
4. Consultations between a body or agency and its attorney
5. Discussion of information contained in records made, maintained or received by a body or agency when access by the general public to those records is prohibited by statute.
6. Discussion or approval of the content of examinations administered by a body or agency for licensing, permitting or employment purposes
7. Consultations between municipal officers and a code enforcement officer relating to enforcement matter pending in District Court.

**CITY OF AUBURN
MARCH 3, 2008
CITY COUNCIL MEETING**

PRESENT

Mayor John T. Jenkins, Councilors Michael J. Farrell, Daniel R. Herrick, Bruce A. Bickford, Raymond C. Berube, Ronald W. Potvin and Robert C. Mennealy (arrived late), Acting City Manager Laurie Smith, Finance Director Denise Brown and City Clerk Mary Lou Magno. Councilor Robert P. Hayes was absent. There were 19 people in the audience.

Mayor Jenkins called the meeting to order at 7:00 p.m. in the Council Chambers of Auburn Hall with a salute to the flag.

The National Anthem was performed by the Edward Little High School Band under the direction of Jen Fortin.

CONSENT AGENDA

Councilor Berube moved to accept, approve and place on file the items marked with an asterisk. Seconded by Councilor Bickford. Vote: 5 Yeas, No Nays.

***MINUTES OF FEBRUARY 19, 2008**

Approved under consent agenda.

REPORTS OF THE MAYOR

BUSINESS APPRECIATION PROGRAM – ANNIE’S LODGING HOUSE

BUDGET COMMITTEE

Mayor Jenkins named the following people to the Budget Committee: Jonathan Labonte, Brian Demers, Larry Comeau, David Burke, Arthur E. Wildes, Christopher J. Aversano and Richard Kendall.

Councilor Potvin moved to approve the Budget Committee Members. Seconded by Councilor Bickford. Vote: 5 Yeas, No Nays.

REPORTS OF CITY COUNCILORS

Councilors reported on their respective Council Committee Assignments.

REPORTS OF THE CITY MANAGER

CAPITAL IMPROVEMENT PROGRAM

Discussions continued from the workshop earlier with regard to the Capital Improvement Program.

Councilor Mennealy joins the meeting

COMMUNICATIONS AND RECOGNITIONS

***COMMUNICATION FROM NEW AUBURN LITTLE LEAGUE RE: WAIVE FEE FOR VICTUALER LICENSES**

Approved under consent agenda

OPEN SESSION

Brian Demers, 1085 Riverside Drive; and Andy Titus, 45 Carson Street.

CLOSED OPEN SESSION

UNFINISHED BUSINESS

1. ORDINANCE – AMENDMENT TO CHAPTER 9, SECTION 1.4 – NATIONAL ELECTRICAL CODE NFPA (2nd READING)

Councilor Bickford moved for acceptance of second reading and final passage. Seconded by Councilor Berube.

Charlie DeAngelis, City Electrician, answered Councilors questions.

Vote: 6 Yeas, No Nays.

NEW BUSINESS

2. RESOLVE – AUTHORIZE ACTING CITY MANAGER TO EXECUTE INTERLOCAL AGREEMENT REGARDING CREATION OF A LEWISTON-AUBURN PUBLIC HEALTH COMMITTEE

Councilor Berube moved for passage of the resolve. Seconded by Councilor Bickford. Vote: 5 Yeas, No Nays. (Councilor Potvin out of the room)

3. RESOLVE – AMENDMENT TO THE 2007-08 ACTION PLAN OF THE COMMUNITY DEVELOPMENT AND HOME INVESTMENT PARTNERSHIPS PROGRAM

This item was postponed until the March 17th meeting.

4. RESOLVE – ACCEPTING FORFEITED FUNDS/PROPERTY

Councilor Bickford moved for passage of the resolve. Seconded by Councilor Berube. Vote: 6 Yeas, No Nays.

5. AUTHORIZE ISSUANCE OF THE 2008 DOG WARRANT

Councilor Berube moved to authorize the issuance of the 208 Dog Warrant. Seconded by Councilor Potvin. Vote: 6 Yeas, No Nays.

OPEN SESSION

No one spoke

OPEN SESSION CLOSED

FUTURE AGENDA/WORKSHOP ITEMS

Discussion of TIF Tambrands II

Discussion regarding the Auburn Water and Sewer District becoming a part of the City of Auburn.
Discussion of holding the line or no increase in City Budget.
Discussion of trash pick up for commercial/multi unit buildings.

ADJOURNMENT – 8:40 P.M.

Councilor Berube to adjourn. Seconded by Councilor Bickford. Vote: 6 Yeas, No Nays.

A TRUE RECORD

ATTEST: _____
CITY CLERK

City of Auburn, Maine

FINANCIAL MANAGEMENT REPORT FOR FEBRUARY 2008



PREPARED BY THE FINANCE DEPARTMENT
DENISE BROWN, FINANCE DIRECTOR

City of Auburn, Maine

"Maine's City of Opportunity"

Financial Services



March 17, 2008

Honorable Mayor Jenkins and
Members of the City Council

Attached please find the financial report for the month of February 2008. As of February 29th, the City has completed the first eight months of the fiscal year. At this point in the year a number of non-recurring expenses have been paid. The City's major revenue sources – personal property taxes were due on August 27th and the first half of the real estate taxes were due on September 17th. As a guideline for tracking purposes, revenues and expenditures should amount to approximately 66.67% 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 February 29th were \$46,210,578, or 71.18%, of the budget. The accounts listed below are noteworthy.

- A. *Personal Property Taxes* have traditionally been due by July 15. This year, however, due to the additional time needed to complete the property assessments and the Tax Commitment, personal property taxes were due on August 27th. We have collected 62.43% of the budgeted amount. The second half of the taxes are due in March.
- B. *Homestead Exemption* has been fully received.
- C. *Penalties & Interest* are above anticipation.
- D. *State Local Road Assistance* is slightly over three quarters funded.
- E. *State Revenue Sharing* is typically a higher amount this time of year based on strong income and sales taxes received by the State.
- F. The *EMS Transport JE* has occurred.
- G. *Education* is slightly high due to the one-time payment of Adult Ed State Aid, unplanned retroactive Medicaid payments, and the debt service reimbursements from the State of Maine.
- H. *Investment Income* is above anticipated expectations.

- I. The journal entry for the *Bond Interest Proceeds* has been made for the year.
- J. *Rental Income* is higher due to the annual payment from Maine Intermodal Transportation, Inc. for the lease at the intermodal facility.
- K. *Sale of Recyclables* is above anticipation due to the increase in commodity pricing.
- L. The *Commercial Solid Waste Fee* account is at 89% due to billing bi-annually. There will not be another billing in this current fiscal year.

Expenditures

Expenditures through February 29th were \$43,407,894, or 66.86%, of the budget. Noteworthy variances are:

- A. *Mayor and Council*: Full payments for AVCOG dues and the annual audit have been made.
- B. *Information Systems*: Hardware failure in the wide-area network in both Lewiston and Auburn, resulted in unanticipated expenditures. The City pays its annual software maintenance agreements in the first quarter of each fiscal year.
- C. *Community Programs*: Full payment of the appropriation for the Liberty Festival was made in July.
- D. *Debt Service*: The first half of the debt service payments have been expended which included principal and interest, as well as a portion of the second half of the interest payments.
- E. *Property*: All of the City's insurance premiums have been paid for the fiscal year.
- F. *Workers Compensation*: The annual workers compensation transfer was made for both the City and School departments in October.
- G. *Water & Sewer*: Three of the four quarterly payments have been made.
- H. *Intergovernmental Programs*: The City funds these agencies quarterly upon receipt of their invoices. The County Tax payment was due September 1 and paid in full on Friday, August 31st.

Investments

This section contains an investment schedule as of February 29th, as well as a comparison of the investments between February 29th and the prior month. Currently the City's funds are earning an average interest rate of 2.83%, compared to approximately 5.31% last year at this time.

Respectfully Submitted,

Laurie Smith
Acting City Manager

Denise Brown
Finance Director

CITY OF AUBURN, MAINE
BALANCE SHEET - GENERAL FUND
FEBRUARY 29, 2008

<u>ASSETS</u>	FEB. 29 2008	JAN. 31 2008	Increase (Decrease)
CASH	10,417,273	10,291,109	126,164
RECEIVABLES			
ACCOUNTS RECEIVABLES	1,243,090	1,096,935	146,155
TAXES RECEIVABLE-CURRENT	15,043,950	17,395,405	(2,351,455)
DELINQUENT TAXES	374,751	378,755	(4,003)
TAX LIENS	497,977	546,199	(48,222)
NET DUE TO/FROM OTHER FUNDS	75,445	315,390	(239,946)
TOTAL ASSETS	27,652,485	30,023,792	(2,371,307)
<u>LIABILITIES & FUND BALANCES</u>			
ACCOUNTS PAYABLE	357,354	213,346	144,008
WAGES & TAXES PAYABLE	(183,108)	(49,686)	(133,422)
ACCRUED PAYROLL	-	-	-
STATE FEES PAYABLE	20,763	27,783	(7,020)
PREPAID TAXES	-	-	-
IN LIEU OF BONDS	61,205	61,205	-
DEFERRED REVENUE	15,412,604	17,816,076	(2,403,472)
TOTAL LIABILITIES	15,668,818	18,068,723	(2,399,905)
FUND BALANCE - NOT DESIGNATED	9,038,895	9,038,895	-
FUND BALANCE - DESIGNATED FOR WORKERS COMP & UNEMPLOYMENT	561,902	561,902	-
FUND BALANCE - DESIGNATED	-	-	-
NET CHANGE IN FUND BALANCE	2,382,870	2,354,273	28,598
TOTAL FUND BALANCES	11,983,667	11,955,069	28,598
TOTAL LIABILITIES AND FUND BALANCES	27,652,485	30,023,792	(2,371,307)

CITY OF AUBURN, MAINE
REVENUES - GENERAL FUND COMPARATIVE
AS OF FEBRUARY 29, 2008 vs. FEBRUARY 28, 2007

REVENUE SOURCE	FY 2008 BUDGET	ACTUAL REVENUES THROUGH FEB. 29	% OF TOTAL BUDGET	FY 2007 BUDGET	ACTUAL REVENUES THROUGH FEB. 28	% OF TOTAL BUDGET
TAXES						
PROPERTY TAX REVENUE-	\$ 40,042,391	\$ 24,997,759	62.43%	\$ 39,500,803	\$ 26,442,287	66.94%
PRIOR YEAR REVENUE	\$ -	\$ 982,700		\$ -	\$ 900,172	
HOMESTEAD EXEMPTION REIMBURSEMENT	\$ 650,917	\$ 651,221	100.05%	\$ -	\$ 651,438	
ALLOWANCE FOR ABATEMENT	\$ -	\$ -		\$ -	\$ -	
ALLOWANCE FOR UNCOLLECTIBLE TAXES	\$ -	\$ -		\$ (15,000)	\$ -	0.00%
EXCISE	\$ 3,200,000	\$ 2,092,607	65.39%	\$ 3,200,000	\$ 2,211,841	69.12%
PENALTIES & INTEREST	\$ 90,000	\$ 106,966	118.85%	\$ 90,000	\$ 57,161	63.51%
TOTAL TAXES	\$ 43,983,308	\$ 28,831,252	65.55%	\$ 42,775,803	\$ 30,262,900	70.75%
LICENSES AND PERMITS						
BUSINESS	\$ 49,600	\$ 31,295	63.09%	\$ 46,800	\$ 28,950	61.86%
NON-BUSINESS	\$ 325,700	\$ 191,930	58.93%	\$ 307,775	\$ 290,900	94.52%
TOTAL LICENSES	\$ 375,300	\$ 223,225	59.48%	\$ 354,575	\$ 319,850	90.21%
INTERGOVERNMENTAL ASSISTANCE						
STATE-LOCAL ROAD ASSISTANCE	\$ 460,000	\$ 370,885	80.63%	\$ 356,000	\$ 454,122	127.56%
STATE REVENUE SHARING	\$ 3,775,000	\$ 2,715,788	71.94%	\$ 2,900,000	\$ 2,549,589	87.92%
WELFARE REIMBURSEMENT	\$ 22,500	\$ 11,915	52.96%	\$ 22,500	\$ 14,646	65.09%
OTHER STATE AID	\$ 25,000	\$ 14,205	56.82%	\$ 25,000	\$ 13,613	54.45%
FEMA REIMBURSEMENT	\$ -	\$ 32,824		\$ -	\$ -	
CITY OF LEWISTON	\$ 150,000	\$ 13,063	8.71%	\$ 175,000	\$ -	0.00%
EDUCATION SUBSIDY	\$ 16,118,582	\$ 10,789,043	66.94%	\$ 14,620,168	\$ 9,781,503	66.90%
TOTAL INTERGOVERNMENTAL ASSISTANCE	\$ 20,551,082	\$ 13,947,723	67.87%	\$ 18,098,668	\$ 12,813,474	70.80%
CHARGE FOR SERVICES						
GENERAL GOVERNMENT	\$ 163,950	\$ 118,882	72.51%	\$ 166,100	\$ 122,572	73.79%
PUBLIC SAFETY	\$ 71,000	\$ 44,652	62.89%	\$ 101,800	\$ 32,399	31.83%
EMS TRANSPORT	\$ 20,000	\$ 20,000	100.00%	\$ 25,000	\$ 9,126	36.51%
EDUCATION	\$ 2,132,980	\$ 2,153,058	100.94%	\$ 2,368,950	\$ 1,921,624	81.12%
TOTAL CHARGE FOR SERVICES	\$ 2,387,930	\$ 2,336,591	97.85%	\$ 2,661,850	\$ 2,085,721	78.36%
FINES						
PARKING TICKETS & MISC FINES	\$ 50,000	\$ 31,430	62.86%	\$ 52,500	\$ 15,565	29.65%
MISCELLANEOUS						
INVESTMENT INCOME	\$ 385,000	\$ 338,889	88.02%	\$ 340,000	\$ 257,379	75.70%
INTEREST-BOND PROCEEDS	\$ 125,000	\$ 125,000	100.00%	\$ 125,000	\$ -	0.00%
RENTS	\$ 132,500	\$ 124,617	94.05%	\$ 132,500	\$ 124,882	94.25%
UNCLASSIFIED	\$ 75,000	\$ 9,238	12.32%	\$ 75,000	\$ 83,183	110.91%
SALE OF RECYCLABLES	\$ 60,000	\$ 65,167	108.61%	\$ 50,000	\$ 36,343	72.69%
COMMERCIAL SOLID WASTE FEES	\$ 56,000	\$ 49,857	89.03%	\$ 56,000	\$ 36,530	65.23%
SALE OF PROPERTY	\$ 30,000	\$ 3,428	11.43%	\$ 150,000	\$ 3,390	2.26%
RECREATION PROGRAMS	\$ 20,000	\$ -	0.00%	\$ 50,000	\$ -	0.00%
MMWAC HOST FEES	\$ 190,400	\$ 124,160	65.21%	\$ 178,000	\$ 123,000	69.10%
9-1-1 DEBT SERVICE REIMBURSEMENT	\$ -	\$ -	0.00%	\$ -	\$ -	
TRANSFER IN: TIF	\$ -	\$ -		\$ 60,000	\$ -	0.00%
TRANSFER OUT: TIF	\$ (3,500,000)	\$ -	0.00%	\$ (1,960,000)	\$ -	0.00%
TOTAL MISCELLANEOUS	\$ (2,426,100)	\$ 840,356	-34.64%	\$ (743,500)	\$ 664,708	-89.40%
TOTAL GENERAL FUND REVENUES	\$ 64,921,520	\$ 46,210,578	71.18%	\$ 63,199,896	\$ 46,162,217	73.04%

CITY OF AUBURN, MAINE
EXPENDITURES - GENERAL FUND COMPARATIVE
AS OF FEBRUARY 29, 2008 vs. FEBRUARY 28, 2007

DEPARTMENT	FY 2008 BUDGET	ACTUAL EXPENDITURES THROUGH FEB. 29	% OF TOTAL BUDGET	FY 2007 BUDGET	ACTUAL EXPENDITURES THROUGH FEB. 28	% OF TOTAL BUDGET
ADMINISTRATION						
MAYOR AND COUNCIL	\$ 102,275	\$ 89,079	87.10%	\$ 98,610	\$ 85,654	86.86%
LEGAL SERVICES	\$ 55,000	\$ 39,865	72.48%	\$ 55,000	\$ 34,291	62.35%
CITY CLERK	\$ 133,399	\$ 84,608	63.42%	\$ 118,544	\$ 86,222	72.73%
CITY MANAGER	\$ 214,776	\$ 100,491	46.79%	\$ 205,656	\$ 133,356	64.84%
HUMAN RESOURCES	\$ 110,878	\$ 73,147	65.97%	\$ 100,279	\$ 68,563	68.37%
INFORMATION SYSTEMS	\$ 196,562	\$ 155,511	79.12%	\$ 216,245	\$ 113,338	52.41%
ASSESSING SERVICES	\$ 267,575	\$ 174,679	65.28%	\$ 246,071	\$ 165,928	67.43%
FINANCIAL SERVICES	\$ 364,296	\$ 231,829	63.64%	\$ 353,591	\$ 241,024	68.16%
CUSTOMER SERVICE	\$ 16,000	\$ 8,978	56.11%	\$ 16,000	\$ 8,017	50.11%
TOTAL ADMINISTRATION	\$ 1,460,761	\$ 958,186	65.59%	\$ 1,409,996	\$ 936,394	66.41%
COMMUNITY SERVICES						
HEALTH & SOCIAL SERVICES						
ADMINISTRATION	\$ 47,798	\$ 28,570	59.77%	\$ 45,532	\$ 28,044	61.59%
ASSISTANCE	\$ 48,750	\$ 21,353	43.80%	\$ 51,618	\$ 26,732	51.79%
PLANNING & PERMITTING	\$ 768,591	\$ 525,314	68.35%	\$ 665,825	\$ 507,010	76.15%
PARKS AND RECREATION	\$ 552,261	\$ 332,784	60.26%	\$ 531,559	\$ 401,140	75.46%
PUBLIC LIBRARY	\$ 919,407	\$ 612,938	66.67%	\$ 885,623	\$ 590,416	66.67%
COMMUNITY PROGRAMS	\$ 13,550	\$ 11,500	84.87%	\$ 13,050	\$ 11,350	86.97%
TOTAL COMMUNITY SERVICES	\$ 2,350,357	\$ 1,532,460	65.20%	\$ 2,193,207	\$ 1,564,692	71.34%
FISCAL SERVICES						
DEBT SERVICE	\$ 7,176,622	\$ 6,481,993	90.32%	\$ 7,394,394	\$ 6,624,981	89.59%
PROPERTY	\$ 543,614	\$ 482,469	88.75%	\$ 548,578	\$ 415,938	75.82%
WORKERS COMPENSATION	\$ 200,000	\$ 200,000	100.00%	\$ 200,000	\$ 200,000	100.00%
WAGES & BENEFITS	\$ 4,130,343	\$ 2,756,954	66.75%	\$ 4,043,042	\$ 2,565,302	63.45%
EMERGENCY RESERVE	\$ 326,900	\$ -	0.00%	\$ 620,000	\$ -	0.00%
TOTAL FISCAL SERVICES	\$ 12,377,479	\$ 9,921,416	80.16%	\$ 12,806,014	\$ 9,806,221	76.58%
PUBLIC SAFETY						
EMERGENCY MGMT AGENCY	\$ 6,678	\$ 7,298	109.28%	\$ 6,468	\$ 4,817	74.47%
FIRE DEPARTMENT	\$ 3,643,879	\$ 2,383,856	65.42%	\$ 3,266,602	\$ 2,232,107	68.33%
POLICE DEPARTMENT	\$ 2,712,013	\$ 1,940,609	71.56%	\$ 2,616,186	\$ 1,788,075	68.35%
TOTAL PUBLIC SAFETY	\$ 6,362,570	\$ 4,331,763	68.08%	\$ 5,889,256	\$ 4,024,999	68.34%
PUBLIC WORKS						
PUBLIC WORKS DEPARTMENT	\$ 4,667,059	\$ 3,132,645	67.12%	\$ 4,490,429	\$ 2,702,436	60.18%
WATER AND SEWER	\$ 472,500	\$ 361,126	76.43%	\$ 467,500	\$ 351,080	75.10%
TOTAL PUBLIC WORKS	\$ 5,139,559	\$ 3,493,772	67.98%	\$ 4,957,929	\$ 3,053,516	61.59%
INTERGOVERNMENTAL PROGRAMS						
AUBURN-LEWISTON AIRPORT	\$ 98,000	\$ 73,500	75.00%	\$ 136,269	\$ 102,203	75.00%
E911 COMMUNICATION CENTER	\$ 930,934	\$ 466,053	50.06%	\$ 867,500	\$ 433,933	50.02%
LATC-PUBLIC TRANSIT	\$ 117,994	\$ 58,997	50.00%	\$ 117,994	\$ 88,496	75.00%
LAEGC-ECONOMIC COUNCIL	\$ 106,429	\$ 53,215	50.00%	\$ 106,429	\$ 79,821	75.00%
L-A ARTS	\$ 22,680	\$ 17,010	75.00%	\$ 21,000	\$ 15,750	75.00%
COUNTY TAX	\$ 1,877,972	\$ 1,877,972	100.00%	\$ 1,699,945	\$ 1,699,945	100.00%
TAX SHARING	\$ 350,000	\$ -	0.00%	\$ 345,000	\$ 164,940	47.81%
TOTAL INTERGOVERNMENTAL	\$ 3,504,009	\$ 2,546,747	72.68%	\$ 3,294,137	\$ 2,585,088	78.48%
EDUCATION DEPARTMENT						
	\$ 33,726,785	\$ 20,623,552	61.15%	\$ 32,649,357	\$ 19,541,557	59.85%
TOTAL GENERAL FUND EXPENDITURES	\$ 64,921,520	\$ 43,407,894	66.86%	\$ 63,199,896	\$ 41,512,468	65.68%

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
AS OF FEBRUARY 29, 2008**

INVESTMENT	FUND	ACCOUNT BALANCE	INTEREST RATE	VALUE		WEIGHTED AVG YIELD
				BOOK	MARKET	
BANKNORTH MNY MKT	GENERAL FUND	8,928,564.25	2.73%	8,928,564.25	8,928,564.25	
BANKNORTH MNY MKT	GF-WORKERS COMP	48,638.47	1.25%	48,638.47	48,638.47	
BANKNORTH MNY MKT	GF-UNEMPLOYMENT	65,152.22	2.73%	65,152.22	65,152.22	
BANKNORTH CD	GF-UNEMPLOYMENT	97,631.46	4.97%	97,631.46	97,631.46	
BANKNORTH MNY MKT	SPECIAL REVENUE	1,026,590.52	2.73%	1,026,590.52	1,026,590.52	
BANKNORTH MNY MKT	SR-PERMIT PARKING	192,815.77	2.73%	192,815.77	192,815.77	
BANKNORTH MNY MKT	SR-TIF	1,467,423.79	2.73%	1,467,423.79	1,467,423.79	
BANKNORTH MNY MKT	CAPITAL PROJECTS	13,596,450.51	2.73%	13,596,450.51	13,596,450.51	
BANKNORTH MNY MKT	CAPITAL PROJECTS	267,190.04	2.73%	267,190.04	267,190.04	
BANKNORTH CD	CAPITAL PROJECTS	31,318.90	4.97%	31,318.90	31,318.90	
BANKNORTH MNY MKT	ICE ARENA	46,578.55	1.25%	46,578.55	46,578.55	
BANKNORTH SWEEP	GENERAL FUND	1,847,000.00	4.14%	1,847,000.00	1,847,000.00	
GRAND TOTAL		27,615,354.48		27,615,354.48	27,615,354.48	2.83%

**CITY OF AUBURN, MAINE
INVESTMENT SCHEDULE
COMPARISON OF FEBRUARY 29, 2008
AND JANUARY 31, 2008**

FUND	JANUARY 31, 2008		FEBRUARY 29, 2008		INCREASE (DECREASE)	
	VALUE		VALUE		VALUE	
	BOOK	MARKET	BOOK	MARKET	BOOK	MARKET
GENERAL FUND	9,908,178.72	9,908,178.72	8,928,564.25	8,928,564.25	(979,614.47)	(979,614.47)
GF-WORKERS COMP	48,590.34	48,590.34	48,638.47	48,638.47	48.13	48.13
GF-UNEMPLOYMENT	65,013.13	65,013.13	65,152.22	65,152.22	139.09	139.09
GF-UNEMPLOYMENT	97,248.49	97,248.49	97,631.46	97,631.46	382.97	382.97
SPECIAL REVENUE	1,024,398.98	1,024,398.98	1,026,590.52	1,026,590.52	2,191.54	2,191.54
SR-PERMIT PARKING	192,404.15	192,404.15	192,815.77	192,815.77	411.62	411.62
SR-TIF	1,464,291.17	1,464,291.17	1,467,423.79	1,467,423.79	3,132.62	3,132.62
CAPITAL PROJECTS	13,567,425.12	13,567,425.12	13,596,450.51	13,596,450.51	29,025.39	29,025.39
CAPITAL PROJECTS	266,619.65	266,619.65	267,190.04	267,190.04	570.39	570.39
CAPITAL PROJECTS	31,196.05	31,196.05	31,318.90	31,318.90	122.85	122.85
ICE ARENA	46,532.46	46,532.46	46,578.55	46,578.55	46.09	46.09
GENERAL FUND	1,076,000.00	1,076,000.00	1,847,000.00	1,847,000.00	771,000.00	771,000.00
	27,787,898.26	27,787,898.26	27,615,354.48	27,615,354.48	-172,543.78	-172,543.78

City Council

Agenda Information Sheet

Council Meeting Date 3/17/2008

Agenda Item No.

SUBJECT:

APPOINTMENTS TO THE BUDGET COMMITTEE

INFORMATION:

Robert Cavanagh

Andy Titus

STAFF COMMENTS/RECOMMENDATION:

REQUESTED ACTION:

Motion to appoint above names to the Budget Committee

VOTE:

SUPERINTENDENT
Barbara J. Eretzian

ASST. SUPERINTENDENT
Thomas W. Morrill

BUSINESS MANAGER
Jude G. Cyr

CITY OF AUBURN
Department of Education

AUBURN, MAINE 04210

www.auburnschl.edu

60 Court Street, Suite 227
Post Office Box 800
Auburn, Maine 04212-0800
207-753-9300
FAX: 207-784-2969

February 29, 2008

Dear Mayor and Members of the City Council,

I respectfully request a waiver for the child care licensing fees for the following three sites that house Auburn's Before and After School Child Care Program: Fairview Elementary, Sherwood Heights, and Park Ave Elementary and for Merrill Hill Childcare.

Thank you!

Sincerely,



Andi Locke Mears
Director, Before/After School Child Care Program

City Council

Agenda Information Sheet

Council Meeting Date: 3/17/2008

Agenda Item No. 1

SUBJECT:

**RESOLVE – AMENDMENT TO THE 2007-08 ACTION PLAN OF THE
COMMUNITY DEVELOPMENT AND HOME INVESTMENT
PARTNERSHIPS PROGRAM**

INFORMATION:

The amendment of the 2007-08 Action Plan involves re-allocating \$140,000 of Community Development Block Grant funds of which \$100,000 will be used to recapitalize the Rehab Loan Program and \$40,000 to complete the Cook and Fifth Street Sidewalk project, and \$29,000 of HOME Investment Partnerships Program funds of which \$4,000 will be used to recapitalize the Security Deposit Program and \$25,000 to Lewiston's rental housing.

STAFF COMMENTS/RECOMMENDATION:

Staff recommends approval and passage of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: March 3, 2008

**TITLE: RESOLVE – AMENDMENT TO THE 2007-08 ACTION PLAN OF
THE COMMUNITY DEVELOPMENT AND HOME
INVESTMENT PARTNERSHIPS PROGRAM**

Be It Resolved by the Auburn City Council, That the 2007 Action Plan be amended by re-allocating \$140,000 in the Community Development Block Grant funds and \$29,000 in HOME Investment Partnerships Program funds, as recommended by the Community Development staff.

Motion for acceptance:

Seconded by:

Vote:

Action by the City Council:

Date:

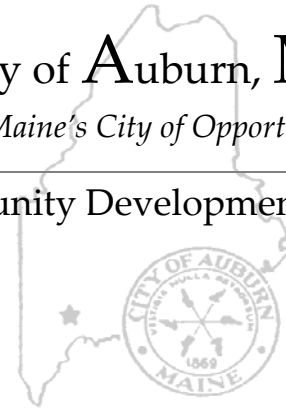
Attest:

City Clerk

City of Auburn, Maine

"Maine's City of Opportunity"

Community Development Program



TO: Laurie Smith, Acting City Manager

FROM: Reine Mynahan, Community Development Administrator

RE: Community Development Program Amendments

DATE: February 13, 2008

I am requesting approval of an amendment to the 2007-08 Action Plan of the Community Development Program. The amendment will be to 1) re-allocate \$140,000 of Community Development Block Grant funds, \$100,000 for the Rehabilitation Loan Program and \$40,000 for contracted services for sidewalk improvements to Cook and Fifth Streets; and 2) re-allocate \$29,000 of HOME Investment Partnerships Program funds for the Security Deposit Program and rental housing.

Citizen Participation

In the past the Citizen's Advisory Committee (CAC) asked that they be notified of any proposed re-allocation of funds and if they have a concern, they would contact staff or their City Councilor. The CAC was notified of this change on February 11, and we have heard of no concerns as yet.

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Rehabilitation Loan Program

In response to the high prices to keep homes warm, in December Community Development staff requested an amendment to the Rehabilitation Loan Program guidelines. This amendment accomplished two objectives: 1) to expand the program to include investors who rent to low-income tenants; and 2) to increase the loan limits to a level that is high enough to accommodate generally larger buildings that are occupied as rental housing.

Staff created a streamlined approach in an effort to speed up loan processing. All together, this approach has been very successful. The loan committee has been meeting bi-monthly and has approved 10 energy applications to make improvements to 15 units. Furthermore, there are currently 8 applications in the pipeline.

The success of this program has created a shortfall that will affect the program for the remainder of the year. At this time, the program has an uncommitted balance of \$3,684. Without further capitalization of the loan program, it will be necessary to hold up the loan closings of the 8 applications that are in queue until we receive program income. We propose re-allocating \$100,000 to this program.

Cook and Fifth Street Sidewalk Project

The 2005-06 Community Development budget included \$30,000 for sidewalk improvements on Cook and Fifth Streets. These improvements were to be completed by the Auburn Public Works crew; therefore, the budget reflects an amount for materials only. Due to other commitments, Public Works has been unable to undertake this project.

In this year's budget, a separate amount was appropriated to undertake sidewalk improvements through contracted services. The bids for contracted services were extremely favorable, and the City's contractor is willing to take on more sidewalk work at the same unit prices. Including this work in the current contract would be a good arrangement for both the City and the contractor. However, by contracting the work the cost would increase by \$40,000. We propose re-allocating \$40,000 for this project

Cancelled Activities

In order to increase funding for the Rehab Program and sidewalks, we propose reducing the Economic Stimulus Loan Program by \$85,000, and canceling the activities for Great Falls School Elevator (\$25,000) and Academy Street Design Services (\$30,000). Demand has been low for Economic Stimulus loan funds, and there is no prospect of undertaking the Great Falls School Elevator for at least another year.

HOME INVESTMENT PARTNERSHIPS PROGRAM

Security Deposit Program

The current HOME budget includes \$7,600 for a Security Deposit Program funded by both Auburn and Lewiston. This program has been extremely successful in assisting homeless and near-homeless people to obtain housing. Since July 1st, the program has assisted 34 households to become housed, 19 of which were assisted with HOME funds. The loan pool is currently depleted. The amendment includes an additional \$2,000 from each community.

Rental Housing—Lewiston

In order to receive HOME funds, it was necessary for the twin cities to form a consortium. The City of Auburn is the lead agency. For that reason, Lewiston's HOME budget is included in Auburn's Action Plan, and changes must go through Auburn's approval process. Lewiston has had a great level of activity in rental housing and desires to move \$25,000 from homebuyer to rental housing.

Recommendation

The Community Development Department recommends that the City Council approve this amendment of the 2007-08 Action Plan of the Community Development Program.

Public Hearing

To comply with the Citizen Participation Plan requirements of the Community Development Program, the Mayor and City Council shall hold a public hearing prior to considering the amendment.

City Council

Agenda Information Sheet

Council Meeting Date 3/17/2008

Agenda Item No. 2

SUBJECT:

**ORDINANCE – AMENDMENT TO CHAPTER 29, ARTICLE 7, SITE PLAN
SPECIAL EXCEPTION AND SUBDIVISION REVIEW
(1ST READING)**

INFORMATION:

Amendment to Chapter 29, Article 7, of the city of Auburn Ordinances be consistent with state stormwater requirements for the purpose of maintaining local delegated authority for developments requiring review under the Site Location of Development Law and to regain delegated review authority for developments requiring review under Chapter 500 Stormwater Management, pursuant to Article 8 of Chapter 29 of the City of Auburn Ordinances.

STAFF COMMENTS/RECOMMENDATION:

A copy of the March 11, 2008 Planning Board Report is attached for some background information. Since the report, the Maine DEP has approved the language changes with some minor alternations. The suggested changes, incorporating the DEP alterations are attached. Below is a summary of the changes:

Page 7.1-3 & 4, replaces the existing language with the new State Standards.

Page 7.1-6, references the denial of project if the above standards are not met.

Page 7.1-9, requires the same of special projects.

Page 7.1-12, requires the same of subdivisions.

On March 11, 2008 the Planning Board reviewed this item and voted 4/0 to send a favorable recommendation to the City Council. Staff continues to support the proposed changes.

REQUESTED ACTION:

Motion for acceptance of first reading.

VOTE:

City of Auburn

City Council, Auburn, Maine

Date: March 17, 2008

TITLE: ORDINANCE – AMENDMENT TO CHAPTER 29, ARTICLE 7, SITE PLAN, SPECIAL EXCEPTION AND SUBDIVISION REVIEW

Be It Ordained by the Auburn City Council, That Chapter 29, Article 7, Site Plan, Special Exception and Subdivision Review be amended as attached.

Motion for acceptance of first reading: Seconded by:

Vote:

Motion for acceptance of second reading and final passage:

Seconded by:

Vote:

Action by the City Council:

Date:

Attest:

City Clerk

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

Memorandum

To: Honorable Mayor and City Council
From: David C.M. Galbraith, Director of Planning & Permitting
Roland Miller, Director of Community and Economic Development
Date: March 13, 2008
Re: Zoning Ordinance Text Amendment for Delegated Review Authority

The City of Auburn was one of the first communities in the State of Maine to satisfy the eligibility requirements and be authorized to exercise delegated review authority over small and moderately sized development projects occurring within its jurisdiction. This authorization was made because we were able to demonstrate local capacities sufficient to satisfy statutory permitting requirements. Before having delegated review authority all projects had to seek permits from numerous state agencies. This process was very time-consuming and unpredictable.

Having delegated review authority is one of the reasons the City of Auburn has experienced so much success in attracting new investments to our community. We have prevailed in winning competitions for investment projects because of our project review and permitting process under delegated review authority. If we desire to continue as the leader in Maine in attracting new firms to our community and creating new jobs for our citizens it is imperative that we continue to be able to bring efficiency and predictability to the project review process. Efficiency and predictability reduces costs and risks for investors. The City of Auburn has capitalized on the competitive advantage of delegated review authority.

With delegated review authority project processing by the City takes significantly less time than State review (120 days). This often has made the difference of constructing a development in the current year's construction season or needing to wait until the following year. The proposed ordinance changes would allow Auburn to continue to enjoy the benefits of responsiveness to investment and business entities. Below is the explanation of individual ordinance changes that are required by the State of Maine in order for the City of Auburn to retain and potentially expand its delegated review authority.

At the February 11, 2008 Council workshop, staff asked the Council for direction to draft the necessary amendments and bring them to the Planning Board for a review and recommendation. The changes have since been drafted and can be summarized as follows:

Page 7.1-3 & 4, replaces the existing language with the new State Standards.
Page 7.1-6, references the denial of project if the above standards are not met.
Page 7.1-9, requires the same of special exception projects.
Page 7.1-12, requires the same of subdivisions.

On March 11, 2008 the Planning Board reviewed this item and voted 4/0 to send a favorable recommendation to the City Council. Staff continues to support the proposed changes. It is important to note that the standards proposed for adoption already apply to development projects in Auburn. The change really allows for Local vs. State control, allows a shorter review period to attract businesses and may also be an opportunity for a small revenue collection in line with the State permitting fees. This change would also be consistent with the City of Lewiston.

David C.M. Galbraith
Director of Planning & Permitting Services

Roland Miller, Director
Department of Community and Economic Development

**ARTICLE 7
ADMINISTRATION AND ENFORCEMENT**

Sections

- 7.1 Site Plan Review
- 7.2 Special Exceptions
- 7.3 Subdivision
- 7.4 Appeals and Applicability
- 7.5 Enforcement

7.1 Site Plan Review

A. **Purpose**

The purpose of site plan review is to ensure that the design and layout of certain developments permitted by special exceptions, or other developments noted herein, will constitute suitable development and will not result in a detriment to City, neighborhood or the environment.

B. **Objective**

In considering a site plan, the Planning Board shall make findings that the development has made provisions for:

1. Protection of adjacent areas against detrimental or offensive uses on the site by provision of: adequate surface water drainage, buffers against artificial and reflected light, sight, sound, dust and vibration; and preservation of light and air; and
2. Convenience and safety of vehicular and pedestrian movement within the site and in relation to adjacent areas; and
3. Adequacy of the methods of disposal for wastes; and
4. Protection of environment features on the site and in adjacent areas.

C. **Projects Requiring Site Plan Review**

1. All uses permitted by Special Exception.
2. Any other uses for which site plan review is required by any other provision contained in this or other ordinances.

D. **Procedure**

1. An applicant for site plan review shall file with the Department of Community Development and Planning a completed site plan application along with an original and twenty (20) copies of the site plan and the required processing fee. Such plans shall be filed not less than thirty (30) days prior to a regularly scheduled meeting. Plans shall be folded at a size not to exceed 8-1/2 by 11 inches.
2. The original plan shall be drawn on reproducible Mylar at a scale of no more than 100 feet to the inch. Each site plan shall contain the following information:
 - a. Name and address of owner and developer and interest of the applicant if other than the owner or developer.
 - b. Name of development, scale and meridian arrow, with specific definition of representation, date of plan and legend.
 - c. Names and addresses of all owners of record of all adjacent property as appear on Assessor's records.
 - d. Current zoning boundaries and 100-year flood plain boundaries including surrounding areas to a distance of 300 feet from the perimeter of the site.
 - e. Easements; rights-of-way, existing, planned or proposed; or other reservations adjacent to or intersecting the property.
 - f. Topographic map of the site.
 - (1) Existing contours: where the slope of existing ground surface is generally 2 percent or more, the topographic map shall show contours at intervals of five feet of elevation (or lesser intervals as the Planning Board or Engineering Department may prescribe). Where the slope of the existing ground surface is generally less than 2 percent, contour intervals of 1 foot shall be shown. These contours shall not be copied from the City topographic

maps and shall be determined from an on-site survey certified by a registered land surveyor.

- (2) Proposed contours: shall be shown at intervals to be determined by the City Engineer.
 - g. Location of watercourses, wetlands, marshes, surface water, rock outcroppings, wooded areas, single trees with a diameter of 10 inches measured 3 feet from the base of the trunk.
 - h. Location of buildings existing on the tract to be developed and on adjacent tracts within a distance of 100 feet from the property line, indicating whether existing buildings on the tract are to be retained, modified or removed.
 - i. Locations of water mains, sewer mains, wells, fire hydrants, culverts, drains, pipe sizes, grades and direction of flow, existing within 200 feet of the subject property.
 - j. Existing soil conditions and soil suitability test results.
 - k. Locations of proposed buildings and uses thereof.
 - l. Proposed traffic circulation system including streets, parking lots, driveways and other access and egress facilities, curb lines, sidewalk lines and existing streets, including the projected traffic flow patterns into and upon the site for both vehicles and pedestrians and an estimate of the projected number of motor vehicle trips to and from the site for an average day and for peak hours.
 - m. Location of existing and proposed public utility lines, indicating whether proposed lines will be placed underground.
 - n. ~~A storm drainage study certified by a professional engineer and a proposed drainage system plan, both surface and subsurface, showing measures proposed to prevent pollution of surface or ground water, soil erosion, increased runoff, changes in ground water level and flooding.~~ Site Developments requiring stormwater permits pursuant to Title 38 MRSA Section 420-D shall include the required plan and to the extent permitted under 38 MRSA Section 489-A, be reviewed under the procedures of Article 7 of this Ordinance; and, they shall

meet and comply with 38 MRSA 484(4-A) and those Rules promulgated by the Maine Department of Environmental Protection pursuant to the Site Law and Section 420-D, specifically Rules 500 and 502, as last amended December 21, 2006. Adopted September 22, 2005, said Rules taking effect November 16, 2005, as enacted by Legislative Resolve, Chapter 87, Public Laws of 2005 (LD 625/HP 458). (Amended 3/20/06).

If a project proposes infiltration and the standards in Chapter 500, Appendix D are not met, then a waste discharge license may be required from the Maine Department of Environmental Protection. An infiltration system serving a development regulated under the Site Location of Development Act may be required to meet standards in addition to those in Appendix D.

- o. Location and design of proposed off-street parking and loading areas indicating number and size of stalls.
- p. Proposed location and direction of and time of use of outdoor lighting.
- q. Existing and proposed planting, fences and walls, including all landscaping and screening and indicating existing trees to be retained and areas to be left undisturbed, including design features intended to integrate the proposed new development into the existing landscape to enhance aesthetic assets and to screen objectionable features from neighbors.
- r. Location, size, design and manner of illumination of signs.
- s. Disposal of sewage, trash, solid waste, oily waste, hazardous waste or radio-active waste showing disposal facilities, receptacles or areas.
- t. Perimeter boundaries of the site giving complete descriptive lot data by bearings, distances and radii of curves including the name and seal of the registered land surveyor who prepared the plan.
- u. Description and plan of capacity and location of means of sewage disposal together with approval of Sewer District Engineer or evidence of soil suitability for such disposal

(test pit locations shall be shown on the plans) similarly approved by the City Engineering Department.

- v. A statement of the amount of area of land involved in the site, the percentage of the site proposed to be covered by buildings, the total number of dwelling units proposed per acre, the area proposed to be devoted to open space, the area proposed to be paved for parking, driveways, loading space and sidewalks, the total number of parking spaces required by the Zoning Ordinance for the uses proposed, the number of employees expected per shift and the total floor area of proposed commercial or industrial uses.

 - w. Description and plan of a “phase development concept” detailing the areas and sequence of phasing.

 - x. A statement by the developer assuring that he has the financial capabilities to fully carry out the project and to comply with the conditions imposed by the Planning Board.
3. Upon request, the Planning Board, or the Planning Director, acting for the Board, may waive the necessity of providing any of the foregoing planning information which is not relevant to the proposed development.

 4. The Planning Director shall, within five (5) days of receipt, transmit copies of the application and site plan to the department that in his view requires such information. The agencies receiving these copies shall have up to fifteen (15) days to make recommendations to the Planning Board.

 5. The Planning Board shall, within thirty (30) days of receipt of a completed application, hold a Public Hearing. Notice of a hearing shall be given in the manner provided for in Article 8, Section 8.2 of this Chapter. The Planning Board will take final action on the site plan within sixty (60) days of receiving a completed application, or within such other time limit as may be mutually agreed to. Such final action shall consist of either: (1) a finding and determination that the proposed project will constitute a suitable development and will not result in a detriment to the neighborhood or the environment, or (2) a

written denial of the application stating the reasons for such denial, upon a finding that:

- a. The provisions for vehicular loading, unloading and parking and for vehicular and pedestrian circulation on the site and onto adjacent public streets will create hazards to safety.
 - b. The bulk, location or operation of proposed buildings and structures will be detrimental to and adversely affect the use and values of existing development in the neighborhood or the health or safety of persons residing or working therein.
 - c. The provisions for on-site landscaping are inadequate to screen neighboring properties from unsightly features of the development.
 - d. The site plan does not adequately provide for the soil and drainage problems which the development may give rise to in accordance with Section 7.1.n. of this ordinance.
.
 - e. The provisions for exterior lighting create safety hazards for motorists traveling on adjacent streets, or are inadequate for the safety or occupants or users of the site, or will create a nuisance affecting adjacent properties.
 - f. The proposed development will unduly burden off-site sewer drainage or water systems.
 - g. The proposed development will create a fire hazard by failing to provide adequate access to the site, or to buildings on the site, for emergency vehicles.
 - h. The proposed development violates provisions of the zoning regulations applicable to the site or other applicable laws, regulations or ordinances.
 - i. The proposed development will unduly impact the ability to provide municipal services.
6. Approval may be made subject to conditions, modifications and restrictions as the Planning Board may deem necessary; and any construction, reconstruction, alteration or addition shall be carried on only in conformity to such conditions, modifications or restrictions and in conformity with the application and site plan.

7. If no action is taken within sixty (60) days after submittal of a completed application, the site plan shall be deemed to have been approved. An original of the approved plan signed by the Planning Board and one signed copy shall be delivered to the applicant, the Assessor's Department, the Engineering Department and to the Building Inspector on which basis building permits may be issued when all other required plans have been approved.
8. The findings of the Planning Board shall be in writing with a copy being forwarded to the applicant. The Planning Board's written report shall also include a statement as to how any deficiencies in the site plan might be resolved and what conditions, modifications and restrictions are to be complied with in executing the plan.
9. Approval of a site plan shall expire one year after the date of approval unless all building permits have been obtained to begin construction in accordance with the approved site plan. Any site plan that contains a phase concept approved by the Planning Board shall not be required to obtain all building permits within the time sequence established for completion of each phase. No building permits or other permits shall be issued until all improvements are substantially completed for the preceding phase. A single one-year extension may be given upon a showing of good cause in writing by the applicant to the Planning Board not less than thirty (30) days before the expiration of approval of his existing plan. The Planning Board shall approve or disapprove the requested extension at its next regular meeting.
10. No permit shall be issued for the construction of any building in an area included in the site plan or in any development for which a site plan is required until such site plan has been approved by the Planning Board and unless the construction plans and specifications presented to the Building Inspector with the application for the permit are consistent with the approved site plan.

No certificate of occupancy shall be issued with respect to any building until all construction called for by the site plan is completed, except by special permission of the Planning Board granted upon a showing of special circumstances warranted the issuance of the certificate and that the remaining construction will be completed within a reasonable time.

11. The Planning Board may require the applicant with the submission of the site plan to tender a certified check payable to the City of Auburn and issued by a surety company or secured by deposits issued by institutions authorized to issue the same by the Laws of the State of Maine or the United States or irrevocable letters of credit issued by said banking institutions in an amount of money determined by the City Planner, with the advice of the various City Departments and Agencies concerned, to be sufficient to ensure compliance with the approved site plan.
12. For those developments subject to site plan review (Section 7.1 of this Chapter) the relaxation of the dimensional requirements of any use district shall be reviewed by the Planning Board. The modifications of the dimensional requirements shall be allowed as the Planning Board may deem necessary to carry out the objectives and intent of site plan review as specified in Section 7.1 of this Chapter.
13. The Planning Board shall have the right to require the developer, at his expense, to correct any off-site deficiencies either created or aggravated by the developer's proposed project.

7.2 **Special Exception**

A. **Approval Required** – The Planning Board may approve for development those land uses listed as Special Exceptions under the terms of the Zoning Ordinance. The determinations of the Board shall be in harmony with the expressed intent of the Zoning Ordinance and with the expressed major purpose of the Auburn Master Development Plan. Special exceptions shall be allowed only when they will substantially serve public convenience and welfare and will not involve dangers to health or safety.

B. **Conditions**

1. As conditions prerequisite to the granting of any Special Exceptions, the Board shall require evidence of the following:
 - a. That the Special Exception sought fulfills the specific requirements, if any, set forth in the Zoning Ordinance relative to such exception;
 - b. That the Special Exception sought will neither create nor aggravate a traffic hazard, a fire hazard or any other safety hazard.
 - c. That the Special Exception sought will not block or hamper the Master Development Plan pattern of highway circulation or of planned major public or semi-public land acquisition;
 - d. That the exception sought will not alter the essential characteristics of the neighborhood and will not tend to depreciate the value of property adjoining and neighboring the property under application.
 - e. That reasonable provisions have been made for adequate land space, lot width, lot area, ~~drainage~~, stormwater management in accordance with Section 7.1.n. of this ordinance, green space, driveway layout, road access, off-street parking, landscaping, building separation, sewage disposal, water supply, fire safety, and where applicable, a plan or contract for perpetual maintenance of all the common green space and clustered off-street parking areas to

assure all such areas will be maintained in a satisfactory manner.

- f. That the standards imposed are, in all cases, at least as stringent as those elsewhere imposed by the Auburn Building Code and by the provisions of this Chapter.
 - g. That essential City services which will be required for the project are presently available or can be made available without disrupting the City's Master Development Plan.
- 2. As part of the granting or the denial of any such petition for a Special Exception, the Board shall show by written statements filed in its records of such application and by a statement in the minutes of the Board how the Special Exception sought fulfills the foregoing conditions. An applicant may request the Board to make a statement as to how the Special Exception may be granted without danger to health and safety and without substantially derogating from the essential intents and purposes of the Zoning Ordinance or of the Auburn Master Development Plan.
- 3. Approval of a Special Exception may be made subject to such conditions, modifications and restrictions on the proposed land use as the Planning Board may deem necessary to carry out the foregoing objectives and conditions. Any development of the land uses allowed by Special Exception shall be carried out only in conformity to such conditions, modifications and restrictions in addition to those that may be called for by an approved site plan for the same site and shall be enforced by the municipal officer charged with enforcement in the same manner as specified for approved site plans. Any change, addition or enlargement of a use allowed by Special Exception shall require approval of the Planning Board in the same manner as specified for the original Special Exception.

C. **Procedures**

Special exceptions shall be subject to the Site Plan Review procedure specified in Article 7, Section 7.1.D. The Planning Board shall, within thirty (30) days of receipt of a completed application, hold a Public Hearing. Notice of a hearing shall be given in the manner provided for

in Article 8, Section 8.2 of this Chapter. The Planning Board will take final action on the Special Exception within sixty (60) days after its

submittal or within such other time limit as may be mutually agreed to. The applicant shall accompany the application with the required fee stipulated by Article 9 of this Chapter.

7.3 Subdivision

A. Guidelines

1. When reviewing any subdivision for approval, the Planning Board shall consider the following criteria, and before granting either approval or denial, shall determine that the proposed subdivision:
 - a. Will not result in undue water, air or noise pollution. In making this determination it shall at least consider: the elevation of land above sea level and its relation to the floodplains, the nature of soils and subsoils and their ability to adequately support waste disposal; the slope of the land and its effect on effluents; the availability of streams for disposal of effluents; and the applicable state and local health and water resources regulations, including stormwater management requirements in accordance with Section 7.1.n. of this ordinance;
 - b. Has sufficient water available for the reasonably foreseeable needs of the subdivision;
 - c. Will not cause an unreasonable burden on an existing water supply, if one is to be utilized;
 - d. Will not cause unreasonable soil erosion or reduction in the capacity of the land to hold water so that a dangerous or unhealthy condition may result;
 - e. Will not cause unreasonable highway or public road congestion or unsafe conditions with respect to use of the highways or public roads existing or proposed;
 - f. Will provide for adequate sewage waste disposal;
 - g. Will not cause an unreasonable burden on the ability of a municipality to dispose of solid waste and sewage if municipal services are to be utilized;
 - h. Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas;

- i. Is in conformance with a duly adopted subdivision regulation or ordinance, comprehensive plan, development plan, or land use plan, if any;
- j. The subdivider has adequate financial and technical capacity to meet the above stated standards;
- k. The subdivision will not adversely affect the character of the surrounding neighborhood and will not tend to depreciate the value of property adjoining the neighboring property under application.
- l. The provisions for on site landscaping are adequate to screen neighboring properties from unsightly features of the development.
- m. The proposed development will not create a fire hazard and has provided adequate access to the site for emergency vehicles.
- n. Will not, alone or in conjunction with existing activities, adversely affect the quality or quantity of ground water.
- o. The long-term cumulative effects of the proposed subdivision will not unreasonably increase a great pond phosphorus concentration during the construction phase and life of the proposed subdivision.

B. Minor Subdivision

1. General

The Planning Board may require where it deems it necessary for the protection of public health, safety and welfare, that a minor subdivision comply with all or any of the requirements specified for major subdivision.

2. Procedure

- a. The subdivider shall submit an application for approval of a minor subdivision plan at least thirty (30) days prior to a scheduled meeting of the Planning Board.
- b. The applicant shall secure approval from the Tax Assessor for a lot numbering sequence to insure compatibility with the existing tax system. The

numbering system will not be construed to indicate anything more than identification of parcels for taxation purposes.

- c. All applications for plan approval for minor subdivision shall be accompanied by a fee in the amount of \$250 and \$100 per lot payable by check to the City of Auburn.
- d. The subdivider or his duly authorized representative, shall attend the meeting of the Planning Board to discuss the plan.
- e. Upon receiving an application, the municipal reviewing authority shall notify by mail all abutting property owners of the proposed subdivision, specifying the location of the proposed subdivision and a general description of the project. After the municipal reviewing authority has determined that a complete application has been filed, it shall notify the applicant and begin its full evaluation of the proposed subdivision.
- f. The Planning Board shall within thirty (30) days of receiving the complete application, hold a Public Hearing on such Plan. Notification shall comply with Article 8, Section 8.2 of this Chapter.
- g. Upon receipt of a complete application, the Planning Board shall take final action within thirty (30) days or within such other time limits which may be mutually agreed to by the developer. Such final action shall consist of approval, approval with conditions or disapproval of the final plan. The Planning Board shall specify its reasons for any such conditions or approval by its approved minutes. The Planning Board shall convey in writing to the developer their final action.

C. **Major Preliminary Subdivision**

1. **Procedure**

- a. The application for approval of the preliminary plan shall be accompanied by a fee in the amount of \$500 and \$100 per lot, up to 100 lots, payable by check to the City of Auburn.

- b. The applicant shall secure approval from the Tax Assessor for a lot numbering sequence that is compatible with the existing system.
- c. The subdivider, or his duly authorized representative shall attend the meeting of the Planning Board to discuss the preliminary plan.
- d. Upon receiving an application, the Planning Department shall issue to the applicant a dated receipt. Upon receiving an application, the Planning Department shall notify by mail all abutting property owners of the proposed subdivision, specifying the location of the proposed subdivision and a general description of the project.
- e. The Planning Board shall within thirty (30) days of receiving the completed application, hold a Public Hearing on the preliminary plan. The City shall publish a Public Hearing notice in conformance with Article 8, Section 8.2 A. Abutters shall also be specifically notified of this hearing by the municipality. Failure of any petitioner or property owner to receive such mailed notice of such a zoning hearing shall not necessitate another hearing and shall not constitute grounds for objections by such petitioner or property owner and shall not invalidate any recommendation by the Planning Board.
- f. When granting preliminary approval to the preliminary plan, the Planning Board shall state the conditions of such approval, if any, with respect to:
 - (1) The specific changes which it will require in the final plan;
 - (2) The character and extent of the required improvements for which waivers may have been requested and which in its opinion may be waived without jeopardy to the public health, safety and general welfare.
- g. Preliminary approval of a preliminary plan shall not constitute approval of the final plan, but rather it shall be deemed an expression of approval of the design submitted on the preliminary plan as a guide to the preparation of the final plan. The final plan shall be submitted for

approval of the Planning Board and for recording upon fulfillment of the requirements of these standards and the conditions of the preliminary approval, if any. Prior to approval of the final subdivision plan, the Planning Board may require additional changes as a result of new information obtained at the public hearing. The Board by majority vote may determine if a Public hearing is necessary at this time for Final Plan Review.

D. **Major Subdivision Final Plan**

1. **Procedure**

- a. The subdivider shall, within six (6) months after the preliminary approval of the preliminary plan, file with the Planning Board an application for approval of the final subdivision plan in the form described herein. If the final plan is not submitted to the Planning Board within six (6) months after the approval of the preliminary plan, a single six (6) month extension may be given upon a showing of good cause in writing by the applicant to the Planning Board not less than thirty (30) days before the expiration of approval of his existing plan. The Planning Board shall approve or disapprove the requested extension at its next regular meeting. The Planning Board may refuse without prejudice to act on the final plan and require resubmission of the preliminary plan. All applications for final plan approval for major subdivisions shall be accompanied by a fee in the amount of \$500, payable by check to the City of Auburn.
- b. The Planning Board shall, within thirty (30) days after the public hearing on a final plan, conditionally approve, approve, approve with conditions, or disapprove the final plan. Any such decision of the Planning Board shall include findings of fact, and any approval with conditions or disapproval shall be accompanied by the reasons therefore in writing.
- c. In reviewing a subdivision, the Planning Board shall consider previous subdivision of the same applicant, subdivider or principals of such application. If the developer has failed to complete the public improvements shown on an approved plan to the satisfaction of the Planning Board, then this shall constitute conclusive evidence of technical capabilities of the applicant or

developer to comply with the terms of this chapter or to complete work required by a plan.

E. **Final Approval and Filing**

1. **Final Approval**

- a. One (1) Computer Aided Drafting Disk, three (3) reproducible Mylar copies and twenty (20) paper prints of each diagram plan and each sheet of all accompanying information shall be submitted by the subdivider or his agent to the Planning Board not less than thirty (30) days prior to a regular monthly meeting of the Planning Board. Any lack of required information or other deficiencies must be completed before such final plan can be reviewed by the Planning Board.
- b. The Planning Board, after such public hearing, may require the subdivider to incorporate in the final plan such changes as they deem advisable. The Planning Board may then vote final approval of such final plan. Notice of the date and substance of such vote shall be entered on the Mylar drawing of such final map, if one sheet, or on the sheet containing the index map, if more than one sheet; on the reproducible master of any subsequent sheets there shall be entered a reference to the notice on the index sheet. The reproducible master drawings, so endorsed, shall be returned to the subdivider at the time that the performance bonds have been submitted to the City Engineering Department.
- c. Such final approval of a final plan shall not be deemed the laying out or acceptance by the City of any way, easement or utility or other public area shown on such plan, nor shall such approval be deemed to constitute by itself any acceptance of liability by the City of Auburn for the use or maintenance of any streets, ways or other public areas indicated on such a final plan.

2. **Filing**

- a. As promptly as may be, and not more than thirty (30) days after the date of the vote of final approval, the subdivider at his expense shall furnish the Planning Board

with three (3) reproductions on Mylar of each sheet of the endorsed original Mylar drawing(s) of the final plan as approved together with three (3) paper prints of each sheet thereof, and each reproduction or print shall show any endorsement made on its original.

- b. The City Clerk shall attest and seal each of the aforesaid three (3) master reproductions and each of the aforesaid three (3) paper prints. The City Planner shall transmit one set of such paper prints, so attested, to the City Engineer, one to the Water District, and one set to the Sewer District if the subdivision be within the Sewer District limits, otherwise to the Planning and Permitting Services Department. In addition, the City Planner shall send one of the three sets of attested copies to the Planning Board, one set to the Assessor and one set to the subdivider to be recorded by him in the Androscoggin County Register of Deeds, and a CAD disk to Information Services.

3. **Plan Revisions after Approval**

No changes, erasures, modifications, or revisions shall be made in any final plan after approval has been given by the Planning board and endorsed in writing on the plan, unless the plan is first resubmitted and Planning Department staff approves any modifications. In the event that a final plan is recorded without complying with this requirement, the same shall be considered null and void, and the Board shall institute proceedings to have the plan stricken from the records of the municipal officers and the registry of deeds and/or to enjoin any development attempted or commenced pursuant to said plan, and for other appropriate relief.

4. **Improvement Completion Time**

- a. All required improvements shall be completed no later than two (2) years after approval of the final plan. Should the subdivider request an extension it shall be made in writing to the Planning Board. Should the Planning Board grant an extension it shall be for a period not to exceed six (6) months. Only one extension shall be granted. Should the subdivider not complete the required improvements within the time specified the subdivider

shall be in violation of this chapter. If a development is proposed to be phased then specific requirements for each phase shall be complete prior to issuing Building Permits for that phase.

F. **Enforcement**

1. No plan of a subdivision of land within the City of Auburn which would constitute a subdivision as defined herein shall hereafter be filed or recorded in the Registry of Deeds until a final plan thereof shall have been approved by the Planning Board in accordance with all of the requirements, design standards, and construction specifications set forth elsewhere in this chapter, Chapter 32, nor until such approval shall have been entered on such final plan by the Planning Board.
2. No person, firm, corporation or other legal entity may convey, offer or agree to convey any land in a subdivision which has not been approved by the Planning Board and recorded in the Registry of Deeds.
3. Any person, firm, corporation or other legal entity who conveys, offers or agrees to convey any land in a subdivision which has not been approved as required by this section shall be punished by a fine as set forth by state law or in the Code of Ordinances, City of Auburn, Maine for each such conveyance, offering or agreement. The attorney general, district attorney or the City of Auburn or the appropriate municipal officers may institute proceedings to enjoin the violation of this section.
4. No public utility, water district, sanitary district or any utility company of any kind shall serve any lot in a subdivision for which a final plan has not been approved by the Planning Board.
5. Not only is making a subdivision without Planning Board approval a violation of law, but so also within such a subdivision is grading or construction of roads, grading of land or lots, or construction of buildings until such time as a final plan of such subdivision shall have been duly prepared, submitted, reviewed, approved and endorsed as provided in these standards, and until the original copy of the final plan so approved and endorsed has been duly recorded in the Androscoggin County Registry of Deeds.
6. In the event that the subdivider shall fail to comply with the requirements of Article 7, or Chapter 32, the City Engineer may

issue a stop work order directing cessation of all work in the subdivision, or the Planning Board, after notice and hearing, may revoke its approval of the final plan, or both such steps may be taken.

G. **General Requirements**

1. In reviewing applications for the subdivision of land, the Board shall consider the following general requirements. In all instances the burden of proof shall be upon the persons proposing the subdivision.
 - a. Subdivision plan shall conform to the comprehensive plan. Any proposed subdivision shall be in conformity with the Comprehensive Plan of Auburn and with the provisions of all pertinent state and local codes and ordinances.
 - b. Preservation of natural and historic features. The Board may require that a proposed subdivision design include a landscape plan that will show the preservation of existing trees and vegetation, graded contours, streams and the preservation of scenic, historic or environmentally desirable areas. The street and lot layout shall be adapted to the topography. Extensive grading and filling shall be avoided as far as possible.
 - c. Lots
 - (1) The lot size, width, depth, shape and orientation and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
 - (2) Depth and width of properties reserved or laid out for all purposes shall be adequate to provide for off-street parking and service facilities for vehicles required by the type of use and development contemplated.
 - (3) No person shall make a subdivision within the city unless all lots of the proposed subdivision have frontage, as regulated by the Zoning Ordinance, upon a way granting legal access. The following ways shall constitute legal access to a lot:

- (a) A way accepted by or established as belonging to the City, provided access is not specifically prohibited.
- (b) A public way shown on a plan approved in accordance with the provision of this Chapter and Chapter 32.
- (c) A private way (unaccepted street) existing prior to October 6, 1968, which way is shown on a plan recorded in the registry of deeds prior to such date and is deemed adequate by the Planning Board as evidenced by the Board's endorsement on a final plan for the subdivision of land. In its approval of an existing private way, the Board may make whatever requirements it feels necessary to improve the way commensurate with the projected use of same.
- (d) A person issued a permit pursuant to this subchapter in a great pond watershed shall have a copy of the permit on the site while work authorized by the permit is being conducted.

H. **Staff Approvals and Waivers**

- 1. Where plans need to be modified after Planning Board approval due to changes beyond the developer's control, the Planning and Permitting Services Department staff will have the authority to approve any amendments that staff feels may be approved without detriment to the health, safety and welfare of the community. If staff feels the amendments must go back to the Planning Board the subdivision approval process must be followed.
 - a. A paper copy of the plan shall be submitted to the Planning and Permitting Services Department staff marked with all proposed changes in Red ink. An accompanying letter shall also be attached requesting all changes.
 - b. Staff shall circulate the plan to the proper departments for review.

- c. Once all review has been completed, Planning and Permitting Services Department staff shall write a letter to the developer explaining how to proceed with the proposed amendments.
2. If staff determines the amendments must go back to the Planning Board, the subdivision approval process must be followed.
3. Where Planning Board finds that extraordinary, unnecessary and financial hardships may result from strict compliance with the standards of a particular plan, it may vary these standards so that substantial justice may be done and the public interest secured; provided that such variations will not have the effect of nullifying the intent and purpose of the official map, the Comprehensive Plan or the Zoning Ordinance. Any variances or waivers granted by the Planning Board must be noted on the face of the recording plat.
4. Where the Planning Board finds that, due to special circumstances of a particular plan, provisions of certain required improvements are not requisite in the interest of public health, safety and welfare or are inappropriate because of inadequacy of lack of connecting facilities adjacent or in proximity to the proposed subdivision, it may waive such requirements, subject to appropriate conditions.

I. **Recreation Area/Open Space Standards**

1. Every developer of a residential subdivision shall include as part of a subdivision proposal a provision for recreational and open space which is adequate to meet the reasonably foreseeable needs of the residents of the subdivision.

The standard established by the City to satisfy this purpose is an area of not less than 43,560 contiguous square feet or one (1) acre of land for the first ten (10) lots or units. The amount of land required is increased at a rate of 5,000 square feet per unit for each unit over ten (10) units.

The standard noted above shall be used as a guideline by the Planning Board and may be varied for low impact developments.

2. In any case in which the developer chooses to develop in total or in part land area that could be used to satisfy the recreational land dedication for units/house lots of it is not feasible to dedicate

rights and land to meet the requirements due to topography, location or other limiting factors or if the developer can satisfy the Planning Board that a dedication of land is not required for recreational and open space needs, the developer may contribute to the City of Auburn, or to a condominium or homeowners' association, a Fee-in-Lieu amount in cash which is essentially equivalent to the value which such dedicated land rights in the area where the proposed subdivision is located would have had. This fee will be capped at and based on the average market value of similarly zoned land in the immediate area of the proposed development at the time of Final Subdivision approval as determined by the City Tax Assessor.

In reviewing the amount of money requested, the Board shall review the adequacy of existing facilities available to the inhabitants of the subdivision, improvements that may be needed by the existing facilities to make them adequate for the additional impact being created by the added units and any other factors which may influence the need for land dedication for a fee-in-lieu of.

3. A developer may choose to use both the land dedication provision and fee-in-lieu of land dedication provision in conjunction with each other. Any fee-in-lieu of amount of money used with a land dedication shall be used to develop, enlarge or enhance this recreational facility.

In determining the adequacy of land dedication and/or fee-in-lieu of land dedication, the Board shall assess the projected needs of the inhabitants of the subdivision. If the Planning Board determines that full land dedication is necessary, then they may require such land dedication with no fee-in-lieu of land dedication.

In the situation when a fee-in-lieu of land dedication is supplied by the developer, then the developer may choose to request what uses or equipment the money will be used for. The Planning Board shall request an assessment of the developer's desires from the Parks and Recreation Advisory Board and if they agree with the developer, then all monies received will be earmarked for the purposes so chosen.

4. The proposal for land dedication may be in the form of a deed of a parcel of land within or contiguous to the subdivision, or contiguous to an existing public recreational facility within reasonable proximity of the subdivision. The Planning Board

shall use the Recreational/Open Space District Map, made a part of the Ordinance as a guide. Alternatively, the land dedication may be part of a condominium or homeowners' association or proposed in any other form acceptable to the Planning Board provided it serves the needs of the residents of the subdivision.

5. The Planning Board may decline to accept a proposed dedication of rights in land to serve the recreational needs of the residents of the subdivision in any case in which it determines that the public expense of maintaining the same would unduly burdensome compared to the recreational benefit which would be conferred or where the Planning Board determined that such recreational needs can more efficiently be served by applying a cash contribution from the developer to enlarge or enhance an existing recreational facility.
6. All funds contributed to the parks and recreation open space dedication will be allocated to the development of facilities located within zones as shown on the Recreational/Open Space District Map, made a part of this Ordinance, unless the Planning Board and/or developer have determined that a contribution to a facility which lies outside the zoned area would better serve the needs of the subdivision. Such funds shall be used within a five (5) year period. Funds not used after five (5) years shall be returned to the developer with interest. The interest amount shall be the average of yearly interest rates established by local banks. If for unforeseen reasons monies accumulated are not used as previously agreed upon within the five (5) year period, the Recreation Advisory Board may request the Planning Board to reallocate the funds for other recreational uses. Notice to the developer shall be given and input from the developer shall be used to determine whether or not these monies may be reallocated.
7. Before making any final determination about the recreational needs of the subdivision's residents, or how they can best be met, the Planning Board shall solicit input from the Parks and Recreation Advisory Board and shall carefully consider any recommendations in this regard which it received in response.
8. If a project is either proposed to be phased in, is a part of a unified development or is developed by the same developers on adjacent land to previously developed land, it shall be considered as one development and will be required to participate in the recreation open space dedication.

9. The approval by the Planning Board of a residential subdivision plan shall not be deemed to constitute an acceptance by the City of any open space shown on such plan. The Planning Board may also require the filing of a written agreement between the developer and the City covering future deed and title, dedication and provisions for the costs of grading, developing, equipping and maintaining recreation areas.

J. **Appeals**

1. An appeal from a decision of the Planning Board on any final plan may be taken to the Superior Court.

7.4 **Appeals and Applicability**

- A. **Appeals** – Appeals from decisions of the Auburn Planning Board or of the Auburn Zoning Board of Appeals shall be taken to the Superior Court in accordance with Rule 80B of the Maine Rules of Civil Procedure. Where a record of the Board’s proceedings has been kept, the Board shall, at the request of the appealing party and at his expense, furnish him with a transcript of the record for use in connection with the appeal.

- B. **Applicability** – The provisions of this Article shall apply to any development subject to review under Section 7.1, the construction of which has not been commenced on the date on which they become effective.

7.5 **Enforcement**

- A. **Permit Required** – No building shall be erected, altered or moved in Auburn without first filing an application in writing with the Building Inspector. Such permits shall be applied for to the Building Inspector and he shall not approve an application for a building permit unless the plans for such a building and the intended uses thereof in all respects fulfill the provisions of this Chapter and all other applicable City Ordinance provisions.
- B. **Plan Required** – Each application for a permit to build, enlarge, alter or move a building shall be accompanied by a plot plan in duplicate drawn to scale showing and stating the dimensions in feet of the lot on which such building is proposed to be erected, enlarged, altered or moved, also the location and ground coverage dimensions of any building already existing upon such lot, and the location thereon and ground coverage dimensions on such lot of any building or structure proposed to be erected, or moved onto it. Such plot plan shall also show each street, alley or right-of-way on or adjacent to the lot in question. Upon request, the Building Inspector may waive the necessity of providing any of the foregoing information which is not relevant to the proposed project. One copy of each such application and plot plan shall be kept on file in the office to the Building Inspector. Submission of a plot plan in connection with permits for agricultural buildings need not be submitted unless deemed necessary by the Building Inspector.
- C. **Enforcement**
1. This Chapter shall be enforced by the Director of Land Use Planning and Enforcement and his duly authorized agents.
 2. The Director, Building Inspector, Zoning Officer or Police Chief, on their individual initiative, or on the request of any other municipal official or upon any well founded information in writing indicating possible violation of this Chapter, shall make or cause to be made an investigation of facts and an inspection of the premises where such violation is said to exist.
 3. Whenever the municipal official charged with enforcement determines that there are reasonable grounds to believe that there has been a violation of any provisions of these Chapter, he shall initiate enforcement proceedings in accordance with the citation system established in Chapter 33 of these ordinances. Alternatively, he may initiate a land use complaint pursuant to 30 – A.M.R.S.A. Section 4452, in which case the penalties there provided shall apply.

City of Auburn, Maine

"Maine's City of Opportunity"

Office of Planning & Permitting

Planning Board Report

To: Auburn Planning Board

From: Eric Cousens, City Planner

Re: **City Council Initiated Zoning Ordinance Amendment** – Amendment to Chapter 29, Article 7 of the City of Auburn Ordinances be consistent with state stormwater requirements for the purpose of maintaining local delegated review authority for developments requiring review under and Site Location of Development Law and to regain delegated review authority for developments requiring review under Chapter 500 Stormwater Management, pursuant to Article 8 of Chapter 29 of the City of Auburn Ordinances.

Date: March 11, 2008

I. PROPOSAL

The City of Auburn Planning Board currently has delegated review authority for issuing Site Location of Development (Site Law) Permits for developments of less than seven acres. The City's review authority is based on our site plan and special exception requirements being consistent with state requirements and accomplishing the same general purpose. The City review can take significantly less time (30 days) than the state review (120 days). This can often make the difference of constructing a development in the current year's construction season or needing to wait until the following year. When a developer is under pressures to expand services or turn down business this can make a difference in deciding to locate in Auburn in the current year or in a community without review authority next year. This is a major factor in attracting commercial development to Auburn. The proposed changes would allow Auburn to continue this delegated review.

Stormwater review pursuant to Chapter 500 currently falls under the States jurisdiction, however, the state can give delegated review authority to a municipality. This State review has slowed some developments and could be accomplished locally through peer review. This Department and the Engineering Department, like many other municipalities, do not have the staff to review all of the stormwater permits in house so peer review is a good option. This would help the State reduce their work load, give the developer the option of paying the City for a review by our consultants to speed the review process and we can gain some local control and ensure compliance with the standards.

I am still waiting for comments from the State on the attached language and hope to have more information by the hearing. The State is requiring delegated review of both types of permits or nothing going forward. If the State approves the modifications, then staff will be asking the Board for a positive recommendation to the City Council. The proposed changes are attached.

Eric Cousens
City Planner

City Council

Agenda Information Sheet

Council Meeting Date 3/17/2008

Agenda Item No. 3

SUBJECT:

RESOLVE – DISPOSITION OF TAX ACQUIRED PROPERTY ON GARFIELD ROAD (Tax Parcel 216-062)

INFORMATION:

Jennifer Turner, currently living at Barker Mills, requires modifications to her unit which cannot be accommodated by Auburn Housing. However, with the assistance of Auburn Housing, Rural Development (Dept. of Agriculture), the City of Auburn Home Programs, a local contractor, and a variety of charitable foundations, adequate resources are available to construct a single family home. Affordability is dependent upon a deferred payment for the site until Ms. Turner sells the property or ceases to occupy it.

STAFF COMMENTS/RECOMMENDATION:

Staff recommends approval and passage of the resolve.

REQUESTED ACTION:

Motion for passage of the resolve.

VOTE:

CITY OF AUBURN

CITY COUNCIL, AUBURN, MAINE

DATE March 17, 2008

**TITLE: RESOLVE – DISPOSITION OF TAX ACQUIRED PROPERTY ON
GARFIELD ROAD (Tax Parcel 216-062)**

Be It Resolved by the Auburn City Council, That the property on Garfield Road (tax Parcel 216-062) be sold for affordable housing to Jennifer Turner and that payment for this parcel be deferred until Ms. Turner sells the property or ceases to occupy it.

Motion for passage:

Seconded by:

Vote:

Action by Council:

Date:

ATTEST:

CITY CLERK

MEMORANDUM

CDBG



TO: Laurie Smith, Acting City Manager

FROM: Gail Phoenix, Community Development Coordinator

RE: Transfer of Tax Acquired Property to Jennifer Turner

DATE: 3/12/08

This memo provides information related to the resolve proposed for the March 17, 2008 Council meeting to transfer a tax acquired parcel on the Garfield Road (parcel #216-062; tax acquired in 1991), to Jennifer Turner as an affordable housing project. I have had the opportunity of meeting with the Councilors on two occasions regarding this matter. The following are questions I have heard them express, and the answers:

Have other tax acquired parcels been considered?

Staff reviewed 39 tax acquired properties in spring of 2007. The majority were eliminated because

1. They were not in the Rural Development area where Ms. Turner is eligible for 1% Dept. of Agriculture home financing;
2. They were land locked,
3. They included "paper streets";
4. They were wetlands;
5. They were in the Ag Zone where a single family house is only allowed if the occupant farms the land;
6. They were not on the City Links bus and ADA service areas. Western Maine Transportation also will pick up mobility impaired people for \$2.50 each way, but only within ½ mile of the bus stops, which is the same as City Links. Within that area and beyond that area, they will pick up if paid by Maine Care or other insurance providers to get to medical appointments only. United Wheelchair also transports for medical appointments.
7. They were in a workout with the Tax Collector
8. There were clouds on the titles.

This narrowed it down to 2 parcels - - Hotel Road and Garfield Road. We found the Hotel Road parcel had wetlands on it that made it inappropriate for a septic system. The sewer line was 400' away and would cost (according to the Sewer District estimate) \$28,000, plus some fill in the construction area. This left Garfield Road.

I have asked the Finance Department staff about parcels acquired since July 1, 2007. There are none which have not either been returned for late tax payments or are currently being worked out.

Did we look at existing buildings?

We had a realtor involved early in this process. The parameters for his search were to find a single story, single family house in the Rural Development area, on a relatively level lot. We estimated the sale range would be \$100,000 - \$108,000, depending on the condition, and the modifications that would need to be made in terms of size of the bathroom, width of the doorways and halls, type of floor covering (whether carpet would have to be removed and replaced with vinyl), location of the heating system and electrical panel (which would need to be established on the first floor), whether bearing walls would need to be moved, etc. He was not able to identify any which would be suitable.

What will this cost and benefit be to the City?

The estimated project budget includes:

Sources:		Uses:	
City Tax Acquired Property (deferred loan)	\$ 35,000	Purchase	\$ 35,000
Dept. of Agriculture (loan)	\$ 80,000	Closing costs	\$ 4,000
Auburn Homebuyer Program (loan)	\$ 20,000	Construction of basic house, including low energy usage features	\$108,000
Auburn Rehab Program (deferred loan)	\$ 10,000	Construction of special equip	\$ 29,830.
Coastal Enterprises (grant)	\$ 10,000		
Travis Roy Foundation (grant up to)	\$ 14,000		
MESA Angels (grant)	\$ 1,000		
Libra Foundation (grant)	\$ 3,330		
Modest Needs.Org (grant)	\$ 1,500		
Buyer contribution (cash)	\$ 2,000		
	\$176,830		\$176,830

The City will assist with this project with two loans: 1) according to our current guidelines, Jennifer will qualify for two loans from our federal programs (\$30,000), and 2) the deferred loan for the sale price of the tax acquired property. We propose amortizing the deferred loan for the land (\$35,000) at a simple interest rate of 2% from the date of closing to the date of the sale. This will generate a return of \$700 per year from the City's investment in this project. Furthermore, there would be a benefit to the City by generating income of approximately \$2,800 per year from real estate taxes.

Will filling this parcel adversely affect either of the neighboring properties?

Council action is being requested prior to completion of the construction specifications due to a deadline imposed by the Dept. of Agriculture. The property has ponding in spring. The method for resolving the drainage has not been submitted to the Engineering Department for approval so it is not possible to determine how the water will be kept from, or even if there could be a positive affect on the neighbor's property. The Engineering Department has indicated they do not accept drainage plans that adversely affect neighboring properties.

Can this project be duplicated for other handicapped people or families?

It is highly unlikely. This project is only considered because:

1. Ms. Turner has been provided the use of her housing subsidy from Auburn Housing which can be counted as income by the lender. Auburn Housing is only allowing this because the adaptive modifications to Ms. Turner's public housing unit cannot be accomplished without exceptional cost to Auburn Housing.
2. The choices Jennifer faces at this point are home ownership where a lift system can be installed, or a nursing home.
3. Ms. Turner has written a variety of applications for grant funding, and received approval.
4. Ms. Turner is credit worthy and has savings available for the purchase.

Other considerations:

1. The request to defer payment of this tax acquired parcel is necessary because the project is not affordable to Jennifer if her debt has to include the cost of purchase of the land. The Council may, however, consider adding a fee or interest payment per year that would compensate for the lost future value of an immediate payment for the property. If so, I would suggest a maximum of 1%-2% simple interest/year, non-compounded.
2. The sale amount has not been determined. The appraisal submitted by Amerifirst Appraisal Company is \$32,000. The tax assessment is \$39,500. This amount should be included in the resolve.

I hope the above has answered the Councilor's concerns. I will be available on March 17, as will Ms. Turner for any additional questions.

ITEM #4

CITY OF AUBURN

PUBLIC HEARING

The City of Auburn received a \$200,000 Brownfields Assessment Grant from the Environmental Protection Agency (EPA) in May 2007. There will be a brief presentation to the City Council on the Brownfields Grant and the activities to be performed under the grant. A short PowerPoint presentation by the City's Brownfields Engineering Consultant, Weston & Samson will be shown discussing "What is a Brownfield Site". A brief question and answer forum on the grant activities will be held after the presentation.

A public hearing on the EPA grant will be held Monday, March 17, at 7:00 p.m. in the Council Chambers of Auburn Hall, 60 Court Street, Auburn.

Please publish March 3, 2008

City Council

Agenda Information Sheet

Council Meeting Date 3/17/2008

Agenda Item No. 5

SUBJECT:

APPOINTMENT TO THE LEWISTON-AUBURN RAILROAD BOARD

INFORMATION:

Joseph H. Theriault be reappointed to the Lewiston-Auburn Railroad Board until April 2011.

STAFF COMMENTS/RECOMMENDATION:

REQUESTED ACTION:

Motion to approve appointment.

VOTE: